DEFENCE HONOURS & AWARDS APPEALS TRIBUNAL

MERCURE HOTEL, MELBOURNE, VICTORIA

AWARDING OF SOUTH VIETNAM CAMPAIGN MEDAL

PANEL:

MR J JONES, Chair
MR A BODZIOCH, Member
PROF D HORNER, Member

EXTRACT OF TRANSCRIPT OF PROCEEDINGS

0903 FRIDAY, 6 SEPTEMBER 2013
MR JONES: Good morning, everybody. My name is John Jones and I
welcome to you to this public hearing of the Defence Honours and
Awards Appeals Tribunal’s inquiry into the eligibility for the Republic of
Vietnam Campaign Medal.

I’m the presiding member of the panel which is conducting this inquiry.
By way of background, I served in the Australian Army from 1965 to
1988 and, after that time, I worked in the human resources area of the
Shell Refining Company of Australia.

The other Tribunal panel members here today assisting with this inquiry
are:

Professor David Horner, who’s a professor of Australian Defence history
at the Strategic and Defence Studies Centre at the Australian National
University, and also the official historian of Australian peacekeeping,
humanitarian and post-Cold War operations - he served in the army from
1966 until 1990 and also saw service in Vietnam;

On my left is Mr Adam Bodzioch. Adam was the South Australian
Government’s representative on the Council for the Order of Australia for
six years until 2006. Until his retirement in 2007, he held senior executive
roles in the South Australian Government, including extensive service in
the Premier’s Department.

I’d just like to talk a little bit about the jurisdiction that this Tribunal has.
The Defence Honours and Awards Appeals Tribunal is an independent
statutory body established under the Defence Act 1903. The Tribunal
commenced its operations as a statutory body on 5 January 2011, having
operated prior to that on an administrative basis since July 2008; so, it’s
been running since the middle of 2008. The legislation that provides the
judicial status for the Tribunal came in in 2011.

This Tribunal has two main functions, the things that we do. The first is
that any individual is able to make an application for the review of a
decision by this Tribunal where that decision is a refusal to recommend a
person or a group of persons for a Defence honour or award, or a foreign
award. So long as the decision has been made saying that they weren’t
entitled or eligible or whatever, it is a reviewable decision, and that’s
prescribed in the legislation, as to just what we can review and what we
can’t.

The second function, and it’s the reason that we’re here today, is that the
government is able to refer general issues of eligibility relating to Defence
honours and awards to the Tribunal for inquiry and recommendation.
That’s what’s happened in this case.

The Tribunal is mindful of the need to ensure that the standing and importance of the Australian system of honours and awards in the Australian community is maintained and enhanced by everything that we do.

Let’s turn to the reason we’re here today, which is an inquiry into eligibility for the Republic of Vietnam Campaign Medal. In April of last year, the government formally referred this matter to the Tribunal for inquiry. In March 2013, the government agreed to the terms of reference which have been set for this inquiry. It might seem like a bit of a delay but the Tribunal was pretty busy last year with what became known as the Gallantry Inquiry, or the VC Inquiry, which took a lot of time and effort.

The terms of reference for this inquiry require the Tribunal to inquire into and report on eligibility for the Republic of Vietnam Campaign Medal. This medal, the Republic of Vietnam Campaign Medal, is a foreign award in the Australian system of honours and awards. It was issued by the Government of the former Republic of Vietnam and was offered to a range of countries which supported that Government of the Republic Vietnam during the Vietnam War. Australia accepted the Republic of Vietnam Campaign Medal during the war and has been issuing it to members of the Australian Defence Forces and accredited philanthropic organisations whom it has assessed as being eligible ever since that time.

Eligibility criteria for the medal were determined by the Government of the Republic of Vietnam during the Vietnam War. Specifically, the Tribunal has been directed to inquire into and report on the application of the eligibility criteria for the Republic of Vietnam Campaign Medal over the time since it was instituted, any unresolved issues with the application of those criteria and how any future claims for this award should be administered.

In making its findings and formulating its recommendations, the Tribunal is required to maintain the integrity of the Australian honours and awards system and to identify any consequential impact that any findings or recommendation may have on that system.

After the release of the terms of reference, a national call for submissions was made through the print media, and that’s enabled interested members of the public to make submissions to the inquiry. The Tribunal has received 76 submissions to this inquiry and I understand there are a couple in fact still on their way to us which we will look at. We also continue to conduct our own research into the matters that we see as being relevant or
issues that arise.

The procedures of the Tribunal are informal; it’s not a Court and we don’t operate as a Court. Our aim in being here today is to arm ourselves with information to assist our deliberations with the inquiry. We’ll hear from a number of submitters today, including veterans of the Vietnam War and some historians. An agenda was provided as you came in.

Today’s proceedings will be recorded and submitters may request an electronic copy of their own testimony. I’ll just make a point. The recording is for no other purpose than to assist us later in saying, “I’ve got some notes here but I missed a bit of what [whoever it was] said,” or “Did he say this?” or “Did he say that?” We can then confirm, so that we’re not going to mishear and misuse your information.

I need to advise you that the Tribunal does not take general comments from the audience, unless you are specifically invited to speak. If you wish to make contact with the Tribunal after today’s proceedings, the Tribunal’s website address, email address and telephone number can be found on the agenda that you’ve picked up.

This is the third day of scheduled public hearings that the Tribunal will hold for this inquiry. We heard from one submitter in Canberra in late July and from a number of submitters yesterday in Adelaide. A further hearing day is scheduled for Canberra on 11 September.

Once the hearings are completed, the Tribunal will move to its deliberation phase, and we don’t anticipate that will be completed until into next year. A report will be written, recommendations will be made and represented to government for their consideration. That will all happen regardless of the outcome of tomorrow’s activities.

No reporting date has been set for the inquiry. The time taken depends on a number of factors, including how much additional evidence there is to sift through and whether we then find that we need to go and look for more information before we make a thorough decision as to what we need to recommend.

I’ll now run through the procedures for the submitters.

The submitter will be asked to take an oath or affirmation and then to introduce themselves. The submitter will be invited to present their verbal submission and any further documents, after which members of the panel may ask questions to clarify things. The submitter, at the end of that process, can then provide a concluding statement.
I’d now like to call the first submitter, Mr Frederick McLeod-Dryden to the table.

<FREDERICK McLEOD-DRYDEN, sworn> [0912]

MR McLEOD-DRYDEN: I’d just like to - for my opening address, I’ve jotted down a number of points. I’d like to read from those points.

MR JONES: Please do.

MR McLEOD-DRYDEN: I’ve photocopied the opening and closing address for the members of the board, so I will present them at the end of my submission.

MR JONES: Thank you.

MR McLEOD-DRYDEN: I don’t know whether it’s better to stand or - - -

MR JONES: However you’re most comfortable.

MR McLEOD-DRYDEN: I’ll remain seated, if that’s all right with the board members.

MR JONES: Yes.

