



**Inquiry into Recognition for Members of Rifle Company
Butterworth for Service in Malaysia between 1970 and 1989**
by the
**Australian Peacekeeper & Peacemaker Veterans'
Association**
Incorporated, National Executive.



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Inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989

Terms of Reference

The Defence Honours and Awards Tribunal shall inquire into and report on recognition for members of the Rifle Company Butterworth (RCB) for service in Malaysia between 1970 and 1989.

In conducting its inquiry the Tribunal shall:

- (a) have regard to the terms and objectives of the *Australian Active Service Medal (AASM) Regulations 1945-1975*, *Australian Active Service Medal Regulations*, the *Australian Service Medal (ASM) 1945-1975 Regulations*, the *Australian Service Medal Regulations* and declarations and determinations for the Clasps 'Malaysia' and 'SEAsia' and the *General Service Medal 1962 Royal Warrant*.
- (b) consider the claims of members of RCB for recognition of their service in Malaysia between 1970 and 1989;
- (c) consider any other material relevant to these claims;
- (d) consider the possible impact of recognition for Australian Defence Force service on the recognition of other Australian Government service, such as members of the Royal Australian Air Force at Royal Malaysian Air Force Base Butterworth and 4th Battalion Royal Australian Regiment at Terendak during the period; and
- (e) make findings and recommendations as to the eligibility of members of the RCB for the AASM 45-75 or AASM or the granting of any other form of recognition for their service.

The Tribunal is to determine its own procedures, in accordance with the general principles of procedural fairness, when conducting its inquiry as set out in these terms of reference. In this regard, the Tribunal may interview such persons as it considers appropriate and consider material provided to it that is relevant to these terms of reference.

The Tribunal is to report, in writing, to the Parliamentary Secretary for Defence Support on its findings and recommendations that arise from the inquiry.

In making its findings and formulating its recommendations, the Tribunal is to arrive at a fair and sustainable response to current and future claims for recognition and also maintain the integrity of the Australian honours system and identify any consequential impact any finding or recommendation may have on that system. Submissions close on Monday, 7 June 2010.

APPVA SUPPORT TO THE RCB REVIEW FOR THE RECLASSIFICATION OF SERVICE FOR RIFLE COMPANY BUTTERWORTH FROM 1970 TO 1989 TO WARLIKE

I welcome the opportunity to write to the DH&AT to express the full support of the Australian Peacekeepers and Peacemakers Veterans Association (APPVA) toward the 8th/9th Battalion Association's request to have Rifle Company Butterworth (RCB) Service in Malaysia from 1970 to 1989, Reclassified as Warlike Service.

The 8th/9th Battalion Association, RCB Review Group Submission provided to the DH&AT, clearly articulates through considerable research, that in fact there was a specific MISSION for RCB of a Defensive Role and further Protective Tasks on a twenty four hour continual basis whilst deployed to Butterworth Air Base (BAB) Malaysia from 1970 to 1989.

Therefore all ADF personnel serving at BAB should be Retrospectively Allotted for Special Duty, in a Special Area, for the specified dates and that Special Area be prescribed in order to satisfy the requirements of the *Repatriation (Special Overseas Service Act 1962) in force at the time*.

Furthermore the APPVA considers all ADF (Army & RAAF) personnel serving at BAB Malaysia during the specified dates were also exposed to the same Risks, Threats and Incurred Danger and should be equally entitled to have their service Reclassified as Warlike in order to obtain same entitlements.

In considering the DH&AT Terms of Reference; Inquiry into the Recognition for members of Rifle Company Butterworth for service in Malaysia between, 1970 to 1989. A number of APPVA association members who had served with RCB during the specified dates responded to the APPVA request to participate in the review.

A compilation of their observations, comments and feedback supporting the Active Duty Nature of Service of RCB between 1970 to 1989 is contained in the APPVA RCB Review Submission contained at enclosure 1.

Also as part of this review it is requested that the DH&AT address the matter of doubling medalling or dual awarding in various combinations.

On many occasions our members hear the catch-cry of double dipping or double medalling from the Directorate of Honours and Awards (DHA), in relation to awards that have clearly been approved in dual entitlement in the past. Particularly in both the Imperial and Australian Awards eras.

