



Australian Government

Defence Honours and Awards Appeals Tribunal

Harrison and the Department of Defence [2016] DHAAT 11 (28 March 2016)

File Number(s) 2015/027

Re **Mr J.D.A. Harrison, BM, BEM on behalf of Warrant Officer Class One W.J.C. Harrison, MM, MID (deceased)**
Applicant

And **The Australian Army on behalf of the Department of Defence**
Respondent

Tribunal Brigadier M. Bornholt, AM (Retd) (Presiding Member)
Mr G. Mowbray

Hearing Date 4 March 2016

DECISION

On 28 March 2016 the Tribunal decided to recommend to the Assistant Minister for Defence that the decision by the Chief of Army to recommend that no further action be taken to upgrade the existing awards or to raise new awards for Warrant Officer Class One W.J.C. Harrison, MM, MID be affirmed.

CATCHWORDS

DEFENCE HONOUR – Military Medal

LEGISLATION

Defence Act 1903 – ss 110T, 110V(1), 110VA, 110VB(1)

Defence Force Regulations 1952 – Reg 93B Sch 3 Part 1

The London Gazette No 33700 dated 20 March 1931, Royal Warrant – The Military Medal, p1892

REASONS FOR DECISION

Introduction

1. The applicant, Mr John Harrison, BM, BEM (Mr Harrison) seeks review of a decision by the Chief of Army (CA) who recommended to the Parliamentary Secretary to the Minister for Defence that no further action be taken to upgrade existing awards or to raise new awards for Mr Harrison's late father, Warrant Officer Class One William Harrison, MM, MID (WO1 Harrison).¹ The application is in relation to actions taken by WO1 Harrison between 3 and 19 August 1943 when he was a Sergeant serving on operations with the 2/6th Battalion in New Guinea. WO1 Harrison was awarded the Military Medal (MM) for 'coolness and courage at Sugarcane Ridge' during these actions and was presented with the insignia by the Governor of Victoria on 10 July 1947.²

2. On 25 April 2011, Mr Harrison, on behalf of his late father, made a submission to the Tribunal's *Inquiry into Unresolved Recognition for past Acts of Naval and Military Gallantry and Valour* (the Valour Inquiry) stating that his father:

*'... deserved at the very least a much higher award/medal such as the Victoria/Military Cross ...'*³

3. Under the Terms of Reference for the Valour Inquiry the Tribunal was directed '*to receive submissions supporting the recognition of acts of gallantry or valour performed by other members of the Defence Force*'. The Tribunal completed the Valour Inquiry in January 2013 and handed the report to Government. Individual submissions (including Mr Harrison's) were subsequently passed by Government to respective Service Chiefs for their consideration. On 8 February 2015 the Parliamentary Secretary advised the Chair of the Tribunal that he concurred with the Army recommendation 'that no further review be conducted' in relation to WO1 Harrison.⁴ On 27 April 2015 the CA wrote to Mr Harrison and advised him that:

*'... in the absence of a failure in due process or new authoritative and compelling evidence, Army recommended that no further action be taken to upgrade existing awards or to raise new awards for your late father ...'*⁵

4. On 20 July 2015 Mr Harrison made application to the Tribunal seeking that 'the four distinct acts of courage under fire listed on the battlefield declaration by his superior officer'⁶ be considered in a:

¹ Letter from the Chief of Army to Mr Harrison, OCA/OUT/2015/R21083153 dated 27 April 2015

² Australian War Memorial RCDIG1068961, received under cover of the Army Submission, DGPERS-A/OUT/2015/AF22858281 dated 23 September 2015

³ Mr Harrison's submission to the *Inquiry into Unresolved Recognition for Past Acts of Naval and Military Gallantry and Valour* dated 25 April 2011

⁴ Letter from Parliamentary Secretary to the Minister for Defence MA14-03391 to the Chair of the Defence Honours and Awards Appeals Tribunal dated 8 February 2015

⁵ Letter from the Chief of Army to Mr Harrison, OCA/OUT/2015/R21083153 dated 27 April 2015

⁶ Mr Harrison Application for Review of Decision dated 20 July 2015

*'... re-assessment of WWII Gallantry decoration from Military Medal to a more appropriate award.'*⁷

Tribunal Jurisdiction

5. Pursuant to s110VB(1) of the *Defence Act 1903* (the Defence Act) the Tribunal has jurisdiction to review a reviewable decision on defence honours if an application is properly made to the Tribunal. The term *reviewable decision* is defined in s110V(1) and includes a decision made by a person within the Department of Defence or the Minister to refuse to recommend a person for an honour or award in response to an application. Regulation 93B of the *Defence Force Regulations 1952* defines a defence honour as being those set out in Part 1 of Schedule 3. Included in the defence honours set out in Part 1 is the MM.

6. The Tribunal considered that Mr Harrison had made an appropriate application on behalf of his father and that the CA letter of 27 April 2015 constituted a refusal to recommend WO1 Harrison for a higher honour than the MM. Therefore, the Tribunal has jurisdiction to review decisions in relation to this award. In accordance with s110VB(1) of the Defence Act, as the matter under review is a defence honour, the Tribunal does not have the power to affirm or set aside the decision but may make recommendations regarding the decision to the Minister.