MR McLEOD-DRYDEN: Address of the Defence Honours and Awards Inquiry into the Eligibility in Awarding the South Vietnam Campaign Medal, held at the Mercure Treasury Gardens on 6 September 2013, by Frederick McLeod-Dryden, President of the Navy Vietnam Subsection of the Naval Association of Australia. I’d like to inform the board that I’m also founding member of the HMAS SYDNEY and Vietnam Logistical Support Veterans’ Association.

The denial of awarding the Vietnam Campaign Medal to certain units of the Australian military which fit the criteria as laid down by the South Vietnamese Government Armed Forces in March 1966 can now be corrected, due to the directive being reiterated with the rulings which cover the interpretation of campaign medals to naval actions determined by naval regulation and the judicial interpretations of direct combat support determined by Court proceedings.

It is an undeniable fact that the reason for not granting the medal to
Australian naval units providing logistical and support operations to the South Vietnamese Armed Force was that they weren’t recognised for the duties they performed until the proclamation of the Veterans’ Entitlements Act in 1986, at least 14 years after the involvement of the Australian military in the war had ceased.

After 1986, the logistical support units were rewarded recognition for their service by way of medals, logistical support medal and the Australian Active Service Medal.

The United States requirement for awarding the Vietnam Campaign Medal was the awarding of the Vietnam Service Medal. So, it would appear that their interpretation for awarding the Vietnam Campaign Medal was to have awarded another medal pertaining to their service in Vietnam.

A similar situation could not occur with Australian logistical support units because they did not receive a medal until after 1986. The Australian Government did follow the United States in the interpretation of awarding of the Vietnam Campaign Medal.

The report of the inquiry into defence awards is incorrect. In the report it stated:

*The committee further notes that matters relating to the acceptance and wearing of foreign awards by Australians are the prerogative of the Australian Government and the practice of other countries does not afford any precedent in these matters.*

I would like to draw attention to a memorandum for the secretaries of the army, air and navy, dated 16 September 1966. Paragraph 4 states:

*Our interpretation is the same as that of the United States.*

Paragraph 5 states:

*The conditions for the grant of the award of the Vietnamese Campaign Medal to Australian servicemen are in line with those laid down by United States authorities.*

I can produce that document if asked for.

The interpretation of direct support by the Committee into Defence Awards Report is incorrect also in that the committee made the mistake of confusing direct combat support with direct combat. It is obvious that direct combat must occur inside the warzone, whereas direct combat
support can occur outside the geographic limits of South Vietnam, as stipulated in the directive.

In asking for a review of this matter, it is my contention and that of the Navy Vietnam Subsection of the Naval Association of Australian that HMAS SYDNEY and HMAS JEPARIT were subject to the South Vietnamese Armed Forces or Government directive HT655-430, Article 3, as amended, that the ship’s company who served in the ship for a six-month period and who were awarded the Vietnam Logistical Support Medal and the Australian Active Service Medal be eligible for the award of the Vietnam Campaign Medal; that is, by the Defence Honours and Awards Tribunal, on behalf of the Australian Government, as directed by the South Vietnamese Armed Forces or Government, as stipulated in the directive.

That’s the end of my address. I would like to present other evidence but, if there are any questions in relation to - - -

MR JONES: Perhaps if you present whatever it is that you want to present, because - - -

MR McLEOD-DRYDEN: The contentious issue is direct combat support. My interpretation of direct combat support, as it occurred outside of the geographical limits of Vietnam, as stated in the directive - I’d just like to read a submission in relation to HMAS SYDNEY’s duties in Australia which occurred during the trips to Vietnam and between those trips, which relate directly to direct combat support of the South Vietnamese Armed Forces, which mainly relate to SYDNEY’s involvement in operations in Vietnam.

HMAS SYDNEY (III) had the primary task of conveying troops and equipment between Australia and Vietnam for the period of the Vietnam War. Her service was from 1965 to 1973, in which she completed 25 trips. Qualifying service for the Vietnam Campaign Medal was quoted by the Minister of Defence in Parliament on 19 May 1967 as six months’ continuous service with the Australian forces, in direct support of the Republic of Vietnam Armed Forces.

The criteria used for awarding them the medal used by the Australian Government differed from this directive, in that they substituted the repatriation requirement of special service, in place of the word “service” as used in the original directive.

I intend to prove that HMAS SYDNEY (III) provided continuous service in direct support of the Republic of Vietnam Armed Forces whilst in
Australia between trips to Vietnam and, therefore, fulfilling the criteria of the Vietnam Campaign Medal. The South Vietnam Government requirement that those serving outside the geographic limits of South Vietnam and contributing direct combat support to the Republic of Vietnam National Armed Forces for six months also qualifies HMAS SYDNEY for the Vietnam Campaign Medal.

On 27 May 1965, HMAS SYDNEY departed Sydney for the first trip to Vietnam. This was designated as OPERATION TRIMDON. She returned to Australia on 26 June 1965. Unfortunately, I have no record recording time spent in Australia after this point, except word of mouth from members of the ship’s company who were attached to the ship at the time, who stated that most of the time was employed with unloading for the voyage and loading the ship for the next voyage, which departed Brisbane on 14 September 1965 for Vietnam and was codenamed OPERATION TANDEM.

HMAS SYDNEY (III) arrived in Sydney from OPERATION TANDEM on 20 October 1965. After giving leave for the ship’s company, she was required to undergo a refit for her next trip to Vietnam. In the reports of proceedings for March, the director of manning and trading commented that there was a shortage of technical sailors for Vietnam operations.

In March also, exercises were carried out in the following categories: seamanship NBCD, which is nuclear biological and chemical damage control; radar, gunnery, diving, including OPERATION AWKWARD. The response to a query as to this exercise from the Department of Defence - this is the name given to the service to self-protective measures adopted by RAN ships when the threat of sabotage and underwater attack is possible. It is routinely exercised by HMA ships in Australian waters, as part of yearly training targets, and HMAS SYDNEY frequently adopted this self-protective posture when unloading in Vung Tau Harbour in South Vietnam.

Exercises with the army were also in March. The next voyage to Vietnam was on 22 April 1966; this was called OPERATION HARDIWOOD 1. It returned to Sydney on 18 May 1966. It was almost immediately followed by OPERATION HARDIWOOD 2, leaving Sydney on 25 May 1966 and returning to Australia in June 1966.

In July and August 1966, exercises were carried out in seamanship, gunnery, diving, NBCD, engineering and communications. Exercises for September were similar but more intense. These exercises were specifically carried out to give support to the ship’s company for operations in Vietnam. This information has been obtained from the
ship’s reports of proceedings.

In early September 1966, HMAS SYDNEY (III) proceeded to sea for a shakedown exercise. From 21 September 1966, she loaded army personnel and equipment and proceeded to Port Alma for OPERATION BARRA WINGA. Information from National Archives of Australia on Exercise Barra Winga from Headquarters Operational Command RAAF state:

Exercise Barra Winga simulates a counter-insurgency operation within a revolutionary warfare context, as applied in South Vietnam today. As such, every effort is being made to simulate such conditions. From Army Headquarters’ view, Exercise Barra Winga’s main aim is to train Australian forces involved for their potential role as replacement forces in Southeast Asia. Consequently, the command control organisation has been designed for identical lines with those that apply with Australian taskforce in Vietnam.

