Australian Government

Defence Honours and Awards Appeals Tribunal

Shingles and Manders and the Department of Defence DHAAT 12 (22 July 2022)

File Number	2021/015
Re	**Mr Nathan Shingles and** **Lieutenant Commander Brett Manders RANR** Applicants
And	**The Department of Defence** Respondent
Tribunal	Ms Anne Trengove (Presiding Member) Rear Admiral Allan du Toit AM, RAN (Retd) Mr David Ashley AM
Appearances	Mr Nathan Shingles (applicant) via skype Lieutenant Commander Brett Manders RANR (applicant) via skype Captain Paul Fothergill OAM, RANR Director Navy Honours and Awards, (respondent) Mr Ian Heldon, Director, Directorate of Honours and Awards, (respondent) Mr Anthony Reilly, Office of General Counsel, Defence Legal Division, (respondent)
Hearing Date	31 May 2022

DECISION

On 22 July 2022, the Tribunal decided, pursuant to Section 110VB(1)(b) of the *Defence Act 1903*, to recommend to the Minister that the decision of Vice Admiral Michael Noonan AO RAN of 20 July 2021 to refuse to recommend Lieutenant Commander Brett Manders RANR and Mr Nathan Shingles for the Conspicuous Service Cross be affirmed.

CATCHWORDS

DEFENCE HONOUR – Conspicuous Service Cross - Conspicuous Service Medal – HMAS Westralia fire 5 May 1998 – firefighting operations – boundary cooling.

LEGISLATION

Defence Act 1903 – Part VIIIC – Sections 110T, 110VB(1).
Defence Regulation 2016 – Section 35.
Commonwealth of Australia Gazette No. S108 dated 7 May 1990 (Letters Patent and Regulations for the Conspicuous Service Decorations).

Introduction

1. The applicants, Mr Nathan Shingles and Lieutenant Commander Brett Manders RANR, seek review of a decision of the Chief of Navy, Vice Admiral Michael Noonan AO RAN that they be not recommended for the Conspicuous Service Cross (CSC) for their respective actions during the HMAS *Westralia* engine room fire on 5 May 1998.[1]

2. During the fire, both men conducted 'boundary cooling', which required them to enter the ship's aft pump room and cool the bulkhead (wall) between the aft pump room and the engine room, also known as the Main Machinery Space (MMS).

3. The aft pump room was located directly forward of the MMS and directly aft of the ship's fuel tanks.

Decision under review

4. In 2019, following the presentation of a Navy Group Commendation to HMAS *Westralia*'s ships' company for their collective actions on 5 May 1998, Mr Shingles and Lieutenant Commander Manders applied to Vice Admiral Noonan seeking individual recognition for themselves. Attached to their letter was a draft citation for the award of the CSC to both individuals.[2]

5. Vice Admiral Noonan's response, addressed to Mr Shingles, advised that the request for further recognition of his service in *Westralia* had been reviewed by the Director of Navy Honours and Awards (the then Commander Paul Fothergill RANR), along with the report of the Board of Inquiry (BOI) into the HMAS *Westralia* fire and material associated with the Inquiry. Vice Admiral Noonan stated that he was pleased to award Mr Shingles and the other members of Westralia's ship's company the Navy Group Commendation in recognition of their *'dedication and commitment that day in saving your ship and preventing further loss of life'*. Vice Admiral Noonan stated that *'while there is no doubt that your efforts contributed to reducing the probability of the fire spreading, it is not considered that your efforts warrant further individual recognition.'*[3]

6. On 28 July 2021, Mr Shingles and Lieutenant Commander Manders applied to the Tribunal seeking review of the above decision.[4]

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[1] Mr Shingles' Application to Tribunal dated 28 July 2021.
[2] Attached to Mr Shingles' letter was a draft citation for the award of the CSC to both individuals, for award in the Australia Day 2021 honours list.
[3] Letter, Vice Admiral Noonan to Mr Shingles, CN/OUT/2021/478, dated 20 July 2021.
[4] Mr Shingles, Application to the Tribunal, dated 28 July 2021.

Tribunal jurisdiction

7. Pursuant to s110VB(2) of the *Defence Act 1903* the Tribunal has jurisdiction to review a reviewable decision 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 to refuse to recommend a person for a defence honour in response to an application. Regulation 35 of the *Defence Regulation 2016* lists the defence honours that may be the subject of a reviewable decision. Included in the defence honours listed in Regulation 35 is the CSC. Therefore, the Tribunal has jurisdiction to review decisions in relation to this award.

Mr Shingles' service

8. Mr Shingles enlisted in the Royal Australian Navy (RAN) on 10 April 1995 as a cook. He served on a number of postings including to the shore establishments HMAS *Coonawarra*, HMAS *Stirling* and the River class Destroyer Escort HMAS *Torrens* before his posting to HMAS *Westralia* on 23 June 1997. On 8 July 1998, two months after the fire, Mr Shingles was posted to the *Fremantle* class patrol boat HMAS *Bunbury*. [redacted] For his naval service, Mr Shingles has received the following defence awards:

- the Australian Service Medal with Clasp 'BOUGAINVILLE';
- the Australian Operational Service Medal – Border Protection; and
- the Australian Defence Medal. [5]

Lieutenant Commander Manders' service

9. Lieutenant Commander Manders enlisted in the RAN on 27 February 1995 as a Seaman Officer. He served on a number of postings including to the shore establishments HMAS *Cerberus*, *Creswell*, and *Watson* and the *Balikpapan* class Heavy Landing Craft HMA Ships *Balikpapan* and *Tarakan* before being posted to *Westralia* on 3 November 1997. Lieutenant Commander Manders continues to serve in a Reserve capacity at the Technical Training Facility at HMAS *Cerberus*. For his naval service, Lieutenant Commander Manders has received the following defence awards:

- the Australian Active Service Medal with Clasps 'EAST TIMOR', 'ICAT' and 'IRAQ 2003'
- the Iraq Medal;
- the Australian Service Medal with Clasp 'BOUGAINVILLE';
- the Australian Operational Service Medal – Border Protection; and
- the Australian Defence Medal.[6]

[5] Letter, Ms Petrina Cole to the Tribunal, DH&A/OUT/2021/0035, dated 2 November 2021.
[6] Ibid.