Conduct of the review

7. In accordance with its *Procedural Rules 2011*, on 30 July 2015, the Tribunal wrote to the Secretary of the Department of Defence informing him of Mr Harrison's application for review and requested a report on the material questions of fact and the reasons for the decision made in relation to WO1 Harrison's eligibility for higher recognition. The Tribunal also requested that the Secretary provide copies of documentation relied upon in reaching its decision and that he provide a copy of the relevant service and health records.

8. On 23 September 2015, the Director General Personnel – Army on behalf of Defence provided a 'Review of Recognition for WO1 Harrison' prepared by the Army History Unit on 15 September 2015.⁸ Army concluded that:

*'...there appeared to be no evidence to suggest that WO1 Harrison was not awarded the honour for which he had been nominated...'*⁹

9. This submission was forwarded to Mr Harrison for comment on 2 October 2015 which he provided on 14 October 2015.¹⁰

10. The Tribunal met on 11 February 2016 and considered the material provided by Army and Mr Harrison. The Tribunal confirmed the scope of the review, the decision under review and jurisdiction. The Tribunal also noted that in accordance

⁷ Mr Harrison Application for Review of Decision dated 20 July 2015

⁸ AHU AB24241570 dated 15 September 2015, received under cover of DGPERS-A/OUT/2015/AF22858281 dated 23 September 2015

⁹ DGPERS-A/OUT/2015/AF22858281 dated 23 September 2015

¹⁰ Mr Harrison letter dated 14 October 2015

with its *Procedural Rules 2011* the hearing into the matter would need to be conducted in public and accordingly, Mr Harrison was invited to provide evidence at a hearing held in Adelaide on 4 March 2016. Army was also invited to attend the hearing but stated that they were unable to do so. Subsequently the Tribunal sent Army a number of questions related to their original submission and received written answers on 26 February 2016.¹¹ These questions and answers were discussed with Mr Harrison at the hearing and he was provided with a copy of the written answers.

11. The Tribunal noted that the Report of the Valour Inquiry had addressed the issue of retrospective honours and awards.¹² The Valour Inquiry developed guidelines that would be able to be applied in any later reviews and the Tribunal noted that Army had used this guidance in developing its submission in relation to Mr Harrison's claims.¹³

12. The guidelines suggest that the first step in examining retrospective honours should be the conduct of a review to determine whether due process had been followed. This step should include 'an attempt to determine whether there is a case of maladministration and whether new evidence has come to light'. The guidelines suggest that if due process had been followed, there was no maladministration, and if there was no new evidence, the original decision should remain unchanged.

13. The guidelines provided that if there was a case of maladministration or if compelling new evidence had appeared that was not available at the time of the original decision, the next step would be 'the conduct of a merits review'. In conducting the merits review, the Valour Inquiry recommended that consideration be given to the inability to award retrospective honours in the Imperial system and that awards made in the Australian system should be subject to assessment of the evidence relevant to 'the standards and regulations of the time'.

14. Notwithstanding this guidance, it should be noted that Section 110VB of the Defence Act requires the Tribunal to undertake a merits review of all reviewable decisions, where an application for review has been properly made. The Tribunal therefore decided to firstly conduct a process review of Mr Harrison's claims and, even if a case of maladministration could not be proven, the Tribunal would also conduct a merits review of Mr Harrison's claims that 'the four distinct acts of courage under fire listed on the battlefield declaration by his superior officer' should be considered in a '... re-assessment ... from the Military Medal to a more appropriate award'.¹⁴

WO1 Harrison's Service Record

15. WO1 Harrison was born on 27 August 1909 and enlisted in the Second Australian Imperial Force (2nd AIF) on 30 November 1939 and was posted to the 2/6th Infantry Battalion as a driver. The Battalion deployed to the Middle East on 14 April 1940 and participated in the 6th Division's advance against the Italians at Bardia and

¹¹ DGPERS-A/OUT/2016/R25000651 dated 25 February 2016, Supplementary Army Submission

¹² *Inquiry into Unresolved Recognition for Past Acts of Naval and Military Gallantry and Valour* dated 21 January 2013

¹³ Ibid. Paragraph 8-48 – *Guidelines for Conducting Reviews*

¹⁴ Mr Harrison Application for Review of Decision dated 20 July 2015

Benghazi in December 1940. On 31 March 1941 the Division withdrew from Libya to Greece where on 28 April 1941 it commenced a retreat to Egypt. WO1 Harrison, now a Corporal, avoided the retreat and escaped in a small boat. He was Mentioned in Despatches (MID) in recognition of his distinguished service in the Middle East during the period February to July 1941.¹⁵

16. 2/6th Battalion deployed from Australia to New Guinea in October 1942 and WO1 Harrison, now a Sergeant, re-joined the Battalion on 10 July 1943 after a lengthy illness. He was attached to A Company as platoon sergeant of 7 Platoon where he took part in operations on Sugarcane Ridge and the assault on Komiatum Ridge in August 1943. It was for his actions in these operations that he was awarded the MM. The Battalion returned to Australia in September 1943 and WO1 Harrison left the unit on posting.

17. WO1 Harrison filled a variety of staff and training appointments between 1945 and July 1948 when he was discharged following the disestablishment of the 2nd AIF. Between July 1948 and December 1949, WO1 Harrison enlisted and served in the Interim Army. On 12 December 1949 he enlisted in the newly created Australian Regular Army (ARA) at the rank of Warrant Officer Class One. On 11 September 1950 he was appointed as the Regimental Sergeant Major of the 3rd Battalion of the Royal Australian Regiment (3 RAR) and deployed with the Battalion to South Korea. From October 1950 to March 1951 the Battalion participated in the 27th British Commonwealth Brigade's advance into North Korea prior to the entry of the Chinese into the war and the subsequent allied withdrawal to the south. WO1 Harrison left 3 RAR on 9 April 1951 to return to Australia on a 'compassionate posting' with his family in Melbourne.