MR JONES: Mr McLeod-Dryden, if I could just interrupt you for a moment. I appreciate now that you’re actually reading the submission that we’ve already got and we’ve already read.

MR McLEOD-DRYDEN: Yes.

MR JONES: I’m just conscious that we are time-limited today and what I don’t want to do is to use your time presenting material that you’ve already given us and that we’ve already read, have had the opportunity to read, and, therefore, run out of time for us to ask you questions that I - - -

MR McLEOD-DRYDEN: As I say, the main reason for reading this is - the main objection for awarding the medal, as I take it and as others have taken, is that SYDNEY’s operations in Australia were not perceived as contributing to its operations in Vietnam, which I’m trying to rebut by giving this information. That is why I proceeded to, as I say, give this information as an argument for the SYDNEY contributing direct combat support to the South Vietnamese Government or Armed Forces.

MR JONES: I think that’s understood. As I say, we’ve had your submission and we’ve read it, not once, more than once, clearly, and we’ve discussed it, so, as I say, I think, it’s not a good use of your time for you to read that to us. It would be better off for us to talk about it and other things that have arisen as we go along. I’d perhaps like to kick that off.
You made a reference in your opening remarks, and it was included in your submission more than once, that there is an established Court ruling which says that HMAS SYDNEY was attributing direct combat support on a continuous basis. That’s not quite how we read it. You’re obviously referring to the Francis matter in the Australian Administrative Appeals Tribunal. I guess it would be helpful if you could explain to us how you believe that Tribunal finding supports what you’ve said about the continuous nature of direct combat support.

MR McLEOD-DRYDEN: Can I read to that - - -

MR JONES: Please do.

MR McLEOD-DRYDEN: The statement is from the Administrative Appeals Tribunal decision in Francis v Department of Defence. As I say, I haven’t got the date here but it’s case number - - -

MR JONES: I have all that, that’s fine; I’ve got a copy of it in front of me.

MR McLEOD-DRYDEN: What it states is that, during the period, HMAS SYDNEY was engaged in transporting supplies and reinforcements of troops from Australia to Vietnam for the purposes of direct combat support of allied forces engaged in operations in Vietnam, which - as I say, why I believe that that is important is because it states that the reason for SYDNEY’s operations were direct combat support for allied forces in Vietnam, which I believe narrows it down as to what the whole purpose for SYDNEY’s operations were in Vietnam from 1965 to 1972, as I say, with a - it says here, “transporting supplies and reinforcements from Australia to Vietnam”, which not only states that the operations were in direct combat support in Vietnam but from the whole trip from Australia to Vietnam.

MR JONES: Can I just ask you to focus on that point that you’ve just made? I have a copy of the Tribunal proceedings here, which I’ve spent some time studying. I can’t see anywhere in that that it says anything at all about the purpose or status of HMAS SYDNEY’s activities, other than for the particular period that’s specified in it. I’ll read you - - -

MR McLEOD-DRYDEN: What I’m basing that on - - -

MR JONES: This has been included in several other submissions as well. It said there was an agreed statement of facts there and - - -

MR McLEOD-DRYDEN: That is, as I say, what I’m reading from, the
agreed statement of facts.

MR JONES: Okay. Just bear with me. The agreed statement of facts and what that means is that these were statements that were made that were not disputed by anybody, so that the Tribunal did not have to make any finding on them - - -

MR McLEOD-DRYDEN: Doesn’t that mean that, because they were agreed upon, they were considered by both parties as, I say, agreed facts in the matter?

MR JONES: It might well mean that one or other party said, “This particular one is of no particular relevance to the arguments that we’re putting. It doesn’t make any difference; therefore, we’re not going to dispute it.” I’m not saying that was the case. All I’m saying is that something which is included in an agreed statement of facts is not a decision of that Tribunal that says, “We have investigated this and we have decided that that’s the correct answer because nobody disputed it.”

The purpose of Mr Francis’s action against the Department of Defence was what? Do you want to tell us or will I read it?

MR McLEOD-DRYDEN: You can read it.

MR JONES: Okay. It was to have his personal records changed. So that the issue that he took to the Administrative Appeals Tribunal was not about seven years of activities of HMAS SYDNEY. The Tribunal at which he appeared accepted that agreed statement of facts but it said, and you’ve quoted this, “during that period”. The period that it referred to, which is the period immediately above in the statement from the Tribunal, was late 1967 and early 1968, during that period. It doesn’t say anything at all about the rest of the time from 1965 to 1972, as we read it. I’ve discussed this with lawyers who have some expertise in Tribunal legal interpretations who say you can only read and take from it what it says, which is “during that period”.

You’ve actually only quoted two dates, two specific dates; 27 December 1967 and 3 February 1968. I read that to mean, although it doesn’t say so here, that Mr Francis was in South Vietnamese waters on HMAS SYDNEY on those two days. The agreed statement of facts says that, on those two days, HMAS SYDNEY was transport troops and equipment for the purpose of direct combat support. Two days, not seven years. Okay?

I guess what I’m saying is, that agreed statement of facts and that Tribunal proceeding doesn’t actually provide complete support for the statement
that you’re making about continuous direct combat support, no matter
where the ship was. Do you understand the point I’m making?

MR McLEOD-DRYDEN: I understand the point you’re making but I also
want it to go down on record that, if the same judicial situation was
applied to the rest of the trips by SYDNEY to Vietnam during the period
which it was credited with receiving battle honours, this case or hearing
would not differ if the findings were of the whole period of the trips of
SYDNEY. What I’m saying is, in logic, that, because the finding was
placed on one specific instance of time doesn’t mean that similar
circumstances applied to similar situations during the whole operations of
SYDNEY in Vietnam - would not have received the same - would go
against the agreed statement of facts placed before us in this
Administrative Appeals hearing.

MR JONES: I wouldn’t suggest for a moment that the Administrative
Appeals Tribunal proceedings that you’ve referred to us and that has been
referred by others and that we have looked into - I’m not suggesting for a
moment that it says HMAS SYDNEY was not contributing direct combat
support; it just doesn’t say it was, other than on those two specific days.
That’s our reading of it.

MR McLEOD-DRYDEN: Yes. As you say - but I maintain that, because
this agreement of facts was written and noted down, other situations that
occurred with the same - as I say, the precedence was set that - other
situations occurring, with the same set of circumstances, would reach a
different finding than what is laid down in the agreed situation of facts.

MR JONES: You’re referring to the Administrative Appeals Tribunal
proceedings, it’s in your submission, we’ve heard it from you, we’ve
noted it and we’ll give it consideration.

MR McLEOD-DRYDEN: Yes.

MR JONES: All right. I’d like to then just explore a bit more, if I could,
about the activities of HMAS SYDNEY through that period of 1965 to
1972. Perhaps, if I could - just to get an understanding of the insight that
you’re going to provide for me, hopefully, if you could just tell us when
you were on the SYDNEY and in what capacity you were on the
SYDNEY?