The HMAS *Westralia* fire

10. The *Westralia* was a modified Leaf class replenishment oiler.

Figure 1 - HMAS Westralia

11. On 5 May 1998, a fire in *Westralia's* MMS claimed the lives of four members of the Ship's company, Midshipman Megan Pelly RAN, Petty Officer Marine Technician Shaun Smith, Leading Seaman Marine Technician Bradley Meek and Able Seaman Phillip Carroll.

12. The following outline is largely extracted from the Executive Summary of the report of the BOI.[7]

13. Prior to the ship sailing from Fleet Base West on 5 May 1998, *Westralia* had undergone an Assisted Maintenance Period of about six weeks. This maintenance work included the fitting of new flexible fuel hoses to the ship's main engines. Trials were conducted alongside followed by a series of sea trials.

14. *Westralia* conducted damage control exercise 100 (MMS fire at sea) during a 'shakedown' period on 30 April 1998. From the evidence given to the Board by the ships senior NBCD Instructor, it may be inferred that the planning of this exercise and its execution were not as thorough as it could have been. For example, the planned exercise did not encompass casualty management or the operation of CO2 drenching. It is probable that there were insufficient umpires on the day to effectively run the exercise and provide a comprehensive de-brief on completion.[8]

15. At 0900 on 5 May, *Westralia* sailed from Fleet Base West to rendezvous with the support ship HMAS *Success,* and the guided missile frigates HMA Ships *Adelaide* and *Darwin.*[9]

16. At about 1030, a fuel leak was noticed in the area of the number 9 cylinder on the inboard side of the port main engine. It was a significant leak, with fuel emerging under pressure in a manner similar to a garden hose. The port main engine was shut down to enable repairs to be carried out and personnel in the MMS set up some fire-fighting equipment. The standing sea fire brigade mustered in the Machinery Control Room (MCR).[10]

[7] Report of the Board of Inquiry into the fire in HMAS Westralia on 5 May 1998, Executive Summary, Royal Australian Navy, 1998.
[8] Ibid, p. 68.
[9] Ibid.
[10] Ibid.

17. The MMS in *Westralia* was an unusual configuration for a warship. In most warships, bulkheads divide the ship's machinery space into several smaller compartments. In *Westralia*, the MMS had several levels of walkways and partial decking but was essentially a cathedral-like open space running from the lowest level of the ship at the bilge to the top of the funnel. At the bottom plates the MMS was 23.6 metres long, measured from the after peak bulkhead at frame 12 forward. It was 2.6 metres longer at the middle plates because of the stepped pumproom bulkhead. It measured 34.8 metres from the bottom plates to the top of the funnel and, at 1 deck, had an average width of about 24 metres.[11]

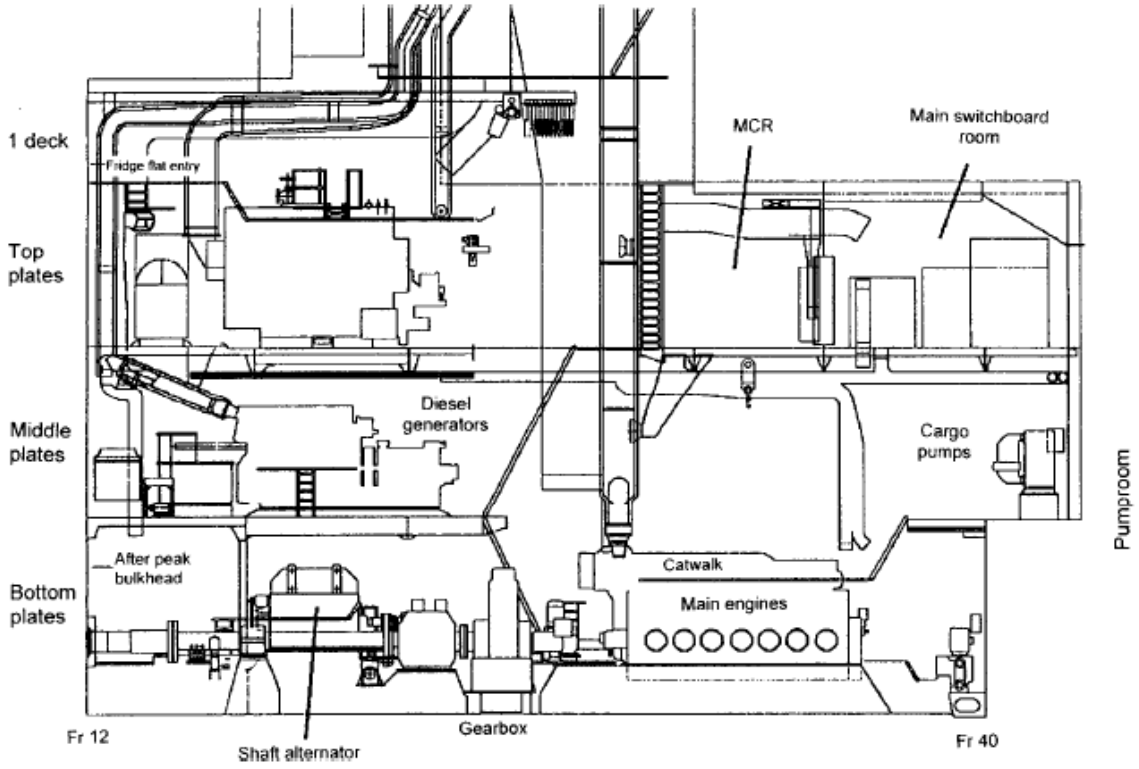

Figure 1 - HMAS *Westralia* Main Machinery Space

18. At about 1035 fire broke out in the MMS. Personnel saw the fire start on the outboard side of the starboard main engine. A "woofing" sound was heard in the MCR and a flame and black smoke appeared through a cable duct near an urn on the port side.[12]