18. Following a series of postings including to the Australian Army Staff in London, he discharged from the ARA on 5 October 1956. WO1 Harrison passed away on 8 March 1995. For his service in the Army, WO1 Harrison has been awarded the:

- Military Medal;
- Mentioned-In-Despatches;
- 1939-45 Star;
- Africa Star;
- Pacific Star;
- Defence Medal;
- War Medal 1939-45;
- Australia Service Medal 1939-45;
- Korea Medal;
- United Nations Service Medal (Korea);
- Australian Defence Medal;
- Infantry Combat Badge; and
- Returned from Active Service Badge.

¹⁵ Second Supplement to the London Gazette No.35396 dated 26 December 1941

WO1 Harrison's Actions Between 3 and 19 August 1943

19. WO1 Harrison's actions between 3 and 19 August 1943 are summarised in the official citation for the award of the MM¹⁶. The citation states:

'On 3rd August, 1943 Sgt Harrison was commanding 7 Pl. A Coy 2/6 Aust Inf Bn during their occupation of Sugarcane Ridge in the Komiatum area. The pl. was heavily shelled and Sgt Harrison left his weapon pit while the area was still being shelled to carry a wounded man to safety.

On 16th August, 1943, during the attack on Komiatum, he showed cool judgement in quickly selecting the main area to hold and in resighting and using an enemy mortar which the pl. had captured.

On 18th August, 1943, he entered and (sic) enemy underground comd. post and secured two prisoners, killing two others with grenades.

On 19th August, 1943 he led a patrol into the jungle nearby. On being fired on he advanced alone and with grenades and SMG killed nine enemy.

His work has, at all times, been of a high standard and his coolness and courage an inspiration to his men.'

The Military Medal

20. The MM was instituted as an Imperial award in 1916. In accordance with the Royal Warrant for the MM dated 5 February 1931 (the Warrant in place when WO1 Harrison's nomination was made), the MM could be awarded to non-commissioned officers and men for 'bravery in the Field'. The MM could be awarded on the recommendation of a Commander-in-Chief in the field to Warrant Officers and non-commissioned officers and men for:

'individual or associated acts of bravery in the Field'¹⁷

21. Australian service personnel received honours and awards including the MM under the Imperial system until February 1975 when the Government introduced the Australian system. Consequently, notwithstanding the original recommendation for the MM for WO1 Harrison, the Tribunal is unable to make a recommendation for that, or any other, Imperial honour.

Administration of the Recommendations for Honours and Awards

22. In its submission, Army indicated that guidance for the processing of recommendations for honours and awards when WO1 Harrison won his MM was provided in Army General Routine Order MS. 603 of 1943 issued by the Chief of the

¹⁶ 2 Ech.A.G. 8(c)(4)/EB 'Recommendation for Immediate Award of MM', received under cover of DGPERS-A/OUT/2015/AF22858281 dated 23 September 2015, and also in Defence Service Record, W.J.C. Harrison, VX6858

¹⁷ *The London Gazette* No 33700 dated 20 March 1931, p 1892

General Staff.¹⁸ The guidance lists the MM as either an Immediate or Periodical Award for Warrant Officers and Other Ranks and states:

'for an act of bravery in the field by an individual or by an individual in association with others'

23. The guidance states that recommendations for immediate awards may be submitted at any time and should be forwarded within the shortest possible time after the act of gallantry. In relation to immediate awards ‘in contact with the enemy’, the guidance states:

'... the citation will recount only a specific act or acts of gallantry during a particular phase of an operation ...'

24. The guidance requires that nominations by the recommending officer are to be ‘passed up through brigade, division and higher headquarters to LHQ for approval’ and the citation is to be signed by respective commanders.

Mr Harrison’s Submissions

25. On 25 April 2011, Mr Harrison, on behalf of his late father, made a submission to the Valour Inquiry stating that his father’s honours and awards ‘were inadequately addressed’ and that he ‘deserved at the very least a much higher award/medal such as the Victoria/Military Cross ...’¹⁹ Mr Harrison claimed that whilst the MM and MID provided ‘minor recognition for gallantry’, his contention was that his father’s ‘gallantry whilst serving in jungle battles’ should be the basis for a ‘posthumous consideration of his gallantry whilst in action in Papua New Guinea’. In support of his submission he tendered an abbreviated citation for the MM from the Governor-General, a letter regarding the MID and various letters regarding his father’s service record and medals. He later submitted that he could not provide any further evidence in support of his claim as he did not have access to war records or the internet and suggested that the Tribunal would have ‘better access to this type of material’ or could advise him where he could locate such evidence.²⁰

26. On 25 March 2014 Mr Harrison wrote to the Tribunal and claimed that research had ‘shown a significant discrepancy’ in the citation for the MM in that it was ‘deficient in several key clauses/actions’ which were ‘confirmed on the battle/contact incident reports’ which led to the approval of the MM.²¹ He claimed the scope of his father’s actions had been ‘tempered’ on the citation and insisted that his father’s ‘actions over about two weeks shows a deliberate and continuing disregard for his own safety’. He supplied a copy of the citation signed by General Blamey in support of his claim.²²