MR McLEOD-DRYDEN: I was what they call an ordinary
communications operator on the SYDNEY and I served - I’d need to refer
to my - - -
MR JONES: I don’t need exact dates.

MR McLEOD-DRYDEN: I served on the SYDNEY from approximately November 1966 to approximately July 1967.

MR JONES: In that time, how many trips did HMAS SYDNEY make to South Vietnam?

MR McLEOD-DRYDEN: It made three, in actual fact. It went to Vung Tau and then it went to Singapore, back to Vung Tau, back to Australia, then, from Brisbane, it went to Vung Tau and then came back to Australia.

MR JONES: Essentially but with three visits into Vung Tau.

MR McLEOD-DRYDEN: Yes.

MR JONES: Okay. When the ship went into Vung Tau, in your experience now, how long was it there?

MR McLEOD-DRYDEN: That’s a good question. I think it was a day. I think it was - I’ll go and - going on what the instructions were that - on its earlier trips, it took three days to unload its cargo and troops and then it took - it was ordered to step up unloading because it was a prime target for the Viet Cong in - you know, a prima target for the sake of military targets. It was ordered to take a day - if it took longer than a day, it was ordered to proceed to sea at night because the situation was that it was too much a target for dissident forces.

MR JONES: Did that happen in your time?

MR McLEOD-DRYDEN: I can’t remember whether we were there for a day and proceeded at night and then went back the following day or whether it just took one day to try to load the ship - - -

MR JONES: All right. No, I’m just trying to get a view from somebody who was serving on it.

MR McLEOD-DRYDEN: Yes. As it’s been stated, SYDNEY’s involvement in the war would have caused a complete upheaval with the Australian involvement if it had have been eliminated from taking troops to Vietnam.

PROFESSOR HORNER: Thank you for coming this morning, Mr McLeod-Dryden. I’ve just got a few matters that I’d like to clear up from your submissions. Let me go to the first one. You’ve got a page
here of seven conclusions which you’d like us to come to. Some of them I don’t quite understand and I’d like help from you to make sure we understand exactly what you ask of us. Number 5, that says that:

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_Defence Instructions already in place be implemented regarding campaign medals when determining the eligibility for this medal._

What did you have in mind there?

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MR McLEOD-DRYDEN: What I was referring to there was the naval Defence instructions issued by VADM Crane on 1 March 2010, in which - as I say, I’d have to - - -

PROFESSOR HORNER: I’ve got it here.

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MR McLEOD-DRYDEN: - - - in which he - - -

PROFESSOR HORNER: He refers to campaign and battle honours and campaign awards.

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MR McLEOD-DRYDEN: Yes.

PROFESSOR HORNER: The problem that I have with that is, in fact, the Republic of Vietnam Campaign Medal has this unfortunate name of campaign medal when it is not in fact an Australian campaign medal; it is a foreign medal.

MR McLEOD-DRYDEN: It’s a foreign campaign medal.

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PROFESSOR HORNER: But it is not an Australian campaign medal.

MR McLEOD-DRYDEN: No, I agree with that.

PROFESSOR HORNER: If it is not an Australian campaign medal, why should the Defence Instructions that refer to Australian campaign medals be applied to a foreign medal?

MR McLEOD-DRYDEN: Only the fact that the instruction generally refers to campaign medals and, as - the South Vietnamese Government gave authority for the Australian Government to interpret the South Vietnamese Government medal - then I would like to say that it should fall within the realms of what the Australian consideration for awarding campaign medals applies to.

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PROFESSOR HORNER: Coming on to paragraph 7 - and I just want to
be clear on this - and if I can read it - we can’t quite understand what you’re after here:

I see no reason why the administration into the dispersement of eligible applicants of the medal should not be other than the Defence Honours and Awards Directorate.

Does that mean that you want it to be done by the Defence Honours - - -

MR McLEOD-DRYDEN: Yes. As I say, I can’t see any reason for the awarding of the medal to be changed from the procedure that - - -

PROFESSOR HORNER: That exists now.

MR McLEOD-DRYDEN: - - - exists now.

PROFESSOR HORNER: Okay. So you just want the current procedure, whereby it’s administered by the Directorate of Honours and Awards, to continue?

MR McLEOD-DRYDEN: Yes. Yes.

MR JONES: Sorry, has somebody suggested that it wouldn’t?

MR McLEOD-DRYDEN: In the terms of reference, it states that the consideration is to - - -

MR JONES: How it should be administered in the future.

MR McLEOD-DRYDEN: How it should be administered - - -

MR JONES: I understand that.

PROFESSOR HORNER: We’re just trying to make sure we know exactly what you’re after. Let me refer to another one of your submissions. You say:

The Australian Government stated that it interpreted the awarding of the medal “the same as the United States Government”.

We cannot find where it says that. If you could help us find that - - -

MR McLEOD-DRYDEN: Yes. I certainly can help you with that.
PROFESSOR HORNER: - - - where it says “the same as the United States Government”. That’s what your quote is.

MR McLEOD-DRYDEN: What I meant in that was the interpretation given in the memorandum - I think it was from the secretary of the Prime Minister, I’m not too sure - - -

PROFESSOR HORNER: Secretary of the Department of Defence.

MR McLEOD-DRYDEN: Secretary of the Department of Defence to the Army, Air and Navy - in paragraph 4 it states - - -

PROFESSOR HORNER: To be honest, I cannot find anywhere in there where it says “the same as the United States Government” and if you can find that - - -

MR McLEOD-DRYDEN: It says:

Our interpretation is the same as that of the United States -

in paragraph 4.

PROFESSOR HORNER: If you read the previous sentence:

The Americans do not interpret the amendment to cover ground support staff in Thailand and Guam and our interpretation is the same as that of the United States.

In other words, the Americans do not interpret the amendment to cover ground staff in Thailand and Guam and Australia agrees with that interpretation. That’s what it says. It doesn’t say, in a general sense, that we’re interpreting all the award as the same as the United States Government.

MR McLEOD-DRYDEN: In paragraph 5 it states:

The conditions for the grant of the award of the Vietnam Campaign Medal to Australian servicemen which are in line with those laid down by the United States authority - - -

PROFESSOR HORNER: “are as follows”.

MR McLEOD-DRYDEN: “are as follows”. As I say, “as follows” - the American requirement for the laying down of the medal is different to the requirement of the Australian Government because the Australian
Government quotes special service, which - the American Government interpretation of the medal had no reference to repatriation benefits or that - in relation to their servicemen performing duties in their situation.

The United States requirement for the medal was that they had - the American service medal or the American Expeditionary Medal was required to prove that their servicemen corrected direct combat support and that the six months outside the geographic limits of Vietnam applied after that medal situation applied to them in awarding in the medal.

PROFESSOR HORNER: I’m not just quite sure of the point that you’re making here, that the United States have a different way of determining - - -

MR McLEOD-DRYDEN: Their interpretation, as I’ve stated, for awarding the medal was to - as it states within the - I can read out the exact interpretation for awarding the medal.

PROFESSOR HORNER: This is the United States one?