This is a controversial issue that will most probably raise its head during the RCB review as the period of RCB service straddles both the Imperial and Australian Awards era.

Therefore the APPVA wishes to direct the DH&AT attention to the recent **APPVA Submission Inquiry into Recognition for Defence Force Personnel Who served as Peacekeepers from 1947 Onward, in particular PART G - CONTENTION OF DUAL AWARDING OF AASM & ASM In Various Combinations**. The DH&AT may find this document to be a very useful reference tool, which is contained at enclosure 2, to the APPVA RCB Review submission.

I wish the DH&AT well in its deliberation of the RCB review, if required I am contactable using the details provided.

Yours Sincerely

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APPVA RCB Review

7 June 2010

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Enclosure 1

APPVA RCB Review Submission Comments and Observations of Former RCB Soldiers

Introduction

1. The APPVA approached its membership in order to seek feedback from those members of the association who served with RCB during the specified dates.
2. The APPVA RCB Submission represents the comments and observations of a number of APPVA members who had served with RCB between 1974, 1976, 1977, 1979, 1980, 1984, during the specified dates of the review, these former RCB soldiers served in the 1st, 3rd, 6th and 5th/7th Battalions of The Royal Australian Regiment.

Understanding RCB Presence in Malaysia

3. The general consensus of the respondents, is that Australia as a participant in the Five Power Defence Agreement, in arrangement with the government of Malaysia established the RCB because Australia continued to have a RAAF presence at BAB during and after the Vietnam War as this suited the Australian strategic plan of having a forward base in South East Asia on which it could expand further operations if required.
4. The RAAF presence at BAB required the protection of the RCB force on a twenty four hour continual basis because there was a real threat and the possibility of attack or incursion on BAB by forces of the Communist Terrorist (CT) whose leader Chin Peng fought a long lasting CT War against the Malaysian Government and Malaysian Armed Forces (MAF) in order to destabilise and overthrow the Government.
5. The MAF was on active Service and was fighting a real War within its own country and on the border Malaysia and Thailand being continually involved in military operations against the CT enemy lead by Chin Peng

The Role and Tasks of RCB

6. The general consensus of respondents, of the Role of RCB, was to Protect and Defend Australian Assets and Personnel at Butterworth Air Base on a continual basis by providing armed capability when called on to do so.

7. The Defensive and Protective nature of tasks of the RCB required of them to be capable of War Fighting at the BAB, housing Australian Assets and Personnel in order to secure them and also be capable of extracting and evacuating Australian Assets, personnel and Australian Nationals when called on to do so and with lethal force in the necessity arose.

RCB Detailed Operational Tasks

8. The general consensus of the respondents is that the detailed tasks assigned to OC RCB from the OC RAAF BAB are as follows:

- a. Cordon and search
- b. Internal Base patrolling
- c. Protection of RAAF Service police/SSP at established road blocks
- d. Protection of key points
- e. Crowd dispersal
- f. Providing a Quick Reaction Force (QRF) of section strength on immediate standby on a 24 hour a day basis
- g. Providing a reserve force to be activated on deployment of the QRF
- h. Operating mobile tactical lights on likely penetration points
- i. Manning of listening posts and standing patrols by night, including the use of image intensifiers and
- j. Operating TOBIAS intruder detection equipment

The Threat of CT Activity and Incurred Danger

9. The general consensus of the respondents is that there was an ever-present real threat of CT attack, incursion or sabotage on BAB which would not distinguish between the various forces deployed to BAB and as such would incur danger or risk of death or serious injury.

10. It was considered a real possibility that because the MAF was using BAB as a major support base for ongoing operations against CT activity that in fact BAB and Australian Assets and Personnel would become a target and therefore could suffer casualties and as such incur danger.

11. RCB troops were given regular briefings on CT threats and activity with in Malaysia and close to the BAB area and had to maintain a continual condition of readiness.