27. On 4 June 2015 after receiving the decision of the CA, Mr Harrison again wrote to the Tribunal and claimed that the CA had ‘arbitrarily dismissed his claim’

¹⁸ Army General Order No. 603/43 – *Recommendations for Honours and Awards*

¹⁹ Mr Harrison’s submission to the *Inquiry into Unresolved Recognition for Past Acts of Naval and Military Gallantry and Valour* dated 25 April 2011

²⁰ Mr Harrison Letter dated 29 January 2012

²¹ Mr Harrison Letter dated 25 March 2014

²² 2 Ech.A.G. 8(c)(4)/EB ‘Recommendation for Immediate Award of MM’, received under cover of DGPERS-A/OUT/2015/AF22858281 dated 23 September 2015, and also in Defence Service Record, W.J.C. Harrison, VX6858

that the ‘four acts of courage in the face of the enemy in New Guinea were inadequately recognised’.²³ On the same day he advised the CA that he had confused his father’s actions in the Middle East in 1941 with the claims he had made in respect of his father’s actions in New Guinea in 1943. He claimed that his father’s ‘PNG acts of gallantry were assessed, planned, deliberated and carried out successfully’.

28. On 20 July 2015 in his application for review, Mr Harrison asserted that his father was denied ‘higher awards than the MM as he was a mere Corporal at the time’.²⁴ He again asserted that the ‘four distinct/recoded acts of courage under fire’ should be considered separately and attached a pictorial description taken from a newspaper, *The Argus* of 2 March 1946, which he claimed illustrated three of the four acts of courage he was claiming.²⁵

29. On 14 October 2015 Mr Harrison provided comments in response to the Army Submission and again reiterated that he was seeking individual recognition of the ‘acts of bravery listed in the recommendation for the MM’.²⁶ He indicated that he failed to understand the relevance of the CA reasons for rejection being that he was unable to establish ‘evidence of maladministration’. He indicated that he now understood the restriction of entitlements by rank as it related to the MM and suggested that:

‘... in the absence of Army’s support for a higher award (DCM, MC or DSO), for the reported FOUR acts of courage/bravery, bars may be a compromise to resolve this stale-mate!!!...’

30. Mr Harrison further stated in this letter that he considered that as the Army Submission suggested that the records of the acts of gallantry were not supported by entries in the official War Diaries, that it suggested that the recommending officers for his father’s MM had ‘lied/falsified the records to facilitate the award of the MM...’.

31. On 22 December 2015 Mr Harrison wrote to several politicians, Defence and the Tribunal complaining that the process of recognition for his father had gone on for too long and urging that progress be made.

32. During the hearing on 4 March 2016, the Tribunal confirmed with Mr Harrison that the issue at hand was his view that the award of the MM was insufficient recognition of his father’s bravery in the period 3 to 19 August 1943.²⁷ He confirmed that he sought ‘higher recognition for each of the individual actions his father had performed between 3 and 19 August 1943’ and that he was pleading ‘my case for an advancement of my late father’s award for gallantry from a MM (Immediate) to a more appropriate award for initiative/leadership/gallantry in the field’.²⁸ His written correspondence and comments made during the hearing also supported his view that either bars to the MM for each action or a higher award for the collective actions may provide more appropriate recognition of his father’s actions.

²³ Mr Harrison Letter dated 4 June 2015

²⁴ Mr Harrison Application for Review of Decision and letter dated 20 July 2015

²⁵ *The Argus* 2 March 1946, Newspaper Cartoon – ‘SERGEANT WILLIAM JOHN HARRISON M.M’

²⁶ Mr Harrison Letter dated 14 October 2015

²⁷ Mr Harrison Oral Evidence 4 March 2016

²⁸ Mr Harrison Oral Evidence 4 March 2016 – Opening Statement

The Army Submission

33. As Mr Harrison's initial submission in 2011 was to the Valour Inquiry, it was passed to Government in January 2013. The Parliamentary Secretary then chose to refer those submissions including Mr Harrison's to the Service Chiefs for consideration. On 27 April 2015 the CA wrote to Mr Harrison and advised him that '... in the absence of a failure in due process or new authoritative and compelling evidence, Army recommended that no further action be taken to upgrade existing awards or to raise new awards for your late father ...'. As a result of this recommendation, Mr Harrison made application for review of the decision and Army, on behalf of Defence, provided its submission - a 'Review of Recognition for WO1 Harrison' prepared by the Army History Unit on 15 September 2015.²⁹

34. The submission indicated that Mr Harrison's submission was considered and rejected on the grounds that Army was unable to locate any evidence that his father's actions had not been appropriately considered or that the recommendations were obstructed or unfairly treated in any way. The submission stated that in conducting a further review, a range of contemporary literature and official records were examined to determine whether or not there was a basis for further consideration of the application. The submission indicated that there was no additional evidence beyond the citation for the award and a brief mention of WO1 Harrison in the 2/6th Battalion War Diary and in the campaign official history.

35. The submission addressed the pictorial newspaper article tendered by Mr Harrison and concluded that the 'story that journalists submitted were most likely closer to the version of the action as described in WO1 Harrison's recommendation than in the description given in the War Diary'. In reaching this conclusion, the submission demonstrated that WO1 Harrison was unlikely to have had the opportunity to be interviewed by the journalists or able to comment on their accuracy as he was further forward of the defensive position when the journalists visited the Battalion. The submission also pointed to several inaccuracies and embellishments in the article and concluded that the author in all likelihood condensed the actions of WO1 Harrison over the period and accentuated his involvement in order to present a story 'balanced towards a more positive and entertaining account'.