MR McLEOD-DRYDEN: This is from the Manual of Military Decorations and Awards in the United States - - -

PROFESSOR HORNER: I know what it says but I’m not quite sure - - -

MR McLEOD-DRYDEN: It says:

served outside the geographic limits of Vietnam and contributed direct combat support to the Republic of Vietnam Armed Forces for an aggregate of six months -

which is in the South Vietnam directive, and then they’ve got the added stipulation that:

the armed forces of the United States meet the criteria established by the American Forces Expeditionary Medal or the American Service Medal during the period of service required are considered to have contributed direct combat support to the Republic -

but awarding that medal affords their servicemen the criteria of getting direct combat support by the awarding of that medal in the war zone, which - where it states the six months outside the geographical area of Vietnam - that stipulation is related to the operational involvement inside Vietnam - - -
PROFESSOR HORNER: I understand what the United States criteria are; I’ve read that, and you’ve just read it again. What I’m trying to find out is how that relates to Australia. That’s the United States way of doing it. How does that relate to what we do in Australia?

MR McLEOD-DRYDEN: As already stated in the memorandum - as it states in the memorandum:

The conditions for the grant of the award of the Vietnam Campaign Medal to Australian servicemen, which are in line with those laid down by the United States authority -

That would indicate to me that in some way the Australian Government thinks that the award of the Vietnam Campaign Medal should be in line with what the United States Government - - -

PROFESSOR HORNER: Since the United States Government requires one or other of these additional medals, American Expeditionary Medal - obviously Australians cannot get that, so there’s obviously going to have to be - - -

MR McLEOD-DRYDEN: The situation with the Australian - the Australian situation was, we - especially the logistical support ships - did not receive a medal until after the awarding of the Veterans’ Entitlements Act in 1986, which means they couldn’t have applied the same situation with that of the American situation because the Australian logistical support ships weren’t awarded a medal until after 1986, when the Australian Government recognised the operational recognition of HMAS SYDNEY, after all these years - 14 years after the war ended.

PROFESSOR HORNER: I just want to be clear about another matter. You referred to OPERATION BARRA WINGA or Exercise Barra Winga and you referred to the training of Australians in preparation of going to Vietnam on Exercise Barra Winga. My understanding is that you believe that the period in which the ship’s company of HMAS SYDNEY were training in Australia during this period from 1965 through to 1973 should be included in direct support.

MR McLEOD-DRYDEN: Yes. I agree - their situation was different to that of the servicemen actually training for the situation in Vietnam, in that we were - the ship was already required to go to Vietnam, to take servicemen to Vietnam, and that should be part and parcel of its commitments to operations in Vietnam.
PROFESSOR HORNER: You might find an infantryman would be arguing that, once his battalion has been warned that they are going to Vietnam and they are training for Vietnam, they too are training for their task in Vietnam.

MR McLEOD-DRYDEN: If they believe that they’re entitled to the medal for training - what the Act states is that foreign servicemen who have served outside the geographical area of Vietnam for a six-month period but contribute direct combat support for six months should be entitled to the medal. As I say, to prove direct combat support, the SYDNEY went into the operational area and took the troops there and it went back and forth, and, in between trips to Vietnam, it was still conducting duties in relation to the operations in Vietnam whilst in Australia and whilst inside and outside of the warzone.

PROFESSOR HORNER: And that’s different from the infantrymen who are training?

MR McLEOD-DRYDEN: I’m not - if the infantrymen want to use the case of the South Vietnamese directive to further their own goals, I’m not objecting to them making their case for the medal. As I say, I’m only making the case for HMAS SYDNEY and HMAS JEPARIT.

PROFESSOR HORNER: Okay.

MR JONES: If I could go back to the trip to Vietnam, in your experience and from your reading, because I know you’ve studied it much more widely than just the time that you were on it, I notice, in my reading, that trips to Vietnam have a date of departure from Sydney or Brisbane or Adelaide or whatever and then you’ll get a date that they returned to Sydney or Brisbane or wherever. There’s considerable variation in the length of time between leaving and arriving back. In some cases it appears to be not much more than two weeks; in others it’s closer to five. Can you explain to me - I presume we didn’t have bad winds days where we couldn’t sail as fast, particularly, so there was obviously something else that made a trip last five weeks rather than two.

MR McLEOD-DRYDEN: As I say, the operational situation, as far as the ship - hasn’t been fully documented. The situation with the different passages with SYDNEY’s requirements was an operational decision made by the hierarchy of the navy. As I say, if they wanted to - it might be that it’s because of different ports, it might be that they thought there was a threat on the way to Vietnam from Australia. As stated - even the special overseas service Act gave their repatriation benefits from the time of leaving Australia to the operations in Vietnam, so there must have been a
thought that there might have been a threat on the way. As I’ve stated, the ship was escorted on most occasions from the Australian mainland and it was even embarked with helicopters to do antisubmarine operations to and from the - to the Vietnam mainland. So the area of operation wasn’t just in the Vietnam mainland; it was, as I say, outside the area of Vietnam as well.

MR JONES: Are you aware that, although the Veterans’ Entitlement Act and, indeed, its predecessors include port time, that is, from last port in Australia or departure from Australia, to return to Australia?

MR McLEOD-DRYDEN: Yes.

MR JONES: The regulations applying to medals, and I’m not just talking about a particular medal, medals generally, do not include that port-to-port time. For example, to accumulate eligible time for the Vietnam Medal, you actually had to be in Vietnam, not on the way to Vietnam, and it finished on the day you left Vietnam. I’m talking about medals, not veterans’ entitlements.

MR McLEOD-DRYDEN: That’s a point which is relevant for the directive of - the South Vietnamese directive, which - I take that the direct combat support does not just apply for area outside - it doesn’t apply for area - for inside Vietnam but it applies, as the directive said, for six months outside the area of Vietnam.

MR JONES: Okay. Could I just ask you to - - -

MR McLEOD-DRYDEN: That includes Australia.

MR JONES: On that point, can I ask you to confirm that it’s your contention that, whilst HMAS SYDNEY was, for example, undergoing a refit in Australia, it was contributing direct combat support?

MR McLEOD-DRYDEN: I reckon that’s a certainty, that - when it was conducting a refit - most refits were for the direct combat support of the Vietnamese armed forces, in that they were partly aiding the discharging of cargo and troops and that in Vietnam. As it turned out, even the dockside workers thought that it was because they were striking all the time in - because they thought it was contributing to the war effort or to the direct support of the South Vietnamese Government, whichever way you’d like to phrase it.

MR JONES: Okay. Mr McLeod-Dryden, I appreciate the time and effort that you’ve put into not just appearing here today but the work that you’ve
done in preparation and the submission that you’ve made and the openness with which you’ve answered the questions that we have put to you. I make the point again that I made earlier; it’s important, from our perspective, that we leave here clearly understanding the arguments that you’re trying to make. There are a lot of other submitters to be heard as well as yourself, so there are a lot of arguments, some of which are similar, some of which appear more similar than they end up being because there are differences. We’ve tried to tease out exactly what it is that you’re asking us to consider in support of your submission.