12. The BAB was subject to varying levels of alert, many of these increased levels of alert were know as “Red Letter Days” indicating expected CT activity. On days such as these the entire BAB would go into total lock down, extra air defence measures would be deployed, RCB security patrols were increased, RCB would man fighting pits at the southern and northern ends of the runway, roadblocks and vehicle check points were set up and weapons were in the action condition.

Active Duty Nature of Service

13. The general consensus of the respondents is that they are all of the belief their deployments to RCB BAB was on Active Duty, their role was to protect and defend Australian Assets and Personnel, with lethal force if necessary and there was an ever-present real possibility of incurred danger of CT operations on the BAB during the specified dates of 1970 to 1989.

14. Also the OC RCB was given the Powers of the CO for Military Discipline Law, as such soldiers were given a level of punishment equal to that imposed on offenders on Active Service.

RCB Operational Role and Tasks Preparedness

15 The general consensus of the respondents is in order for the RCB to execute and achieve its security role and tasks the RCB’s procedure was for its Platoons to rotate continually every three days through the following activities:

a. One standby Platoon providing:

1. The Quick Reaction Force (QRF) of Section strength based in the Guard Room on immediate standby on a 24 hour a day basis with weapons and ammunition ready for deployment as required by the OC. At night the QRF, with radio communications, patrolled at irregular times and routes to the vital points and other areas as directed by the Duty Officer.

2. The platoon headquarters and the other two sections were the Ready Reserve Force on 30 minutes notice to deploy. They were involved in training within the company area.

b. The second platoon was the Reserve standby platoon on a two hour notice to deploy. It was involved in training within the close training area inside the base area or at the nearby rifle range, no further distant than 20 minutes. It remained in communication with the Company HQ by radio, telephone and reachable by vehicle.

c. The third platoon was involved in either training or on rest/leave. Training away from the Air Base required the OC RAAF Base and FF Commander's approval. If absent on leave the men were limited to Butterworth or Penang and for immediate recall purposes, were required to record their destination, planned movements and timings, in the leave register held at Company HQ.

RCB/RAAF Rules of Engagement

16. It is the general consensus of the respondents that OC RAAF Butterworth's Directive to the OC RCB detailed its Rules of Engagement as follows:

“Application. The Rules are to be applied within the BAB regardless of curfew, periods of increased security, air defence exercises and time of day or night. All ranks operating within the BAB are to be aware of friendly national organisations which operate inside the BAB.

1. Orders for Opening Fire. You may open fire at a person or persons only in the following circumstances:

a. If you are ordered to guard any building, vehicle being used as a dwelling or as a place of storage, or you are ordered to guard the occupants of, or any property contained in such building, vehicle, aircraft, tent you may open fire at any person who is in the act of destroying or damaging by fire or explosives the building, vehicle, aircraft, or tent, or the property contained therein PROVIDED THAT THERE IS NO OTHER MEANS OF PREVENTING THE PERSON FROM CARRYING OUT THE ACT OF DESTRUCTION OR DAMAGE.

b. If you or any other person is illegally attacked in such a way as to give you reason to fear that death or grave bodily injury will result, you may open fire on the person carrying out the attack PROVIDED THAT THERE IS NO OTHER MEANS OF PREVENTING THE PERSON FROM CARRYING OUT THE ATTACK.

2. Before opening fire you are to warn the person whom you intend to shoot of your intention to open fire unless he ceases his illegal act. You should use the challenge 'HALT OR I FIRE – BERHENTI ATAU SAYA TEMBAK', repeated three times.

3. At all times, before opening fire you must remember:

a. If in doubt do not shoot

b. You must not fire unless this is the least force necessary to enable you to carry out the orders you have been given.

c. Shoot to wound and not to kill

d. Use the minimum number of rounds necessary

e. Your right to shoot ceases as soon as the necessity for protection has passed, i.e., if your first round wounds the person so that he can no longer continue the act which caused you to open fire, you are not to shoot him again.

4. You are to take careful note of the fact that your right to shoot ceases at the airbase boundary fence. You are not to shoot at a person on the other side of the fence.”

17. It is the general consensus of the respondents the ROE also applied when conducting other activities external to BAB, such as range practices, convoy movement, jungle training at Paluada. These basic ROE were varied depending on the specific tasks. Although defensive in nature it did provide for an armed response to shoot to wound.