36. In relation to the processing of the recommendation for the MM, the submission concluded that it had been raised and 'submitted in accordance with the relevant instructions' and published in General Routine Orders on 11 October 1943. The submission did not examine the legal authority or eligibility criteria for the award nor did it contain WO1 Harrison's service record although it is clear that the record was accessed in the preparation of the review. In written responses to questions asked by the Tribunal pre-hearing, Army indicated that the legal authority for the award of the MM was the Royal Warrant gazetted on 5 April 1916 as amended on 21 June 1916 and 1 August 1918.³⁰

37. The submission concluded that:

²⁹ AHU AB24241570 dated 15 September 2015, received under cover of DGPERS-A/OUT/2015/AF22858281 dated 23 September 2015

³⁰ DGPERS-A/OUT/2016/R25000651 dated 25 February 2016

'... the official records and media reports appear contradictory on who was responsible for the actions for which WO1 Harrison was awarded the MM. While it should be accepted that his recommendation is a true reflection of his actions ... such actions are not supported in other records ...'; and

'... from the available evidence it is not possible to identify events or administrative errors from which to conclude that his actions have not been appropriately recognised'.

38. In the covering letter to its submission, Army concluded that:

...there appeared to be no evidence to suggest that WO1 Harrison was not awarded the honour for which he had been nominated...³¹

Tribunal Consideration

39. The Tribunal noted that the process involved in addressing Mr Harrison's original submission was lengthy and had resulted in extreme frustration. The passage of time and nuances of language had also caused confusion and resulted in the gradual alteration of initial claims as evidenced by Mr Harrison's hand written notes on the CA letter of 27 April 2015. The letter states 'you are seeking a higher award for gallantry proposing either the MC or VC'. To which Mr Harrison wrote 'never, a specific award was never sought'. However, in his submission of 25 April 2011 (some four years previously) he had written '... he deserved at the very least a much higher award/medal such as the Victoria/Military Cross ...'. At the opening of the 4 March 2016 hearing, Mr Harrison restated his view that he had 'never claimed the VC/MC'. He stated that the 'VC/MC was originally an inference made by his local Member and this had been confused in translation'.³²

40. The Tribunal noted that Army had not addressed Mr Harrison's actual assertion – that in his opinion his father deserved individual recognition for each of his actions between 3 and 19 August 1943. In Army's written response on 25 February 2016 they stated that they '... understood this statement to mean that Mr Harrison felt the medals were inadequate recognition for his father's service and was seeking a review of both the MM and the MID...'.³³

41. The Tribunal considered that this confusion over what Mr Harrison actually wanted, created uncertainty and anxiety, exacerbated by the passage of time. In the Tribunal's view, the situation was further exacerbated by reliance on the process review as the basis for the decision to refuse Mr Harrison's submission without a fuller explanation and examination of his claims. As previously discussed, the Tribunal decided to conduct a process review and, regardless of the outcome, but as required by Section 110VB of the Defence Act, to also review the merits of Mr Harrison's claims. As a result of the oral evidence and with Mr Harrison's concurrence, the Tribunal was satisfied that the matter in question was WO1 Harrison's eligibility for higher recognition than his MM for his actions in New Guinea between 3 and 19 August 1943.

³¹ DGPERS-A/OUT/2015/AF22858281 dated 23 September 2015

³² Mr Harrison Oral Evidence – 4 March 2016

³³ DGPERS-A/OUT/2016/R25000651 dated 25 February 2016

42. **The Process Review.** The Tribunal noted that the guidance for the processing of recommendations for honours and awards when WO1 Harrison won his MM was provided in Army General Routine Order MS. 603 of 1943 issued by the Chief of the General Staff.³⁴ This document is guidance, not law and is not the authority for the award. The authority for the award of the MM is the Royal Warrant, in this case dated 1931, not 1916 as asserted by Army in their response of 25 February 2016. The ‘rules and ordinances’ that must be met for the medal is that it may be awarded:

‘... for individual or associated acts of bravery in the field ...’³⁵

43. The Tribunal noted that Mr Harrison’s claims of ‘four distinct acts of courage under fire listed on the battlefield declaration by his superior officer’ are the basis of his appeal and he confirmed during the hearing that these individual acts in the citation for the MM should each be considered to be a specific ‘act of bravery’ and should be assessed separately. In making this claim he stated during the hearing that he was relying on the guidance in the General Routine Order which states that the MM ‘terms of award’ are:

‘for an act of bravery in the field by an individual ...’

44. The Tribunal noted that the 1919 Imperial guidance for the administration of honours and awards states that the MM is to be awarded ‘for a specific act of gallantry in action or for continuous gallantry during a specified period of active operations’.³⁶ Also, the 1953 guidance which was modified for Australian use in 1958 states that the MM may be awarded for ‘a specific act of gallantry in the field, or for a continuous display of bravery over a specified period of active operations’³⁷. The Tribunal considered that these examples of the differing language in the various references was evidence that the consistent theme was that the MM was available for continued acts of bravery or for an individual act. The Tribunal noted that Army in its response of 25 February 2016 opined that it ‘interpreted’ terms in the General Routine Order to relate to citations for single actions.³⁸ The Tribunal considered that the differences in guidance over time and the apparent need to ‘interpret’ meant that any review must rely on the legal authority for the medal – in this case, the Royal Warrant. The Tribunal discussed the authority for the award with Mr Harrison during the hearing and provided him with a copy of the 1931 Royal Warrant for the MM.