19. A fire report was made to the bridge and emergency stations was sounded at 1036. A brief inspection of the MMS through the door of the MCR revealed thick black smoke and flames. Visibility was severely limited. Four people escaped from the MMS into the MCR.[13]

20. The fire was intense, causing rapid smoke build up and extreme heat. Despite some heroic but unsuccessful fire-fighting efforts, the atmosphere in the MMS soon became

[11] Ibid, p10.
[12] *Report of the Board of Inquiry into the fire in HMAS Westralia on 5 May 1998*, Executive Summary. Royal Australian Navy, 1998.
[13] Ibid.

inadequate to support life. Electrical cabling on the deckhead over the fire was quickly damaged with a consequent loss of services, including some communications.[14]

21. The starboard main engine was shut down and electrical power to the main machinery space isolated. The emergency generator started automatically. The MCR was evacuated at 1038. One minute later, the Engineering Officer recommended to the Commanding Officer that the MMS be drenched with carbon dioxide (CO2). As one person was thought to still be in the MMS, the recommendation was not accepted at that time.[15]

Direct firefighting

22. At 1050, Hose Team 1, the first hose team to enter the MMS, entered from the fridge flat to fight the fire. After making a successful entry despite intense heat and thick smoke, the team was withdrawn to allow the CO2 drench to be activated. This occurred at 1101.[16]

23. The drench was remotely initiated but some of the CO2 bottles failed to discharge and were discharged manually seven minutes later. The boundary of the MMS was monitored for hot spots and the conclusion reached that the fire had not been extinguished. At 1126, Hose Team 2 entered the main machinery space via the fridge flat to attack the fire again.[17]

24. At 1151, Hose Team 3 relieved Hose Team 2 and continued fighting the fire from the top plates of the MMS. Foam was pumped into the space through the funnel at 1153. At 1206, Hose Team 3 discovered the body of a shipmate on the top plates adjacent to the port ladder to the middle plates.

25. Hose Team 1 relieved Hose Team 3 at 1210 and progressed down to the middle plates and fought the fire from there. They found the bodies of three further crew members prior to reporting at 1232 that the fire was extinguished.[18] The ship was subsequently towed to safety and berthed at Fleet Base West about six hours later.[19]

Boundary cooling

26. Boundary cooling describes any sustainable method to cool a bulkhead (wall) deckhead (ceiling) or deck immediately adjacent to a fire with the purpose of removing heat energy from the boundary and maintaining the integrity of the ship's structure. Boundary cooling is achieved through the application of water to an adjacent boundary, primarily through the use of a hose line and high pressure fog or spray to prevent the spread of fire due to conduction and convection.[20]

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[14] Ibid.
[15] Ibid.
[16] Ibid.
[17] Ibid.
[18] Ibid.
[19] Ibid.
[20] ABR 5476, *RAN Shipboard NBCD/Damage Control Techniques*, Vol 1 Rev 3, Change 3, June 2014.

27. In his application, Mr Shingles quoted from an article concerning firefighting at sea which states:

> *...from a safety perspective it is sensible to acknowledge that anyone undertaking this method of boundary cooling will be exposed to a lot of steam, especially for the first few minutes of activity. Above deck this will have a negligent impact on firefighters wearing minimum PPE but crews should remain vigilant to avoid steam burns. The same operation below deck may require a much more cautious approach and higher levels of protection. Tactical ventilation around the fire affected compartment should be considered to dissipate the steam produced and SCBA*[21] *may be required.*[22]

28. Concerning boundary cooling, the BOI report states that after the fire had started, the ship's damage control headquarters had directed the aft damage control repair base to set up smoke boundaries and conduct boundary cooling.[23]

29. The report goes on to state that Chief Petty Officer Jenkins, the officer in charge of the aft repair team, instructed personnel to set up boundary cooling inside the superstructure, on the funnel casing and in the aft pump room from about 1049, and that boundary cooling continued intermittently for some time. The report noted that there was no evidence to conclude precisely when boundary cooling ceased, but it may have been as late as 1330.[24]

30. The report notes that two members of the ship's standing sea fire brigade, dressed in intermediate firefighting rig,[25] commenced boundary cooling in the fridge flat inside the smoke boundary.[26]

31. It also states that:

> *2.87 Sub Lieutenant (SBLT) Manders, AB Shingles and LS Quigley commenced boundary cooling in the aft pump room and were relieved some time later by SMN Robb, LS Nixon and PO Sellick [T3373-3374]. During this time there were varying temperatures in the aft pump room.*
>
> *2.88 The first boundary cooling team was dressed in basic rig and they attempted the cooling with hand-held, 9 litre extinguishers. [T3348] Some difficulty was experienced connecting a fire hose to a hydrant and the hose was moved to another area. [T3373] As the casualties were in this immediate area, the hose was not initially used [T2279].*[27]

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[21] Including self-contained breathing apparatus.
[22] Website, Asia Pacific Fire, https://apfmag mdmpublishing.com/taking-heat-ship-fires.
[23] *Report of the Board of Inquiry into the fire in HMAS Westralia on 5 May 1998*, Royal Australian Navy, 1998, p.56.
[24] Ibid, p.28.
[25] This includes self-contained breathing apparatus.
[26] *Report of the Board of Inquiry into the fire in HMAS Westralia on 5 May 1998*, Royal Australian Navy, 1998, p.28.
[27] Ibid, p.29.