18. It is the general consensus of the respondents that the ROE and reference to shooting was required to be published in Unit Routine Orders when the RCB arrived and thereafter monthly. There was a perception by the RCB troops that to defend the Base would incur actions to defeat any attack by the CTs.

Enclosure 2

APPVA Submission Inquiry into Recognition for Defence Force Personnel Who served as Peacekeepers from 1947 Onward

PART G - CONTENTION OF DUAL AWARDING OF AASM & ASM In Various Combinations.

28. Past Precedents.

28.1 There appears to be a policy that has not been made known to the author of disallowing the entitlement of both the AASM and ASM, or vice versa, for service in warlike and non-warlike service collectively in the one rotation or deployment. This has been noted as “creeping in” for some years. We make observations of the inconsistency of this confusing policy within the ADF Honours & Awards system.

28.2 The entitlement of AASM & ASM for both the Imperial and Australian award eras have had precedents and it is unknown why there has been a shift in policy. Examples of the end notation of recently reviewed Commonwealth of Australia Gazettes, in that individuals are no longer entitled to AASM/ASM or a combination thereof are noted below:

From CAG S136 ASM (75) Clasp “IRAQ”, 10 August 2009, sub-clause (c):

”determine, for the purposes of this determination, that where an entitlement exists to the Australian Service Medal (ASM) with Clasp 'IRAQ', a person is not eligible for an award of the ASM where the entitlement to the ASM arises from the same rotation deployment as gave rise to the entitlement for the AASM with Clasp 'IRAQ', and includes the same posting or period of service with the prescribed operation.”

28.3 In comparison to CAG S266 of 8 July 1994, ASM Clasp SOMALIA, the regulations do not prohibit an individual from seeking further recognition of the AASM Clasp SOMALIA within the CAG S102 of 27 March 2001. Both CAG’s for SOMALIA do not prohibit the dual awarding of the ASM and AASM sequentially under the same period of service or rotation as a result of the changes of the Nature of Service from non-warlike to warlike service.

28.4 Further precedents which were back to back or on the same rotation for the changes of the Nature of Service and medallic recognition to this matter include:

28.4.1 AASM KOREA CAG S54 of 10 Feb 1998 to ASM Korea CAG S102 of 27 Mar 2001;

28.4.2 ASM KUWAIT to AASM KUWAIT, back to ASM KUWAIT for the ADF Contingents and 3rd Country Deployment and Exchange postings to the Gulf War 1991;

28.4.3 AASM Clasp BALKANS CAG S102 dated 27 March 2001 to ASM Clasp BALKANS CAG S408 of 18 Aug 1998; and

28.4.4 AASM Clasp CAMBODIA CAG S102 dated 27 March 2001 to ASM Clasp CAMBODIA CAG S111 of 17 March 1999.

28.5 It would appear that the interpretation of the above in terms of recognition of the AASM and ASM (vice versa or any combination) has now for unknown reasons been changed to the policy. This is viewed as not adequately recognising the service of those ADF men and women who serve on these operations that rightly deserve such dual recognition as a result of the changes to Government Policy or as the Operation changes.

28.6 Defence members should not be penalised for these changes and it is highly recommended that these prohibitive clauses such as for CAG S136 ASM Clasp “IRAQ”, 10 August 2009, sub-clause (c) are removed, in order to allow equity and fairness to the changes of the service rendered.

29. Double Medalling.

29.1 On many occasions our members hear the catch-cry of double dipping or double medalling from the Directorate of Honours and Awards (DHA), in relation to awards that have clearly been approved in dual entitlement in the past. Particularly in both the Imperial and Australian Awards eras.

29.2 An example of such inconsistencies in policy is the double medalling of ASM Clasp Solomon Islands (OP TREK) IPMT¹ and ASM Clasp Solomon Islands II, (OP ANODE).²

29.3 For those who served in the country of EAST TIMOR prior to the change of that country’s name to Timor-Leste, they too have been denied such recognition, particularly whilst serving during a significant period of change to the fledgling country. An example is that an eligible member for the ASM Clasp EAST TIMOR, who served on and after the 12 May 2006 and continued to have eligible service for 30 days, should be entitled to the ASM Clasp TIMOR LESTE.