45. The Tribunal determined that in this matter, the Royal Warrant is the authority for the award of the medal and provides for ‘associated acts of bravery’ (Highlight added for clarity). The Tribunal considered that use of the plural allows for more than one act of bravery to be listed for one award. In this case, the Tribunal was satisfied that the citation clearly identified four separate actions by WO1 Harrison on 3, 16, 18 and 19 August 1943 and these were appropriately grouped together on the citation as ‘associated acts’ of bravery and were indicative of ‘a continuous display of bravery’ between 3 and 19 August 1943.

46. The Tribunal noted that the citation was unaltered by respective commanders in the recommendation chain. The Tribunal considered that if the commanders had

³⁴ Army General Order No. 603/43 – *Recommendations for Honours and Awards*

³⁵ *The London Gazette* No 33700, 20 March 1931

³⁶ ‘Instructions Regarding Recommendations for Honours and Rewards’ – Military Secretary’s Branch, 1919

³⁷ ‘Pamphlet on Military Honours and Awards 1953’ – WO Code No 10414 - Reprinted, modified for Australia, 1958 - War Office (MS3)(H&A) dated July 1953

³⁸ DGPERS-A/OUT/2016/R25000651 dated 25 February 2016

considered that any one of the acts warranted a specific individual award, these officers would have in all likelihood exercised their discretion and acted to recognise the actions separately.

47. The Tribunal also noted that the guidance in relation to immediate awards ‘in contact with the enemy’ states:

‘... the citation will recount only a specific act or acts of gallantry during a particular phase of an operation ...’

48. The Tribunal was satisfied that WO1 Harrison’s citation accorded with this guidance as it lists four acts of individual bravery/gallantry during the offensive phase of the operations which later became known as the Battle for Komiatum conducted by the 2/6th Battalion in the ‘New Guinea Offensive’.³⁹

49. The Tribunal noted that the nomination form AFW3121⁴⁰, tendered by Army was damaged and subsequently the Tribunal sought a copy from the United Kingdom National Archives. This copy was received on 11 February 2016, and was provided to Mr Harrison during the hearing. The undamaged copy confirmed that WO1 Harrison was nominated for the MM by his Commanding Officer, Lieutenant Colonel F.G. Wood and this nomination was recommended by the Operational Commander – Brigadier Moten, the Commander of 17 Brigade on 23 August 1943. The citation was unaltered and the nomination was recommended by the in-theatre Commander, Major General Savige, Commander 3rd Division on 25 August 1943. The award was endorsed and approved by the Commander in Chief of the Australian Military Forces, General Blamey at Land Headquarters on 10 September 1943⁴¹ and published in Army General Order 108/43. As previously discussed, the insignia for the award was presented to WO1 Harrison in 1947.

50. The Tribunal noted that Major General Savige was well experienced in the processing of recommendations for honours and awards and had in fact been a recommending officer for WO1 Harrison’s earlier MID when he (Savige) was the Commander of 17th Brigade in the Middle East in 1941. The Tribunal considered that in all likelihood Major General Savige knew WO1 Harrison personally and, given his extensive command experience, would have been well placed to make a judgement as to whether or not WO1 Harrison’s actions between 3 and 19 August 1943 warranted multiple nominations for gallantry.

51. The Tribunal examined Mr Harrison’s claims that his research had ‘shown a significant discrepancy’ in the citation for the MM in that it was ‘deficient in several key clauses/actions’ which were ‘confirmed on the battle/contact incident reports’ which led to the approval of the MM.⁴² The Tribunal noted that Mr Harrison was basing this assertion on a comparison of the actual citation for the award and the Governor-General’s abbreviated citation. The Tribunal finds that the assertion cannot be sustained as there is no evidence to suggest that the abbreviated citation was used

³⁹ Dexter, D. ‘The New Guinea Offensives’, Australian War Memorial, Canberra, 1961, Chapter 7

⁴⁰ Received under cover of DGPERS-A/OUT/2015/AF22858281 dated 23 September 2015

⁴¹ 2 Ech.A.G. 8(c)(4)/EB ‘Recommendation for Immediate Award of MM – Top of page 2 – ‘Signed Blamey’, received under cover of DGPERS-A/OUT/2015/AF22858281 dated 23 September 2015, and also in Defence Service Record, W.J.C. Harrison, VX6858

⁴² Mr Harrison Letter dated 25 March 2014

to assess the nomination and the recommendation was agreed by the Commander in Chief – General Blamey, as evidenced by the signed Army Form W.3121.⁴³

52. The Tribunal was therefore satisfied that the nomination for the MM for WO1 Harrison had been correctly raised and processed, considered by experienced commanders and appropriately approved in accordance with the guidance and Regulations applicable to recommendations for honours and awards that prevailed at the time the nomination was made.