32. Further:

> *2.122 As a result of concerns over what was happening in the aft pump room the XO*[28] *was asked by Lieutenant Commander Crouch*[29] *to take charge of the area. Some of the messages recorded were 'nil hot spots aft pump room – 1114, hot aft pump room – 1116, aft pump room blistering – 1120 and fire in aft pump room out -1124'. No evidence has been found to indicate that a fire ever started in the aft pump room.*[30]

33. While noting that evidence on times in many cases was conflicting, the BOI also noted with respect to the aft pump room:

> *1114 Aft Pump Room hot spot middle plates (foam)*[31]
> *1117 Aft Pump Room paint blistering*[32]
> *1230 Nil hotspots Aft Pump Room*[33]

34. The BOI found:

> *3.74 With any fire onboard a ship, it is vital to keep the fire within the smallest perimeter possible. Where a fire is within any compartment on a ship, containment is primarily achieved by cooling the outside boundaries of the compartment with water or other cooling medium. Effective boundary cooling will limit the spread of the fire by preventing radiant heat igniting combustibles in compartments above, adjacent and below the compartment containing the fire… containment of the fire and major firefighting efforts to combat it were ultimately successful. The BOI found that the requirement for boundary cooling was well understood although it observed that containment of the forward boundary of the fire in the aft pump room was slow to be set up.*[34]

Navy firefighting training

35. Concerning firefighting training, the BOI concluded:

> *3.154 Prior to joining a sea-going vessel, it is RAN policy that all crew members are required to have completed firefighting training. Firefighting training is a component of the RAN's basic Damage Control (DC) course. Firefighting training prepares naval personnel to take appropriate precautions to prevent fire, to raise the alarm on discovery of a fire and to take appropriate first aid actions to extinguish the fire or to prevent it spreading. Firefighting training also provides every sailor and officer with the knowledge and experience to be a member of a hose team which will be used to combat a major fire. Firefighting training is constantly updated to reflect the latest equipment and techniques. If naval personnel have been ashore for more than 3 years,*

[28] HMAS *Westralia*'s Executive Officer, Lieutenant Commander G.W. Jones RAN.
[29] HMAS Westralia's Marine Engineering Officer, Lieutenant Commander D.R. Crouch RAN.
[30] Ibid, p.33.
[31] Ibid, Annex E.
[32] Ibid.
[33] Ibid.
[34] Ibid, p.56.

they are required to update their skills and experience by completing a DC requalification course before joining a ship. Advanced firefighting is also provided to train those personnel who will lead the various firefighting teams.[35]

Recognition for service in HMAS *Westralia*

36. The initial awards for the events of 5 May 1998 were:

- The CSC to Warrant Officer Colin Bottomley and Commander Alan Johnston (the Commanding Officer of the shore establishment HMAS *Stirling*);
- The Bravery Medal to Able Seaman Carroll (Posthumous), Petty Officer Smith (Posthumous) and Chief Petty Officer Graeme Hollis;
- Group Bravery Citations to members of Hose Teams 1-3;
- Chief of the Defence Force Commendations to Leading Seaman James Cain, and four others (including the other leaders of the hose teams);
- Chief of Navy Commendations to three others who provided medical treatment to the casualties.[36]

37. Further awards were made some 20 years after the tragic events of 5 May 1998. In *Cain and the Department of Defence (2017) DHAAT 21* (16 November 2017), the Tribunal reviewed the decision of the Department of Defence to not award the CSC or the Conspicuous Service Medal (CSM) to Mr Cain for his service as a hose team leader. The Tribunal recommended that Mr Cain be awarded the CSC for his actions, and this recommendation was accepted.

38. In *Cain*, the Tribunal also recommended that Defence review the eligibility for honours for other members of the ship's company involved in firefighting operations in *Westralia* on 5 May 1998, in particular, the leaders of Hose Teams 1 and 2. In May 2018, following Defence's review, the Minister for Defence Personnel recommended to the Governor-General that the leaders of the other hose teams be awarded the CSC, and this recommendation was also accepted.

39. In 2018, a further review, instigated by Navy, was conducted into broader recognition for the ship's company which resulted in *Westralia*'s personnel being awarded a Navy Group Commendation by Vice Admiral Noonan in 2019.[37]

[35] *Report of the Board of Inquiry into the fire in HMAS Westralia on 5 May 1998*, Royal Australian Navy, 1998, p.67.
[36] A summary of these awards, and citations, is set out in a response to a 2001 parliamentary question on notice. Section 15 of the report of the BOI dealing with recognition of personnel was included in the Defence Report.
[37] Paper, *A review into further recognition of the crew of HMAS Westralia in their response to the fire on board*, Commander PA Fothergill RANR.

The Australian Conspicuous Service Decorations

40. The Australian Conspicuous Service Decorations were created on 18 October 1989 to provide recognition to members of the ADF and certain other persons for outstanding or meritorious achievement or devotion to duty in non-warlike situations.[38] The Decorations consist of the CSC and the CSM. The eligibility criteria are set out in the Australian Conspicuous Service Decorations Regulations, as follows:

> *The **CSC** shall be awarded only for outstanding devotion to duty or outstanding achievement in the application of exceptional skills, judgement or dedication, in non-warlike situations;*
>
> *The **CSM** shall be awarded for meritorious achievement or devotion to duty in non-warlike situations.*[39]

Mr Shingles and Lieutenant Commander Manders' application to the Chief of Navy

41. The applicants' application to the Chief of Navy for individual review included a draft citation for the award of the CSC, which reads:

> ***For outstanding devotion to duty,*** *demonstrating outstanding teamwork, courage and bravery during firefighting efforts onboard HMAS Westralia 5th May 1998. They had a daunting task and overcame overwhelming difficulties and personal safety fears to prevent the fire from spreading to adjacent compartments. Their selfless actions contributed a long way in preventing further catastrophe and represent the finest traditions of the Royal Australian Navy.*
>
> *Manders and Shingles entered the aft pump room in basic firefighting rig as members of Aft Damage Control on HMAS Westralia 5th of May 1998. The compartment had no lighting and visibility became non-existent as steam and associated fumes, as a result of their actions, filled the compartment.*
>
> *As the fire raged on, paint blistered on the aft bulkhead adjacent to the engine room, they used portable fire extinguishers to cool the surface. With only ambient light in a compartment the height of a four storey building, they carried out duties on the lower levels in the dark by feel and linking arms with one another.*
>
> *As each fire extinguisher employed was exhausted, the user retrieved a fully charged one. This was achieved by climbing back up to the entry area of the compartment or detaching extinguishers from rope that were lowered from above. In doing so, several times each member was left alone in the lower levels of the darkened compartment. With no communication equipment, they relayed voice messages, to provide reassurance to the member remaining on the task down the bottom of the compartment.*

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[38] Commonwealth of Australia Gazette No. S108 dated 7 May 1990 *(Letters Patent and Regulations for the Australian Conspicuous Service Decorations)*.
[39] Ibid.

