



**Australian Government**

**Defence Honours and Awards Appeals Tribunal**

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## **INQUIRY INTO UNRESOLVED RECOGNITION FOR PAST ACTS OF NAVAL AND MILITARY GALLANTRY AND VALOUR**

### **Terms of Reference**

The Defence Honours and Awards Appeals Tribunal (the 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:

Gunner Albert Neil (Neale) Cleary - Army  
Midshipman Robert Ian Davies - Navy  
Leading Cook Francis Bassett Emms - Navy  
Lieutenant David John Hamer - Navy  
Private John Simpson Kirkpatrick - Army  
Lieutenant Commander Robert William Rankin - Navy  
Able Seaman Dalmorton Joseph Owendale Rudd - Navy  
Ordinary Seaman Edward Sheean - Navy  
Leading Aircrewman Noel Ervin Shipp - Navy  
Lieutenant Commander Francis Edward Smith - Navy  
Lieutenant Commander Henry Hugh Gordon Stoker - Royal Navy  
Leading Seaman Ronald Taylor - Navy  
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.

Submissions to the Tribunal close on Thursday, 30 June 2011.