53. **The Merits Review.** The Tribunal noted that the 2/6th Battalion was highly decorated for its service in New Guinea in 1943 and was awarded the Battle Honour ‘Komiatum’ for participation in the operations that resulted in the capture of Komiatum Ridge between 16 and 21 August 1943. The Battalion also received 19 individual gallantry awards including 14 MMs in 1943.⁴⁴ The Army response of 25 February 2016 indicated that:

*‘not all 14 citations were reviewed as part of the research, of those that were, each cited only a single action’.*⁴⁵

54. The Tribunal reviewed nine of the citations and noted that five of the individuals (Sergeant Hedderman, Corporal McElgunn, Private McGrath, Private Trebilcock and Private Watt) were cited for multiple actions when recommended for the MM. Of particular note was the citation for Sergeant Hedderman who was cited for four separate actions between 20 and 24 June 1943; as was Private McGrath for four separate actions between 16 and 22 June 1943. The Tribunal noted that these circumstances were substantially similar to those of WO1 Harrison. The Tribunal drew this to Mr Harrison’s attention during the hearing and passed him copies of the relevant citations. He was invited to make comment on this material by 18 March 2016 if he so desired; no comments were received.

55. The Tribunal also examined whether the list of decorations for the Battalion in 1943 were in priority order.⁴⁶ Army stated in their response of 25 February 2016 that they were unable to confirm if the names were in priority order. The Tribunal noted that the list was sourced from the Battalion War Diary however there was no reference to it in the actual diary itself. It was attached as a list at ‘Appendix E’ to the September to December 1943 diary. The Tribunal noted that the list of nominations for the MM was not in alphabetical or rank order and was a list for the whole of 1943 for the Battalion. The Tribunal noted that the dates that various citations were signed by the Commanding Officer (Watt – 11 July, position seven; Harrison - 22 August, position eight; McElgunn – 26 July, position nine) suggested that the list may also not be in chronological order. The Tribunal therefore considered that there was a possibility that the list was in priority order but the evidence to support this conclusion was not definitive.

⁴³ 2 Ech.A.G. 8(c)(4)/EB ‘Recommendation for Immediate Award of MM’, received under cover of DGPERS-A/OUT/2015/AF22858281 dated 23 September 2015, and also in Defence Service Record, W.J.C. Harrison, VX6858

⁴⁴ AWM52 8/3/6/25 - 2/6th Infantry Battalion War Diary Sep-Dec 43, Appendix E ‘Decorations – 2/6 Aust Inf Bn – NG – 1943’

⁴⁵ DGPERS-A/OUT/2016/R25000651 dated 25 February 2016

⁴⁶ AWM52 8/3/6/25 - 2/6th Infantry Battalion War Diary Sep-Dec 43, Appendix E ‘Decorations – 2/6 Aust Inf Bn – NG – 1943’

56. The Tribunal noted that three individuals on the list had been recommended for the next higher award by the nominating officer and subsequently received that award - the Distinguished Conduct Medal (DCM). The Tribunal was therefore satisfied on the balance of probabilities that the Commanding Officer had considered each individual for the appropriate level of award and by placing WO1 Harrison potentially eighth in his priority for the MM, he had effectively ruled out higher recognition.

57. The Tribunal also considered Mr Harrison's various claims regarding his father's individual acts of bravery and reviewed the War Diary of the Battalion⁴⁷ and the 17th Brigade as well as a tendered history of the campaign to attempt to corroborate the claims in comparison to the recorded historical record. In so doing, the Tribunal considered each of the specified actions as stated in WO1 Harrison's official citation⁴⁸ in comparison with the record. The Tribunal noted that this had also been completed as part of the Army submission, and this also included media reports. The Tribunal made the following observations:

- a. The citation states that on 3 August 1943:

'....SGT Harrison was commanding 7 Pl. A Coy during their occupation of Sugarcane Ridge in the Komiatum area. The pl. was heavily shelled and Sgt Harrison left his weapon pit while the area was still being shelled to carry a wounded man to safety'.

- b. The War Diary states that at 1355 hours on 3 August 1943:

'... Jap mountain gun fired 5 rounds onto Sugarcane Ridge, 5 ORs wounded ...' and at 1430 hours,

'... enemy mountain gun again fired 5 rounds to right Sugarcane Ridge ...'

- c. There is no evidence in the official records regarding WO1 Harrison's actions as described in the citation.

58. The citation further states:

- a. that on 16 August 1943 during the attack on Komiatum, he (WO1 Harrison):

'showed cool judgement in quickly selecting the main area to hold and in resighting and using an enemy mortar which the pl. had captured'.

- b. There is no evidence in the official records of WO1 Harrison's actions as described in the citation.

⁴⁷ AWM52 Item 8/3/6/24 - 2/6th Infantry Battalion War Diary Aug 43

⁴⁸ 2 Ech.A.G. 8(c)(4)/EB 'Recommendation for Immediate Award of MM', received under cover of DGPERS-A/OUT/2015/AF22858281 dated 23 September 2015, and also in Defence Service Record, W.J.C. Harrison, VX6858

59. The citation further states:

- a. that on 18 August 1943, he (WO1 Harrison):

'entered and (sic) enemy underground comd. post and secured two prisoners, killing two others with grenades'.

- b. The War Diary states that at 1600 hours on 18 August 1943:

'... 2 Jap prisoners extricated from pillbox blown by Lieut Sachs; given medical attention and sent back to HQ ...'.

- c. The 17th Brigade War Diary⁴⁹ states that on 18 August 1943 during the attack:

'...Japs trapped in a pillbox on Lavers Knoll were believed to be still alive and attempts were being made to take them as prisoners'; and:

'2/6 Bn succeeded in recovering the Jap prisoners from the dug out ... received medical treatment and were taken ... for interrogation'.