Effective boundary cooling limited the spread of the fire by preventing radiant heat igniting combustibles in compartments adjacent to the fire. The Board of Inquiry highlighted that containment of the fire and major efforts to prevent its spread were ultimately successful.[40]

42. The application also included a letter of general support from Mr Bottomley and an email from *Westralia's* Commanding Officer at the time of the fire, Captain Stewart Dietrich CSC CSM RAN (Retd).

43. In their application to the Tribunal, the applicants stated that they made their way to a highly dangerous area of the ship in basic firefighting gear, conducting boundary cooling using nine-litre hand held fire extinguishers with no breathing apparatus or fearnought suits.[41] No hose was able to be connected. They stated that the space was blacked out and (that) without extraordinary commitment to saving that space there could potentially have been a different outcome due to the fuel stored in the tanks in the adjoining space, forward of the aft pump room.[42]

44. The applicants noted that in his letter of 20 July 2021, Vice Admiral Noonan had acknowledged that boundary cooling was an essential element in the prevention of the fire from spreading to other compartments. They also noted that Vice Admiral Noonan had acknowledged their demonstrated professionalism, dedication to the ship and crewmates, and their commitment to prevent the fire from spreading.[43]

45. The applicants emphasised that at the time they were both very junior and young members of the ship's company and had to make decisions 'far above their experience and responsibilities'. Mr Shingles also stated that he had not been interviewed by the BOI (or in any subsequent inquiry) due to his posting to *Bunbury*.[44] Although Lieutenant Commander Manders had been interviewed, Mr Shingles, having not been interviewed, felt that his actions had been overlooked.

The Defence Report

46. The Defence Report, provided to the Tribunal on 2 November 2021, stated that in 'reviewing' the (Cain) Tribunal recommendation regarding the consideration of other crew members for possible recognition, Navy considered that the Tribunal recommendation referred to the actions of those members involved in the ***actual firefighting***[45] operations in the MMS. Defence stated that this was because the Tribunal referred to the phrase: 'in particular the Leaders of Hose Teams 1 and 2'. The Defence Report went on to state that Navy did not consider that the Tribunal was alluding to a reconsideration of all members on board at that time.[46]

[40] Letter, Lieutenant Commander Manders and Mr Shingles, undated.
[41] A flame resistant, chemically treated woollen suit.
[42] Application for review.
[43] Ibid.
[44] Ibid.
[45] Emphasis added by Defence.
[46] Letter, Ms Petrina Cole to the Tribunal, DH&A/OUT/2021/0035, dated 2 November 2021.

47. However, the Defence Report also stated that in 2018, a review was conducted into recognition for the ships' company which resulted in *Westralia's* personnel being awarded a Navy Group Commendation.

48. The Defence Commendation Scheme enables a Service Chief, as a Principal Awarding Authority, to award a Group Commendation to formally recognise outstanding or exceptional achievements by a group, unit or team. This was recommended as the most appropriate recognition for members of *Westralia's* ship's company given:

> *'their cumulative efforts in extinguishing the fire, avoiding further loss of life or loss of the vessel and preventing a potential environmental disaster certainly meet the criteria of exceptional achievement necessary for the award of a Group Commendation.'*[47]

49. Notwithstanding its earlier focus on those in the MMS, the Defence report confirms that in considering Mr Shingles' request for a Conspicuous Service Decoration, the Chief of Navy gave consideration to:

- the eligibility criteria for the CSC and CSM;
- the BOI report;
- information that was submitted and evaluated by the Tribunal in *Cain,* together with the Tribunal's findings;
- the 2018 review that resulted in the Navy Group Commendation; and
- a report prepared by then Commander Fothergill.

The Defence report stated that:

> *'Investigations and reviews by the Board of Inquiry, the Defence Honours and Awards Appeals Tribunal, the Bravery Council and other internal Defence organisations have recommended and recognised personnel whose efforts were considered outstanding, meritorious or brave. The examinations of individual contributions were extensive and it is considered that no further individual awards are warranted.*
>
> *The ship's company that day faced significant physical and emotional challenges. Due to this, you awarded a Group Commendation in recognition of their collective dedication and commitment that day in saving their ship and preventing further loss of life.*
>
> *On that day the crew were called upon to undertake tasks and actions that were outside those normally expected. While there is no doubt that their efforts contributed to reducing the probability of the fire spreading, it is not considered that their efforts warrant further individual recognition.'* [48]

50. The Defence Report set out that whilst conducting boundary cooling under such adverse conditions, with limited equipment and protection would have been traumatic and challenging, *'it cannot be considered on the same level as that confronting the hose team*

[47] Ibid.
[48] Ibid.

members in fighting the actual fire'. [49] Defence referred to the BOI report which identified the hose teams as having the '*most difficult, dangerous and at times frightening, task to undertake'* and stood by its recommendation that all members of the hose teams be commended for their significant dedication to duty, in particular the hose team leaders. The Defence Report also noted the BOI's recommendation for recognition for engine room personnel, medical personnel and another member who was in charge of implementing the required actions to attack and contain the fire.[50]

51. Defence did not dispute that the actions of the applicants in the aft pump room were daunting and overwhelming tasks, and acknowledged that along with the rest of the crew, their actions prevented a potentially catastrophic loss. But in Defence's view, the evidence considered in the past and in the current application shows that the applicants were not directly involved in fighting the fire but were undertaking boundary cooling which, in Defence's view did not involve the same degree of risk or demonstrate an outstanding devotion to duty, or outstanding achievement in the application of exceptional skills, judgement or dedication.[51]

Mr Shingles' comments on the Defence Report

52. In his response to the Defence Report, Mr Shingles made further submissions regarding the actions of himself and Lieutenant Commander Manders on 5 May 1998. Mr Shingles stated that:

> "we stood between the fire and the fuel tanks. In only basic firefighting gear, we stood side by side, in the dark, enveloped in steam and fumes, despite the danger and in fear for our own safety. We knew that in the space we were working in, there were fuel pumps primed with fuel. The Navigating Officer, Lieutenant Commander Triffit who was a senior officer onboard is quoted as saying *"the fire had spread and was very close to the ship's fuel cargo. The chances of anybody surviving would have been nil if the fire had taken hold in the aft pump room."*[52]

53. In support of his appeal Mr Shingles further said that he would like the Tribunal to visualise the following, which he said was akin:

> *'..to being in the bottom of fire escape of a 6 storey building. Now extinguish the lights and leave a door at the top floor open as your only ambient light source, turn up the temperature and fill the compartment with steam and fumes so that visibility is greatly reduced.'* [53]

54. He further stated that:

> *...Knowing there was a fire on one side and thousands of tonnes of fuel on either side of the aft pump room compartment was a terrifying equation. We stayed down there despite concerns for our own safety as we could only envisage the horrifying outcome if the fire spread to the fuel tanks. The eligibility criteria use "outstanding" in respect*

[49] Ibid.
[50] Ibid.
[51] Ibid.
[52] Email, Mr Nathan Shingles to Mr Jay Kopplemann, 26 November 2021. Mr Shingles also provided a newspaper clipping which contains this quote.
[53] This scenario was largely reiterated by Lieutenant Commander Manders in evidence at hearing.

of devotion to duty or application of exceptional skills, judgement, or dedication. The paint on the engine room side bulkhead was bubbling and blistering due to the fire in the engine room. We know that we demonstrated exceptional judgment of what was at stake and dedication of why we had to stay down there.[54]

55. Mr Shingles went on to criticise Defence's assessment of his service and its over reliance, as he saw it, on the BOI, to which he did not give evidence.[55] He also criticised Defence's apparent assessment of the risk faced by himself and Lieutenant Commander Manders in conducting boundary cooling, and opined that risk is not an element of consideration for the award (of the CSC). Mr Shingles contended that:

Navy has since altered its standard for personnel conducting boundary cooling to be in breathing apparatus. We conducted effective boundary cooling without breathing apparatus. Whilst not the same level as those in the engine room, we were however exposed to other hazardous risks whilst we disregarded our own safety to complete our task. There was fumes from the paint blistering, steam, darkness and the possibility that the compartment may have been filled by the fixed firefighting system which would fill the compartment with CO2. However, a bypass valve was manually shut off at the last minute by the Deputy Marine Engineer. We had no way of knowing if this was going to happen whilst in the compartment. If that action had not occurred, we would have been overcome by CO2 and become additional fatalities.[56]

56. Mr Shingles further stated:

...we didn't go in with a cautious approach with higher levels of protection. We went into the compartment and down flights of stairs in the dark, in basic firefighting gear and stayed on task to prevent a much bigger catastrophe occurring. This was done without thinking about our own protection but rather the protection of the ship and crew. Lieutenant Commander Manders was unable to access his own anti-flash and utilised loan store equipment which is dyed blue for ease of tracking. Upon completion of our duties in the aft pump room and removing the anti-flash his skin was blue. This can only be due the volume of steam that caused the dye to seep out from the anti-flash material whilst we did our task.[57]

Lieutenant Commander Manders' BOI interview

57. While Lieutenant Commander Manders tendered a statement to the BOI, this was not located by the Tribunal, despite extensive research.[58] However, the Tribunal was able to locate a transcript of his interview which sets out that:

- He was directed by Chief Petty Officer Jenkins, the officer in charge of the aft repair team, to proceed to the aft pump room to commence boundary cooling. In

[54] Ibid.
[55] Ibid.
[56] Ibid.
[57] Ibid.
[58] We understand that some time ago, Lieutenant Commander Manders made a freedom of information request which would have encompassed this statement, but it was not found by Defence in its search.

Lieutenant Commander Manders' recollection, this was about 15 to 20 minutes after emergency stations was piped. The BOI timeline states that emergency stations was piped at 1036,[59] so approximately between 1051 and 1056;

- He and Shingles initially attempted to spray water on the top plates level, and that they did not initially go into the space as there was still lighting on and they were not sure if power had been isolated to the compartment;
- He later went into the compartment with no breathing apparatus;
- As they had no MAXONs (portable radios) the XO would occasionally come and speak to Leading Seaman Quigley, who was on the top plates passing extinguishers to Manders and Shingles for the duration of Manders' time in the compartment;
- They continued to use fire extinguishers on the port side of the compartment after they had entered it.
- A hose had initially been ran out to the starboard side of the compartment, however, water splashing back from that hose was getting onto casualties that had been evacuated to the vicinity of the hose so they ceased using it;
- By the time they had been through about five extinguishers, other crew members had rolled out another hose through the port side and down to the first level in the aft pump room where Shingles and Manders began boundary cooling with the hose;
- On commencement they had no lighting, but after about five minutes an emergency battle lantern was put on 1 deck and shone down. After a further 25 minutes, they were given a portable torch that was taken down to the bottom plates;
- Due to heat transfer, paint on the first level of the aft pump room bulkhead, just port of midships, was peeling, along with paint on the bottom plates in the centre of the bulkhead. This information was passed to the XO via Leading Seaman Quigley.
- During training he had used charged hoses when going up and down ladders, but not in the most recent exercise.[60]

Evidence at hearing

58. At hearing Mr Shingles and Mr Manders appeared via skype. They reiterated that in their view their actions were worthy of the award of the CSC or alternatively a CSM.

59. They explained that they had not been in contact with Mr Quigley, the third member of their team. Mr Quigley was not spoken to as part of the BOI.[61] As such the Tribunal did not have the benefit of his evidence.

60. Captain Dietrich and Mr Bottomley also gave evidence, expanding upon their emails to Mr Shingles. Both acknowledged that Mr Shingles and Lieutenant Commander Manders had done very well to conduct their duties, particularly in the aft pump room, which was unfamiliar to them.

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[59] *Report of the Board of Inquiry into the fire in HMAS Westralia on 5 May 1998*, Royal Australian Navy, 1998.
[60] BOI Interview Transcript, B. S. Manders.
[61] *Report of the Board of Inquiry into the fire in HMAS Westralia on 5 May 1998*, Royal Australian Navy, 1998, Annex B.