We do appreciate your effort. Is there anything you’d like to say in closing?

MR McLEOD-DRYDEN: I have got a prepared statement I’d like to read out:

The South Vietnamese Armed Forces Government Directive HT655-430, Article 3, dated 1 September 1965 and amended on 22 March 1966 states:

“Foreign military personnel serving in Vietnam for six months during wartime and those serving outside the geographic limits of South Vietnam and contributing direct combat support to the Republic of Vietnam National Armed Forces for six months in their struggle against an armed enemy will also be eligible for the award of the campaign medal.”

The Vietnam Campaign Medal is a campaign medal and not a valour medal. Although the dictionary states “campaign” is a series of operations in a particular theatre of war, the directive by the South Vietnamese Armed Forces Government allows for the awarding of the campaign medal to occur outside the theatre of war, that is, outside the geographic limits of South Vietnam, for a six-months period. This can occur as long as the military personnel contribute direct combat support to the South Vietnamese Armed Forces and they prove this by performing operations within the theatre of war - the series of operations inside the theatre of war do occur and the aspect of time allows for the awarding of the medals for duties performed between these operations.

Current Defence Instructions (Navy) state:

“Campaign honours may be awarded for certain campaigns as a whole rather than individual actions during those campaigns but
only where the participating unit made a substantial contribution to the successful outcome of the campaign.”

I believe the SYDNEY and the JEPARIT fit within that terminology.

There is no denying that HMAS SYDNEY and HMAS JEPARIT, during the Vietnam War, performed direct combat support to the South Vietnamese Armed Forces. This occurs due to the nature of their duties in the full course of their involvement from 1965 to 1972.

As I stated, the Administrative Appeals Tribunal made a ruling on the matter, which states:

During that period, HMAS SYDNEY was engaged in transporting supplies and reinforcements of troops from Australia to Vietnam for the purposes of direct combat support of allied forces engaged in operations in Vietnam.

The Repatriation (Special Overseas Service) Act should not play a part in awarding of the Vietnam Campaign Medal, especially when it conflicts with the directive promulgated by the South Vietnamese Armed Forces Government. The medal requirement, as laid down, should be the only consideration for awarding the medal. This medal is not instigated for heroic actions but for continuous support of the Republic of Vietnam National Armed Forces by military personnel for six months.

When determining the award of this medal, the following questions must be asked:

What is the nature of the duties of the military personnel?

Did they perform these duties for a six-month period?

Are they able to prove operational involvement, preferably by way of medals?

In closing, I address the terms of reference laid down in the inquiry. The time to right this unrightable wrong in regards to medals’ eligibility is now. The unresolved issues have now been dealt with and require consideration. The future claims require responses to questions previously displayed.

That’s all I’d like to put.
MR JONES: Thank you, Mr McLeod-Dryden.

<WITNESS WITHDREW>

MR JONES: Ladies and gentlemen, I think we’ll take a five-minute break before we proceed with the next hearing.

ADJOURNED

RESUMED

MR JONES: Ladies and gentlemen, we will now recommence the hearing. I now call to the table Dr John Carroll.

<JOHN CARROLL, Affirmed:

DR CARROLL: These are copies that (indistinct) have sent me (indistinct).

MR JONES: Thank you.

DR CARROLL: I haven’t signed them. If you want them signed (indistinct)

MR JONES: Thank you, Dr Carroll. I think, for the purposes of the public, this being a public hearing, if you could, just by way of introduction, state your purpose in being here. I would appreciate it.

DR CARROLL: I am one of the originals, along with Mr McLeod-Dryden. I served with Mr McLeod-Dryden on HMAS SYDNEY in 1967. I’m one of the original founding members of the HMAS SYDNEY and Vietnam Logistical Support Veterans’ Association. I served onboard on SYDNEY as a naval shipwright, the equivalent of a petty officer, at the age of 23. It might be worth the Tribunal’s knowledge to know that Fred was 17 at the time; he celebrated his 17th birthday onboard, along with about the third of the ordinary seamen onboard, about a hundred others, that were about 17 years of age.
I am the immediate past secretary of the association. I’ve been involved with the HMAS SYDNEY Association since 1982. I’ve come up from a very low base to - through further study. I completed a thesis on SYDNEY’s involvement in the Vietnam War, something that had never been done before. From that thesis, a book has been produced, which has since sold out, and the publisher now wants to go to a second edition because it was quite successful.

I consider that, like everybody else that went to Vietnam, the sailors were forgotten. I think the title of the book says it all; we were out of sight, therefore we were out of mind. I think McKay says it in his book, Vietnam Fragments, with regards to what - everybody should have been treated pretty well the same. He says fairly simply in the introduction to his book, “Vietnam Fragments,” the war was everywhere and everyone who went had a job of importance, regardless of where they were or what they did in regards to the point of battle. In other words, nobody should have been differentiated against; we all should have been treated the same. Sailors, I’m afraid, weren’t.

Another one that I dug out recently was - granted it’s an American one but it still says virtually the same thing; all armed forces consist of frontline units which do the actual fighting and rear-echelon units, responsible for their support. Accept the characteristics of modern warfare that, the more sophisticated the frontline force, the more elaborate the logistical backup. I add to that that there is no such thing as a rear echelon on a warship.

*Logistics is the science of planning and carrying out the movement and maintenance of forces in and of warfare, although, only recently, hasn’t been accorded the formal recognition which it is due.*


Gentlemen, I am yours. You have my submission.

MR JONES: We have your submission.

PROFESSOR HORNER: Dr Carroll, thanks for coming along this morning.

DR CARROLL: I’ve heavily footnoted everything and I presume from that that the academics amongst you will be able to follow that up.
PROFESSOR HORNER: A lot of your very useful submission deals with the matter of port-to-port and, by implication, the allotment business with those destroyers that went to Vietnam to provide naval gunfire and support.

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DR CARROLL: Yes.

PROFESSOR HORNER: Our understanding is that that decision that was made by the navy to apply port-to-port was later found by Defence to be incorrect and that they should not have applied port-to-port for the destroyers and, therefore, the fact that the destroyers were not in the defined geographic area for 181 days meant that people who were on the destroyers got the Republic of Vietnam Campaign Medal as a result of an error, and that Defence advised the navy that they had made an error and that those personnel who were on the destroyers who’d have got the Republic of Vietnam Campaign Medal should not have got it but, having awarded it, they were not going to take any action to get it back off them.

Were you aware of that?

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DR CARROLL: I was aware of it, but - - -

PROFESSOR HORNER: The importance of it being that much of your paper revolves around how long these ships served. Without denigrating the work that you’ve done, in some ways it’s immaterial to the argument, in the sense that - yes, what you’ve said here is absolutely right but I’m not quite sure how that relates to the matter of HMAS SYDNEY. Could you just expand on that?

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DR CARROLL: I really feel that it’s the navy’s error; it’s not the sailors’ error.

PROFESSOR HORNER: That’s right. It’s the navy’s error, yes.

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DR CARROLL: Should the sailors suffer because of the navy - - -

PROFESSOR HORNER: Nobody is suggesting that the sailors on the destroyers should hand back their medals.

