



## **SENATOR DAVID FEENEY**

### **Parliamentary Secretary for Defence**

MR 25

16 April 2011

### **Victoria Cross Inquiry**

The Parliamentary Secretary for Defence, Senator David Feeney, today announced that the independent Defence Honours and Awards Appeals Tribunal will inquire into unresolved recognition for past acts of naval and military gallantry and valour.

“There have been numerous acts of gallantry and valour by Australian naval and military servicemen since World War I,” Senator Feeney said.

“I am pleased that the Tribunal will inquire into recognition for thirteen naval and military personnel. Their brave acts of gallantry and valour deserve greater recognition.

“Their stories are heroic. Robert Davies fired at enemy aircraft, as he and his gun mount slowly submerged. Francis Emms manned a machine gun whilst severely wounded. Ordinary Seaman ‘Teddy’ Sheean bravely shot down a bomber and kept aircraft away from his mates in the water. He went down with his ship.

These Australians will now receive the national recognition that they deserve,” Senator Feeney said.

The thirteen servicemen include:

1. Gunner Albert Neil (Neale) Cleary – Army (East Geelong, VIC)
2. Midshipman Robert Ian Davies – Navy (Greenwich, Sydney, NSW)
3. Leading Cook Francis Bassett Emms – Navy (Launceston, TAS)
4. Lieutenant David John Hamer – Navy (Melbourne, VIC)
5. Private John Simpson Kirkpatrick – Army (Shield, County Durham, UK.)
6. Lieutenant Commander Robert William Rankin – Navy (Cobar, NSW)
7. Able Seaman Dalmorton Joseph Owendale Rudd – Navy (Unknown)
8. Ordinary Seaman Edward Sheean – Navy (Barrington, Devonport, TAS)
9. Leading Aircrewman Noel Ervin Shipp – Navy (Julia Creek, North QLD)
10. Lieutenant Commander Francis Edward Smith – Navy (Lismore, NSW)
11. Lieutenant Commander Henry Hugh Gordon Dacre Stoker – Navy (Unknown)
12. Leading Seaman Ronald Taylor – Navy (Unknown)
13. Captain Hector Macdonald Laws Waller – Navy (Unknown)

“A number of people have raised the issue of a Victoria Cross for former Defence Force personnel with the Gillard Government,” Senator Feeney said.

“Through the Terms of Reference, I have directed the Tribunal to make recommendations on the eligibility of the listed naval and military members to receive the Victoria Cross, the Victoria Cross for Australia or other forms of recognition for their service.

“I am also pleased to announce that as part of this Inquiry, the Tribunal will receive submissions from interested members of the public for other Defence Force members who may also be worthy of appropriate recognition for an act of gallantry or valour.

“However, it is important that these submissions are supported by appropriate documentation, not just anecdotal evidence,” Senator Feeney said.

It is important to note that although submissions for servicemen other than the thirteen cases will be received as part of this Inquiry, they will not be considered in detail at this time.

All submissions will be recorded, acknowledged, analysed and referred to the Gillard Government for decision concerning possible future action.

“I encourage former service members, historians, family of the thirteen military personnel and members of the general public to take advantage of this opportunity and make a submission to the Tribunal,” Senator Feeney said.

The Inquiry will be headed by the Chair of the Tribunal, Emeritus Professor Dennis Pearce AO. He will be assisted by Tribunal members:

- Professor David Horner AM, Professor of Australian Defence History in the Strategic and Defence Studies Centre at the Australian National University;
- Vice Admiral Don Chalmers AO (Retd), former Chief of Navy;
- Brigadier Gary Bornholt AM, CSC (Retd), former senior Army officer; and
- Air Commodore Mark Lax OAM, CSM (Retd), former senior Air Force officer.

“Before the Tribunal can make any recommendations on the eligibility of the thirteen cases for any form of retrospective recognition, we will have to look at the rules, procedures and issues of principle relating to the award of the Victoria Cross, the Victoria Cross for Australia, and other forms of appropriate recognition and the evidentiary standards,” Professor Pearce said.

“We will consult experts in the field of honours and awards. We will also take into account the constitutional and diplomatic issues.

“Only once this has all been done, will the Tribunal be able to proceed to the consideration of the thirteen cases. We are expecting to conduct public hearings around Australia in the second half of this year,” Professor Pearce said.

A call for submissions will be released shortly in the national press. Submissions to the Inquiry will close on 30 June 2011. The full terms of reference for the inquiry and guidance on how to make a submission can be obtained at: [www.defence-honours-tribunal.gov.au](http://www.defence-honours-tribunal.gov.au)

The Tribunal can be contacted at:

Defence Honours and Awards Appeals Tribunal  
Locked Bag 7765  
CANBERRA BUSINESS CENTRE ACT 2610  
or via e-mail to [DHA.Tribunal@defence.gov.au](mailto:DHA.Tribunal@defence.gov.au)

**Further Information:** Mary Bermingham, Acting Executive Officer, Defence Honours and Awards Appeals Tribunal (02) 6266 3486

**Media Contact:** Lorna Clarke – 0408 345 730

## **Terms of Reference:**

The Defence Honours and Awards Appeals Tribunal is directed to inquire into and report on the appropriate recognition for specific acts of gallantry or valour performed by the following naval and military personnel:

1. Gunner Albert Neil (Neale) Cleary – Army
2. Midshipman Robert Ian Davies – Navy
3. Leading Cook Francis Bassett Emms – Navy
4. Lieutenant David John Hamer – Navy
5. Private John Simpson Kirkpatrick – Army
6. Lieutenant Commander Robert William Rankin – Navy
7. Able Seaman Dalmorton Joseph Owendale Rudd – Navy
8. Ordinary Seaman Edward Sheean – Navy
9. Leading Aircrewman Noel Ervin Shipp – Navy
10. Lieutenant Commander Francis Edward Smith – Navy
11. Lieutenant Commander Henry Hugh Gordon Stoker – Royal Navy
12. Leading Seaman Ronald Taylor – Navy
13. Captain Hector Macdonald Laws Waller – Navy

The Tribunal is directed to make recommendations on the eligibility of the naval and military members, as listed, to be awarded the Victoria Cross, the Victoria Cross for Australia or other forms of appropriate recognition for their gallantry or valour.

The Tribunal is to examine relevant documentary evidence and consider any other material relevant to these claims, including, but not limited to, any previous reviews conducted with regard to appropriate recognition for this service.

The Tribunal must consider the nature and context of the members' actions in relation to the criteria for Australian and Imperial Awards in order to arrive at a fair and sustainable response to claims for appropriate recognition.

The Tribunal may interview such persons as it considers appropriate and consider material provided that is relevant to the Terms of Reference.

The Tribunal is to report to the Parliamentary Secretary for Defence on any recommendations that arise from the inquiry.

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

In addition, the Tribunal is also directed to receive submissions supporting the recognition of acts of gallantry or valour performed by other members of the Defence Force. Submissions are only to be received where supported by appropriate documentation. Submissions based on hearsay or anecdotal evidence need not be considered.

The Tribunal is to report to the Parliamentary Secretary for Defence on the detail of the additional submissions received in order for the Government to determine whether a proposal for recognition should be referred to the Tribunal for review.

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 the Terms of Reference.