- d. There is no evidence in the official records regarding WO1 Harrison's actions as described in the citation.

60. The citation further states:

- a. that on 19 August 1943, he (WO1 Harrison):

'led a patrol into the jungle nearby. On being fired on he advanced alone and with grenades and SMG killed nine enemy'.

- b. The War Diary states that at 0630 hours on 19 August 1943:

'Fighting patrol A Coy, Sgt Harrison i/c, moved north from Lavers Knoll to comb area where enemy had been seen'; and at 0728 hours:

'Sgt Harrison's patrol returned and reported a new track ... movement in timber was engaged by TSMG and grenades and moaning heard, patrol commander subsequently directed arty and mortar fire onto area ...'; and at 0945 hours:

'... 7 Pl moved forward ... without opposition'

- c. The 17th Brigade War Diary states that on 19 August 1943:

'...A patrol from 2/6 Bn ... located a track ...' and

⁴⁹ AWM52 Item 8/2/17/89 - 17 Infantry Brigade War Diary July-August 1943

'... 2/6 Bn patrol ... encountered an enemy ambush and inflicted 6 known casualties ...'

d. The only other tendered account of WO1 Harrison's activities during the campaign is in David Dexter's '*The New Guinea Offensives*',⁵⁰ it states:

'... from first light on the morning of 19th August Laver Force was very active. At 6.30 a.m. Sergeant Harrison led a patrol north from Laver's Knoll about 100 yards and found a new track leading to the east ...'.

e. There is no evidence in the official records or history regarding WO1 Harrison's specific actions as described in the citation.

61. The Tribunal noted that the period from 16 to 21 August 1943 was an intense and bitter period of fighting during what subsequently became a battle honour for the Battalion. Accordingly, the Tribunal was satisfied that many more actions would have been carried out than were recorded in diaries and histories. However, the Tribunal could only rely on the evidence and in this case, there is insufficient evidence to support Mr Harrison's claims that his father should have received a higher award.

62. The Tribunal also noted that at no stage in WO1 Harrison's citation does it refer to his actions being 'heroic', 'dashing', 'gallant', 'conspicuous' or 'distinguished'. The Tribunal noted that Mr Harrison claimed that his father's actions were 'recorded acts of leadership, courage and gallantry in the field' and that his single action on 3 August 1943 led the family to believe:

*'that this act alone was probably sufficient for the MM'.*⁵¹

63. He further opined that '... to follow it up with another three reportable (worthy) acts of bravery is sufficient reason to consider ... a higher award, or awards for gallantry'. During the hearing the Tribunal invited Mr Harrison to provide any additional evidence that he may have including personal diaries or records, however he stated that he had no further evidence available to him.

64. The Tribunal reviewed Mr Harrison's claim that his father '... deserved at the very least a much higher award/medal such as the VC/MC ...'⁵² The Tribunal noted that neither the official War Diary of the Battalion or the Brigade makes mention of WO1 Harrison's actions other than to note that he had commanded a patrol on 19 August 1943. Noting that there was no evidence furnished by either Army or Mr Harrison to support the claim for a higher level of award, the Tribunal could only rely on the comparison of the actual citation and the criteria for the higher awards that were available at the time.

⁵⁰ Dexter, D. '*The New Guinea Offensives*', Australian War Memorial, Canberra, 1961, Chapter 7 'The Fight for Komiatum, p 198

⁵¹ Mr Harrison Oral Evidence 4 March 2016 - opening statement

⁵² Mr Harrison's submission to the *Inquiry into Unresolved Recognition for Past Acts of Naval and Military Gallantry and Valour* dated 25 April 2011

65. The Tribunal noted that WO1 Harrison was not eligible for the Military Cross (MC) as he was precluded by virtue of his rank. The only two higher awards he could have been considered for were the DCM or the Victoria Cross (VC). The Tribunal noted that the VC was only available for ‘... the most conspicuous bravery or some daring or pre-eminent act of valour or self-sacrifice or extreme devotion to duty in the presence of the enemy’ and the DCM was only available for ‘distinguished conduct, in action, in the field’.⁵³ The Tribunal agreed that each individual action by WO1 Harrison demonstrated bravery but in the absence of additional evidence, in the Tribunal’s view, these actions either individually or collectively did not meet the very high standard required for a higher gallantry award and that the MM was the most appropriate award for his actions.

66. In reaching this conclusion the Tribunal gave great weight to the fact that the Commanding Officer of the Battalion had recommended three individuals for the DCM, therefore the Tribunal was satisfied that he had considered WO1 Harrison and the 13 other individuals who received the MM for a higher award but had decided to exercise his discretion to recommend the MM.

Finding

67. The Tribunal, giving significant weight to the eligibility criteria for the MM, great weight to the appropriately raised, recommended and approved citation and weight to the official diaries and tendered history finds that WO1 Harrison’s actions between 3 and 19 August 1943 were appropriately recognised with the award of the MM.

DECISION

68. The Tribunal decided to recommend to the Assistant Minister for Defence that the decision by the Chief of Army to recommend that no further action be taken to upgrade the existing awards or to raise new awards for Warrant Officer Class One W.J.C. Harrison, MM, MID be affirmed.

⁵³ *The London Gazette* No 33700, 20 March 1931