61. All four gave evidence about the aft pump room being the 'worst part of the ship'. Captain Dietrich described it as *'probably the nastiest, biggest, ugliest space on the ship and one that people least visited'*. Mr Bottomley expanded on this by describing it as:

> *"…a dividing space between the front end of the engine room and the back end of the very first fuel tank. It goes from the tank deck all the way to the bottom of the ship and it goes from the port side all the way across to the starboard side. The only access was through a side door and then you had to go down not-far-off-vertical ladders, there was no stairway, it definitely wasn't friendly. The electric motors that drove the pumps were actually in the engine room…and the pumps that were at the bottom, massive great big centrifigual pumps that pumped the fuel around between the different tanks and to transport it to the pumphouse station so it could go to our ships. If the lighting was not 100 percent in there it was a very dangerous compartment. Those pumps…they've always got fuel in them, they've always got residual fuel in them…to get anything down to the bottom of that compartment you've got to do it by rope, or physically carry it, and it is hard to hold into. It is the most un-friendliest compartment I think I have seen in my naval career. It is big, and if there was hot spots in that compartment, it was only a few metres before it went into that back fuel tank. And forward of that was 42,000 tonnes of fuel. And there would definitely have been residual fuel in the manifold and in the pump housing down the bottom…It's just a very unfriendly space."*

62. There is no photo or diagram of the aft pump room available. But the below diagram provided by the applicants depicts their location being level on the bottom plates with the main machinery room, as drawn. (It also shows the locations of the deceased).

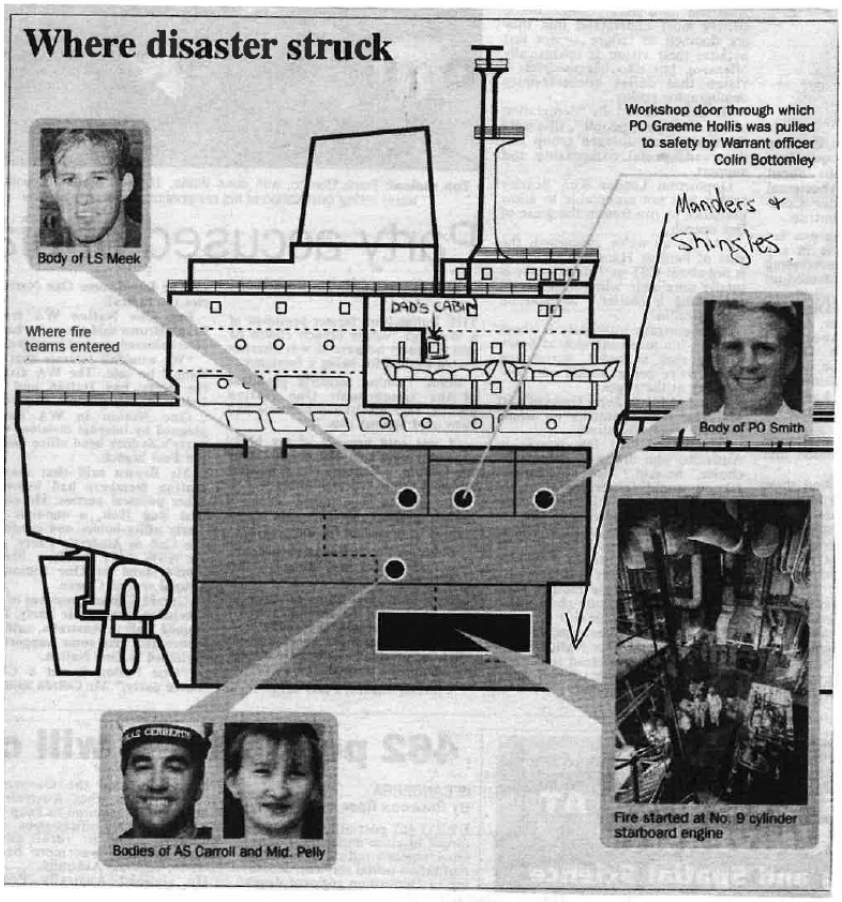

Figure 3 – From the West Australian Newspaper, 18 July 1998

Mr Shingles

63. The Tribunal was particularly interested to hear from Mr Shingles who was not asked to submit a statement or be interviewed by the BOI. The hearing was his first opportunity to put on record his actions of that day formally and publicly. He was able to do so before his former Commanding Officer, Captain Dietrich, who was present in the hearing room.

64. At the time of the fire, he had been in the RAN for three years as a cook and held the rank of Able Seaman.

65. He gave evidence about his individual and collective firefighting training with the Navy, which included training with breathing apparatus. His most recent training prior to the fire had occurred in the week before the fire, during *Westralia*'s at sea 'shakedown' activity. During this whole-of-ship activity he had trained as part of a hose team. While he acknowledged that every RAN member is trained in general firefighting, damage control and boundary cooling, he firmly stated that nothing could truly prepare him for his experience in the aft pump room.

66. This was in part because Mr Shingles had never been into the aft pump room when lit, let alone in the dark and under emergency conditions. Further, his team were the first to go down to the pump room after the fire had started. He stated that he was acutely aware that in one adjacent compartment a massive and unprecedented fire was burning and in the other was 25,000 tonnes of fuel.

67. Mr Shingles confirmed that whilst mustered at emergency stations, Chief Petty Officer Jenkins detailed him, Lieutenant Commander Manders and Leading Seaman Quigley to conduct boundary cooling in the aft pump room. They were dressed in overalls and anti-flash hoods and gloves.[62] A hose was not able to be connected and used as planned and boundary cooling had to take place using hand-held fire extinguishers. They too were a finite resource and less effective at cooling than a hose. He said that this only served to heighten the risk involved in his duties.