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DR CARROLL: No.

PROFESSOR HORNER: An error was made in giving the medals to the sailors on the destroyers. You’re right that it’s not the sailors’ fault, and nobody is suggesting that they should hand back their medals. How, though, does that relate to the matter of HMAS SYDNEY?
DR CARROLL: There were people on the SYDNEY that did exactly the same time, and more - working on the same - port-to-port - - -

PROFESSOR HORNER: I don’t want to put words into your mouth but it would seem to me that, if I’m reading it correctly, what you’re asking is that an error made for the destroyers should now - a similar error should be made for the people who served on SYDNEY?

DR CARROLL: No. The same rule should apply.

PROFESSOR HORNER: The rule that was - - -

DR CARROLL: The rule that applied at the time that the navy adopted - - -

PROFESSOR HORNER: Which is now found to be in error - - -

DR CARROLL: The rule that applied at the time that was good at that time should still apply.

PROFESSOR HORNER: That is port-to-port - - -

DR CARROLL: It’s a fortuitous thing that - but people have had an advantage of an error; therefore, that error should still apply. I’m sorry, I can’t see it any other way. It was fair for the ones that took advantage of it - had an advantage from it. From my perspective as a psychologist and as an historian, if it was fair for one, it must be fair for the other. I’m sorry, I can’t see it any other way.

PROFESSOR HORNER: No. We just want to be clear on what the case is that you’re putting.

DR CARROLL: There are people out there that had an advantage from that, albeit a medalliac advantage, which really, in the overall scheme of things, is not all that much. It’s a symbol. It means a lot to some people. I for one won’t get anything out of it. I was asked to do this because they seem to think that, because I’ve somehow achieved an academic status along the way, I could put an argument up. I can see that there is an argument there, out of fairness, equity and comparative treatment amongst sailors. I presume that any fair-thinking person, like Moore J, would see exactly the same - I sat through the Moore review. I was one of the people that was instrumental in getting the Moore reviewing going, through ADM Hudson, and that got the Naval General Service Medal up for the people that served during the (indistinct) emergency. That
wouldn’t have happened - I can still remember ADM Hudson saying to me, “I’ve got 14 pages of your work on my floor through the fax machine. What do you want me to do with it?” I said, “Read it and ring me back.”

I’m a bit of a crusader rabbit. I’m sorry, I do these things for people because I like to do research.

PROFESSOR HORNER: I just wanted to be clear on the point that - - -

DR CARROLL: That’s about - and I’ve got another thing that really gripes me as well but we’ll continue on.

MR JONES: Sorry, what was one of the things that gripes you?

DR CARROLL: The fact that - having served in Vietnam and having recently gotten over prostate cancer, the business of contaminated water. We went up there, all in good faith, we filled our tanks up with potable water, and this is not only affects sailors, it affects soldiers as well. I got that put in the papers. We carried that stuff around in our tanks. If you read the report on that, the NRC2(?) report on that, you will see that that stuff, even when that ship was taken out of commission, is still there. That’s probably what I meant by that in my last addendum to my submission - if that was not direct support by exposure - we brought the war home with us in our freshwater tanks and we drank that water. The soldiers that we brought home and took up there drank that water.

Another thing that I sat down and did at home last week was - we have a small memorial wall on our website. SYDNEY association is made up of 500 members, of which 300 are members of either SYDNEY or the escort ships to BOONAROO, the like. Of those members, since 1998 up until recently, 61 of them have died of cancer or cancer-related illnesses. Their average age on death was 64. Life expectancy in 2011 is 79, the average male in Australia.

I turn 70 next year. I consider myself to be very fortunate; I got caught very early. My PSA went up to 5.3 and my surgeon suggested I get my prostate taken out. There are others that are in denial. That’s what I meant by direct support by exposure. Anybody that served on that ship and drank the water was exposed to Vietnam. I hope you know what I mean.

I’m sorry. If there are any other questions, I’d be more than happy to answer them.

PROFESSOR HORNER: I cannot leave it, though, the comment that -
what we’re talking about here is a foreign medal for which there are specific criteria. The medal is awarded for meeting specific criteria; it’s not related to the nature of the service, whether it was good, bad indifferent. The fact that people might have been contaminated - - -

DR CARROLL: It does say that - - -

PROFESSOR HORNER: I’m not sure how that fits in with the criteria.

DR CARROLL: It does say in the regulations that:

Where these regulations apply to US Navy ships, only personnel who were attached to ships, units and who actually participated -

It’s on page 5 of my original submission:

Where these regulations apply to US Navy ships, only personnel who were attached to ships, units and who actually participated in operations were eligible for the Vietnam Service Medal, and, as later clarified for the office of Secret naval operations, basically, personnel who served on US ships in the Vietnam area for at least one day in six different months qualify for the Vietnam Service Campaign Medal.

That’s how it was written.

PROFESSOR HORNER: They’re the American regulations. Why should we use the American regulations?

DR CARROLL: My reading of those is that that’s - the regulations that we adopted.

PROFESSOR HORNER: I haven’t found any evidence of that. Have you got something that you can help us with that shows where we are applying the American regulations?

DR CARROLL: That was my understanding, and I went on to then tabulate how the ships - - -

PROFESSOR HORNER: You can see the problem we’ve got. If you're going to apply the American regulations, we would need to have some sort of evidence - - -

DR CARROLL: I was under the impression that that was what we actually did do, and I didn’t expand on it any further. I would be guided
by you. If you want me to go and dig further, I will.

PROFESSOR HORNER: If you do find something that shows why - - -

5 DR CARROLL: I’ve got access to the Monash University library. I can get onto my portal and - I didn’t think it was a big deal.

PROFESSOR HORNER: You can see what we’re getting at. We’ve got a foreign declaration which Australia has got to apply. The proposition that you’ve put to us is that we should be using American regulations.

10 DR CARROLL: I thought that was an adopted thing.

PROFESSOR HORNER: Before we would accept that, we’d like to see some evidence that we should be using American regulations in applying a foreign declaration to Australia. I’m not trying to be difficult about this but you can see - you know, we’ve got to tick off on all these matters.

15 DR CARROLL: I thought it was a given, to be quite honest, because of the way I read it.

PROFESSOR HORNER: If it is a given - I don’t want to put you on the spot on this but, if it is a given, we’d like to see where it is a given that we’re applying American regulations.

20 DR CARROLL: You’ve got access to more of the regulations than what I have but if I - - -

MR JONES: I think we do. We have good access to the documents. The resources of the Department of Defence are obviously made available to us, we have our own research officers supporting the Tribunal. Professor Horner - - -

25 DR CARROLL: He’s no slouch.

30 MR JONES: He can find his way around a computer terminal and a library index. We do have resources. I think the point he’s making, if I could paraphrase it, is that the Vietnamese authority, in their original directive, said that other countries, or other governments, which had supported should be responsible for determining who is eligible, which would, in Australia’s case, mean Australia, and, indeed, Australia has administered it. I guess the question then is, to what extent is Australia bound in the application of this medal by the processes of any other country.
PROFESSOR HORNER: We’ve had a number of submissions on this point but none of the submitters have been able to provide us with any evidence to show clearly that Australian authorities have adopted the US regulations.

