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Hon Peter Dutton MP

Minister for Defence

PO Box 2012
Strathpine, QLD, 4500

Dear **Minister**

Enclosed is a submission requesting that the Unit Citation for Gallantry (UCG) be awarded to the Australian Army Training Team Vietnam (AATTV, commonly known as The Team).

This year is the 60th Anniversary of the formation of AATTV. The anniversary is to be marked by a tribute to Kevin Conway (The Team's first KIA) at the AWM. Whilst not intending to distract from that ceremony, the AATTV Association considers that a fitting tribute to the unit as a whole would be that a belated award of the UCG be conferred upon The Team.

AATTV was raised July 1962 and disbanded in March 1973. During the ten years it spent in Vietnam its total strength amounted to 1000 all ranks, roughly equivalent to the strength of a battalion during a one-year tour.

Although the initial 30-man unit was intended to perform a training role, Team strength was gradually increased as its members were assigned to more and more operational tasks as advisors to Infantry, Ranger, Armoured and Engineer units and Special Regiments of the Army of the Republic of Viet Nam (ARVN), as well as to Regional and Popular Force units. Others were assigned to command positions in the United States Special Forces (USSF) and some to the Police Field Force, Project Delta, Phoenix Program, the CIA and other US Agencies. Many of the assignments were to positions well above that of their worn rank and even to ones that they were never trained for. Eventually members were scattered from the western borders to the South China Sea and from the DMZ to the Delta, either alone or in small groups. Many were involved in some of the most fierce and sustained battles of the Vietnam war, especially in Northern Provinces and Central Highlands, which on occasions resulted in hundreds of casualties on both sides.

Four members of The Team were awarded the Victoria Cross, the most ever awarded to members of the same unit in the history of ADF. Of the 45 Distinguished Conduct Medals (the then Level 2 award for gallantry) awarded, almost half were awarded to Team members. In all, over 700 Australian, Imperial and foreign decorations were awarded to individual members. The unit was awarded the Cross of Gallantry with Palm by the SVN Government for its distinguished service. Some members were awarded the US Army's Presidential Unit Citation, its highest unit award for gallantry, others the Valorous Unit Award, the Army's second highest unit award for gallantry,

AATTV was also awarded the US Army's third highest unit award, the Meritorious Unit Commendation.

Sadly, the most decorated and unique unit in the history of the ADF has been totally ignored by its own Nation, its Department of Defence and especially its Army which should be proud to have had such a unit under its command.

The UCG was instituted by Letters Patent signed by Her Majesty Queen Elizabeth the Second on 15 January 1991. The Unit Citation Regulations for the UCG stated:

Conditions for award of citation

1. (1) The Unit Citation for Gallantry shall be awarded to a unit only for acts of extraordinary gallantry in action.

Unfortunately, the regulations were amended (as far as is relevant) by the Unit Citation Regulations Amendments of 13 July 2020 as set out below:

...

2. Regulation 3. (Conditions for awards of citations)
 1. After "gallantry in action" in subregulation (1) insert "on or after 15 January 1991".

...

This now precludes the award of the Citation for any action prior to that date.

The Defence position is that they do not support the retrospective awarding of a unit citation such as the UCG for service or actions which occurred prior to 1991. Defence considers the application of contemporary criteria to military activities which occurred almost half a century ago to be inappropriate and that examining the activities of individual units or battles in isolation, as opposed to their role within the context of the wider conflict, may result in unequal recognition.

The Defence position is not agreed with. It is considered that a more justifiable, equitable and deserving requirement be that clear stringent criteria be set out for granting of the award and providing that standard of criteria is met or exceeded, the Citation should be awarded, as with other awards. Australian honours and awards have long been granted to veterans and units retrospectively, for instance the case of Sheehan VC and those awarded as a result of the Inquiry into Unresolved Recognition Issues for the Battle of Long Tan, as well as Coral Balmoral and the RAN Helicopter Flight.

The Defence Honours and Awards Appeal Tribunal (DHAAT) has set out criteria by which they adjudge cases. Those criteria have been addressed in the enclosed submission.

The conditions for the award of the UCG require extraordinary gallantry in action. However, neither Defence nor any of the gallantry regulations define gallantry. DHAAT has considered that the concept of gallantry is greater than collective or individual acts of bravery and above and beyond what was expected of an individual or group who were bravely doing what they were trained to do or expected to do as part of a role, rank or responsibility. The Association submits that AATTV satisfies that criterion.

It is considered that it is incongruous and inconceivable, and an injustice, that what became the most decorated Australian unit of the Vietnam War, and in fact in the history of the **whole** of the Australian Defence Force, has not been granted an honour by its own Government. It is also opined that Defence and in particular Army, were very remiss in not putting forward such a recommendation before they put forward a policy of no retrospectivity.

The duties of the Governor-General (GG) as Commander-in Chief of the ADF, include presenting honours to military units and personnel. The GG awards the UCG on the recommendation of the Minister for Defence. In the case of awards made in recognition of past conflicts (prior to the amendment) the insignia was applied for, issued and worn following formal announcement of the GG's approval of the award in the Commonwealth of Australia Gazette. As the unit was disbanded in 1973, it is obvious that it cannot apply for the award. That is why the Association is doing so.

The GG has express powers as listed in the Australian Constitution. However, not all the powers of the GG are codified in the written Constitution. There are powers that the GG may, in some situations, exercise without Ministerial advice or even contrary to Ministerial advice. These 'discretionary powers' are known as the reserve powers.

The purpose of this meeting is to request that you approach the GG directly and recommend to him that he, in his capacity of presenter of military honours, award the Unit Citation for Gallantry to AATTV by exempting AATTV from the no-retrospectivity clause, or as a special case, using his reserve powers if necessary. After all, it stands to reason that if a GG has the power to dismiss a government, he or she would have the power, one way or another, to do something as simple as awarding an honour to such a deserving and distinguished military unit.

If you are unwilling to do so, would you then have both Defence and Army put forward recommendations as a special case. You are requested to override the automatic negative excuses expected from the bureaucracy. If Defence Honours and Awards cites their policy of no retrospectivity, it should be pointed out that retrospectivity occurred in other cases of the award of the Citation as mentioned above, and that awarding a UCG to AATTV would not diminish the status of the Citation.

The Association understands Defence's fear of the opening of the floodgates. However, we believe that there is enough power vested in Defence Honours and Awards, the Defence Honours and Awards Appeals Tribunal, the Minister for Defence and the Governor-General to control the gates, and that such a perceived fear should not prevent the award of the Citation to such a deserving unit as AATTV.

The submission is presented to you as the only way AATTV's gallant and exemplary service can be honoured now lies with the GG, as both Defence and the Appeals Tribunal are bound by the amended Regulations and consequently are unable to action any submission forwarded through official channels.

Hoping that the submission meets with your favourable consideration,

Yours sincerely,

Alec Morris

Alec Morris OAM DCM

On behalf of AATTV Association

ENCLOSURE: 1. SUBMISSION