An example from the CAG S181 of 29 September 2006, ASM Clasp Timor Leste sub-clause (c):

determine, for the purposes of this determination, that where an entitlement exists to the Australian Service Medal (ASM) with Clasp ‘EAST TIMOR’ for service prior to 12 May 2006, a person is not eligible for an award of the Medal where the entitlement to the Medal arises from the same rotation deployment as gave

¹ CAG S21 of 29 Jan 2004, ASM Regs for Clasp Solomon Islands.

² CAG S421 of 20 Nov 2003, ASM Regs for Clasp Solomon Islands II.

*rise to the entitlement for the ASM with Clasp 'EAST TIMOR', and includes the same posting or period of service with the prescribed operation.*³

29.4 These policy changes frustrate those service personnel who have served during the transitional periods. They view the precedents made in other Peacekeeping Operations and cannot understand the logic, however are given the excuse from DHA as “you cannot double-dip”. This is purely ill-logical and defies many instances where the appropriate dual awards have been bestowed to those eligible ADF members.

29.5 This policy is unfair in the following terms:

29.5.1 That the Letters Patent to the ASM 1988 did not have this policy within the Regulations;

29.5.2 That the Letters Patent to the AASM 1988 did not have this policy within the Regulations;

29.5.3 That a number of precedents have been made in both the Imperial and Australian awards eras;

29.5.4 That *“eligibility for the award of the Medal shall not be affected by the grant of any other award for service in the prescribed operational area.”*⁴

29.5.4 That recognition of a particular service must be recognised according to the prescribed operation and the classification of that operation.

29.6 We therefore seek the removal from the respective CAGs of this prohibitive and unfair clause.

30. Contention of Dual Awarding of the ASM (45-75) & ASM (75).

31. Recognition of the Imperial awards period on and prior to 13 February 1975 in terms of the ASM (45-75) has been awarded to many ADF members who served in un-recognised service during the Imperial Awards era. This was the case of the recommendations of the CIDA and Mohr rationale.

31.2 The ASM (45-75) CAG S230 of 29 June 2001, Clasp SE ASIA Regulations state:

(d) *determine for the purposes of this determination, that a person is not eligible for the award of the medal where:*

³ CAG S181 of 29 Oct 2006, ASM Regs for Clasp Timor Leste.

⁴ CAG for Determination of ASM “GULF” dated 14 Oct 91, for RAN or Exchange posting conducting Mine Countermeasures in the Persian Gulf and the Gulf of Oman, s(b) viii.

- (ii) *a separate award of the Australian Service Medal with Clasp "SEIA" has been awarded.*

31.3 What has appeared to be an unfair policy seems to be a mis-understanding from DHA who administers the ASM in terms of the interpretation of the Regulations. Our interpretation is that if a person was previously awarded the ASM Clasp SE ASIA from a large range of countries served that is covered by the ASM Clasp SE ASIA, the individual cannot re-apply for another Clasp within the ASM (45-75) Regulations sub-clause (d). This would appear to be a consistent matter particularly as the ASM (45-75) covers the following countries of which many ADF service personnel may have served in one or more of the following situations or awarded previous ASM (45-75):

Malaysia;

Singapore;

Thailand;

Viet Nam;

Indonesia, Laos and Cambodia;

RAN Ships with ANZUK Force.

Awarding of the ASM (45-75) Clasp "FESR";

ASM (45-75) Clasp "THAILAND"; and

AASM (45-75) Clasp "THAI-MALAY".

31.4 The Regulations above for the ASM (45-75) Clasp SE ASIA, whilst covering a wide range of areas throughout S.E. Asia during the Imperial period appear to only relate to the Imperial Award period.

31.5 The problems being now encountered with Peacekeepers and other ADF service members are the transition period that appears to be detrimental toward the award of the service of these people during the Australian awards era. That is, the recognition for the Imperial award era has been satisfied with the ASM (45-75) Clasp SE ASIA, however they are not provided recognition for the period on and after 14 February 1975.