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DR CARROLL: I would suggest that the RAN did do their own determination. The RAN paid seven of my - - -

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MR JONES: They certainly did and, in fact, we’ve got the documentation where Chief of Defence Force’s office wrote to Chief of Navy and said, “You’ve got this wrong. Port-to-port was not right and you shouldn’t have done it.” Certainly navy did it its own way for quite some time but, once that was identified, Defence then said - - -

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MR JONES: Correct. Defence said, “That’s not how you should be doing it.” It wasn’t the civilian part of Defence; it was the Chief of Defence Force’s office who said, “That’s not right.” Navy in fact came back and argued the case and said, “It could be interpreted that way.” CDF then said, “You are no longer to interpret it that way. The rules for navy will be the same as the rules are for the other services - - -“

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DR CARROLL: Navy did do it the Americans’ way, if you read 6 and 7.

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MR JONES: No. I think, what navy did was to include port-to-port, which they were doing anyway for veterans’ entitlements considerations.

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DR CARROLL: That’s the way I - as I said, the way I read it -

With reference to the...readily ascertain...ships would not have accumulated... six months... recognise that naval ships require constant, regular and... the ship’s companies are entitled to periods of rest and R&R following... life at sea -

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It is too.

As a consequence, it would appear that navy has both acted accordance with article 3U and article 2 above. I also suggest that both the US Senate and the RAN authorities have determined, as a matter of commonsense, seeing that the rules provided for such circumstances, that naval personnel who served for at least one day in six different months qualified for the VCN.

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PROFESSOR HORNER: We haven’t found anything that says that that
applies to Australia, at least one day in six different months.

DR CARROLL: That was my reading of it at the time. I’m sorry if I - - -

MR JONES: We’ve received, as you would anticipate, a number of submissions which relate specifically to the circumstances of HMAS SYDNEY in relation to the eligibility criteria for this medal. I was going to say all but certainly most of those have included the statement or the assumption or the argument that “This is how the Americans have applied it and Australia, therefore, should do the same.” What we’re saying is that that’s not a given, that, because the United States chose to do something in a particular way, Australia automatically is bound to do it the same way.

We’re asking people, “Can you provide something which makes that link that says ‘This is how the Americans did it. Australia committed itself to be bound by what the Americans do.’” We don’t know that that document exists but no one, as yet, has provided us anything - obviously, if it did - if there was a document which was compelling and produced by appropriate authorities - - -

DR CARROLL: It’s probably been shredded by now.

MR JONES: Who knows? If it did, that changes, obviously, the status of arguments about the American interpretation.

DR CARROLL: There is also a document that says that the South Vietnamese actually dropped the days required from 181 back to 60.

MR JONES: Back to two months, yes.

PROFESSOR HORNER: That’s right.

MR JONES: Yes. We have that document. They did that in 1973.

DR CARROLL: After we pulled out completely - - -

MR JONES: Yes.

DR CARROLL: - - - except for the embassy guards.

MR JONES: Yes.

DR CARROLL: Did they get it? Did the embassy guards get it?

MR JONES: I couldn’t say because nobody has asked me that and I
haven’t researched it. I can see no reason why they would not have got it, provided they met the criteria of six months.

DR CARROLL: Sixty days.

MR JONES: Sixty days then. I don’t believe so. I’ve never seen an Australian document including the - - -

DR CARROLL: Probably forgotten too.

PROFESSOR HORNER: Yes. You’re right. The only people who could get it would be the embassy guards, who would have to be there for that period from January to March 1973. I’m not sure if we even had any embassy guards there in that period. I don’t know.

MR JONES: I don’t know either. It was done specifically, as you say, for Americans but I don’t know what relevance that has to us because I’ve certainly seen no document anywhere or any suggestion that any Australian ever received the award under that kind of provision, and I don’t believe Australia ever had any such provision. Certainly nothing has been provided to us, either by individual submitters around the country or by the Department of Defence in their submission - we have submissions from Vietnam veterans’ federations and the RSL and so on. Nobody has suggested that that process or provision could have, or should have been, or was, applied to any Australian serviceman, so I’m not aware of it.

I’d just like to seek your input as a member of the ship’s company - and you were on the SYDNEY for quite some time.

DR CARROLL: Not the first time. The second time, yes; first time, no. I was taken off by helicopter. I joined SYDNEY in 1967. I passed out in November, doing the shipwright’s course, and I went to CERBERUS to do the petty officer’s management course. I joined SYDNEY in February 1967 and we sailed on 8 April 1967, with seven RAR onboard, under the command of CAPT E J Peel, and we did the same trips that Mr McLeod-Dryden just told you about. I was then - when we came back to Australia, I was taken off by helicopter and landed on YARRA, and then I did the escort trip in December. In 1972 I rejoined SYDNEY. In March 1972 I did the - the November trip, the last trip that SYDNEY did. I got badly knocked about in Jakarta. I lost a couple of days in Jakarta. I got a very bad injury. The port cable didn’t behave itself and it backlashed me and hit me in the head and I lost two days; I got Ménière’s disease because of it. I served on both SYDNEY and escort.
MR JONES: Thank you, Dr Carroll. Is there anything you’d like to add that we haven’t asked you the right question for or - - -

DR CARROLL: No. I still feel that the navy, as such, was out of sight and out of mind, hence the book and the thesis, for which I did ask you to be an examiner, and it went to David Stephens instead, on your recommendation, many years ago - 2009. David Stephens didn’t like it.

MR JONES: I’ve got no knowledge about that.

DR CARROLL: It did pass. Sam Bateman - do you know Sam Bateman?

MR JONES: Yes, I do.

DR CARROLL: Sam passed it.

PROFESSOR HORNER: Whereabouts did you do your PhD?

DR CARROLL: Which one?

PROFESSOR HORNER: The one that - - -

DR CARROLL: Monash.

PROFESSOR HORNER: And your supervisor?

DR CARROLL: Which one?

PROFESSOR HORNER: Your principal supervisor.

DR CARROLL: A lady by the name of Jane Drakehart(?).

PROFESSOR HORNER: Okay. Congratulations on that achievement.

MR JONES: Thank you, Dr Carroll, and thank you for the book.

DR CARROLL: It is a good read.

MR JONES: Thank you.

DR CARROLL: You’ll probably pick up a few things in it which will be helpful.

MR JONES: I have to say, just recently, in the process of what we’re doing here and some other things, I’m not actually short of stuff to read at
the moment but I will certainly do it with interest.

DR CARROLL: The foreword is written by Athol Knox, after a bit of persuading.

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MR JONES: As you’d appreciate, with 76 submissions, we’ve got a fair bit of reading anyway but it’s all interesting reading. Thank you very much.

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<WITNESS WITHDREW> [1100]

MR JONES: I think we’ll take another short break, just five minutes, to allow people to clear their heads or throats or whatever.

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<ADJOURNED> [1100]

(End of extract)