31.6 An example of this detrimental approach by DHA, which appears to be a mis-interpretation of the ASM Regulations (45-75), is inconsistency of the awarding of the ADF Long Service Medal systems. As noted on and after 14 February 1975, the Australian Government made the decision to introduce an Australian honours and awards system, separate from the Imperial or British honours and awards system.

31.7 The awarding of the Long Service & Good Conduct Medal (Army, RAAF and RAN), ceased eligibility on the 13th February 1975, as a result of the Government announcement. In addition, the long service system was replaced with the National Medal for 15 years of diligent service. The period of the National Medal for the ADF long service recognition lasted until 24 April 1982.

31.8 In the period between 13 February 1975 and 24 April 1982, those ADF members who had qualified for the Imperial Long Service medals were permitted to wear them, along if they also had qualifying service of 15 years they were awarded the National Medal and lastly, when the Defence Force Service Awards (DFSA) was introduced in 1982, these members also had eligibility of the DFSA award for 15 or more years of service.

31.9 Therefore, a Defence member who had completed 18 years prior to the 13th February 1975 is eligible to retain their Imperial Long Service award; be awarded the National Medal; along with being awarded the DFSA medals.

31.10 Moving back to the situation with the ASM (45-75), it is indicative that in line with the Long Service Awards, that the ASM (45-75) only recognises the service from 3 September 1945 to 13 February 1975.

31.11 Those Defence members who had dual eligibility for both the ASM (45-75) and ASM (75) clasp SE ASIA, should therefore have the consequential and inclusive recognition for the Australian Awards era.

31.12 Where a Defence member served in S.E. Asia with eligible service toward the ASM (45-75) Clasp SE ASIA on and before 13 Feb 1975, that member is therefore eligible for the ASM (75) Clasp SE ASIA if they provide eligible service.

31.13 An example is an Infantryman who served with the ANZUK Force in Singapore and served a rotation with his Company to RAAF Base Butterworth, Malaysia. His service may have totalled two years in both Singapore and Malaysia before his Battalion returned to Australia.

31.14 The same Infantryman subsequently serves a further three rotations to Rifle Company Butterworth, Malaysia in the 1980's, which should make him eligible for the ASM (75) Clasp SE ASIA.

31.15 However, upon request, he is denied the recognition of his service in Malaysia in the 1980's, because of the clause (d)(ii) of the ASM (45-75). Yet in the examples provided for the ASM (75), in particular ASM Clasp EAST TIMOR and ASM Clasp TIMOR LESTE, the policy states that an individual cannot be awarded the ASM Clasp TIMOR LESTE if he or she provided eligible service during the transition period.

31.16 The same philosophy articulated within section 29 exists with the inconsistent allowance for the awarding of service during various periods. Of particular note:

*“a person is not eligible for an award of the Medal where the entitlement to the Medal arises from the same rotation deployment **as** gave rise to the entitlement for the ASM”*

Note: This is now the constant phraseology used in Clause (c) or (d) for the AASM & ASM (75), which has crept into CAG Regulations since 2006.

31.17 In the situation with the Infantryman, he should have the right to be recognised for his service rendered at differing rotations under both the Imperial and Australian Awards era. In this case the phraseology should be applied in the case of the ASM (45-75) Clasp “SE ASIA” Clause (d) (ii) to CAG S230 of 29 June 2001 as below:

”eligibility for the award of the Medal shall not be affected by the grant of any other award for service in the prescribed operational area.”⁵

31.18 It is therefore suggested to the Tribunal that a review on the conditions and regulations of the AASM and ASM for both periods needs to be consistent with past and previous AASM and ASM Policy and that a better interpretation of the Regulations, particularly in the situation with the ASM (45-75) Clasp SE ASIA is made with sensible approaches and does not prohibit an individual to be awarded for both periods of service during the Imperial and Australian Awards eras, in similar contrast to that of the Long Service Medals.

¹ CAG for Determination of ASM “GULF” dated 14 Oct 91, for RAN or Exchange posting conducting Mine Countermeasures in the Persian Gulf and the Gulf of Oman, s(b) viii.