68. Mr Shingles stated that rather than boundary cool from the relative safety of the higher plates within the aft pump room, he and Lieutenant Commander Manders decided to proceed down to the bottom plates to be closer to the hotspots, which the extinguishers could not reach from the higher plates.[63]

69. Mr Shingles explained that all of the circumstances contributed to it being an extremely fearful and dangerous place from which to boundary cool. Mr Shingles confirmed that the bulkhead was so hot, paint could be seen in the relative dark to be peeling off with the generated steam, and described the space as so dark and grim that he and Lieutenant Commander Manders linked arms at one point to reassure the other of their presence.

70. Mr Shingles stated that in the back of their minds was also the fear that the pump room might be doused in CO2 which would kill them. They were grateful to later learn that Mr Bottomley had indeed 'had their backs' and had seen to it that the CO2 valve could not

[62] As depicted folio 397 of the BOI report.

[63] Leading Seaman Quigley would pass down the extinguishers via rope to them, as well as, provide communications back to CPO Jenkins.

have been activated in that compartment. However, Mr Shingles stated that at the time, that fear was very real.

71. Mr Shingles explained that their role in boundary cooling from the bottom plates, at the very bottom of the ship, must be contrasted with those conducting boundary cooling of the funnel casing in the open air or of the fridge flat within the superstructure. These higher areas of the ship were further removed from the 25,000 tonne fuel stores and presented better avenues from which to make an escape.

72. Their role, Mr Shingles said, has to also be contrasted with the team who relieved them in the aft pump room at a time when the fire in the MMS was under control and they had already made considerable inroads into cooling the hotspots. Further, the incoming team had the advantage of receiving a briefing from Shingles and Manders, and were able to connect a hose to more effectively boundary cool.

Lieutenant Commander Manders

73. Lieutenant Commander Manders gave evidence consistent with his BOI interview (see paragraph 57) which is not repeated at length here. At the time of the fire, he had been in the RAN for three years, progressing through his bridge watchkeeping training, and held the rank of sub lieutenant.

74. In relation to his general naval training, he stated that he had completed the firefighting component of the RAN's basic Nuclear Biological Chemical Defence (NBCD) course, which included boundary cooling. He had done more training than Mr Shingles, having also completed a NBCD instructor's course. He had planned fire exercises but said he was relatively new to that role. He had used charged hoses up and down ladders in a previous training exercise, but not in the recent exercise held during the shakedown.

75. Like Mr Shingles, he said that none of his training could prepare him for his role in the aft pump room. While he had at least been in the aft pump before, while conducting rounds as Officer of the Day in harbour, he too was largely unfamiliar with the compartment and found it a very difficult place to negotiate in near dark conditions.

76. His evidence was consistent with that of Mr Shingles, except that Lieutenant Commander Manders gave evidence to the BOI that they were able to use a hose to some extent and Mr Shingles said that no hose was able used except by the team that followed.

77. Lieutenant Commander Manders was at pains to point that in spite of concern for their own safety, they entered the compartment at all times 'stayed on task'. Lieutenant Commander Manders also pointed out that boundary cooling is now done with additional safety precautions, namely breathing apparatus and fearnought suits.

Mr Bottomley

78. Mr Bottomley was *Westralia'*s Deputy Maritime Engineering Officer, holding the rank of warrant officer, when the fire broke out.

79. He stated that the ship's crew were well trained to combat the fire.

80. He was aware that Chief Petty Officer Jenkins had detailed three members to conduct boundary cooling in the aft pump room. As noted above, he confirmed this compartment was the most 'unfriendly' and dangerous part of the ship and that to the unfamiliar, in an emergency fire situation, this would have presented a major challenge.

81. Mr Bottomley stated that the pumps would have also had residual fuel in them, making them a potential fire hazard in and of themselves. He thought that this fact may not have been appreciated by Mr Shingles and Lieutenant Commander Manders at the time, but this nonetheless added to the dangers they faced.

82. Mr Bottomley said that he did not nominate anyone for an award after the fire and nor was he asked to do so.

83. Mr Bottomley asserted that Mr Shingles and Lieutenant Commander Manders both had a massive task, which involved great personal risk, and that in his view, their actions went a long way to saving the ship. He offered the view that the group citations for the fire teams were well deserved and should at least be expanded to all who took any firefighting actions, he did however say that 'for a lesser part' it should include support crews and boundary cooling teams.[64]

84. In concluding, he emphasised that every crew member and those providing external help 'pulled their weight', 'without exception' and collectively this was what had 'saved the day'.

Captain Dietrich

85. Captain Dietrich appeared in person and gave evidence. He had the benefit of hearing the evidence of Mr Shingles, Lieutenant Commander Manders and Mr Bottomley and was able to expand and comment on aspects of their evidence.

86. Captain Dietrich stated that he believed that the ship's company were individually and collectively well prepared for the fire and that in his view, the RAN did firefighting and damage control well. He was grateful that in the prior shakedown exercise, crew members were exposed to aspects of firefighting, however, he accepted that nothing could fully prepare his crew for the inferno which resulted.

87. Captain Dietrich said that he was aware that boundary cooling was taking place near the funnel, within the superstructure and in the aft pump room, but he was not aware of which individuals were so involved.

88. Captain Dietrich confirmed that the aft pump room was by far the most difficult and treacherous place from which to conduct boundary cooling, particularly when compared to the other locations that were subject to boundary cooling on the day of the fire. He was unaware that Mr Shingles and Lieutenant Commander Manders were attempting to boundary cool from the bottom plates armed only with portable fire extinguishers.[65]

[64] Email, Mr Bottomley to Mr Shingles, 19 May 2020.
[65] Email, Captain Dietrich to Mr Shingles, 2 June 2020.

89. Captain Dietrich concurred with the proposition that direct firefighting was inherently more dangerous than boundary cooling.

90. Captain Dietrich confirmed that he put forward a list of nominations for recognition and stated the BOI did not fully support his recommendations and that in his opinion many deserving people missed out.[66] However, he did not recommend Lieutenant Commander Manders nor Mr Shingles at the time. He said that he did not recommend any of those in the hose or boundary cooling teams as he did not personally witness their actions. When asked at hearing whether he would have nominated Mr Shingles or Lieutenant Commander Manders for a CSC or CSM, having had the benefit of hearing their evidence, he said that he would have had difficulty in nominating them as he did not personally witness any of their actions.

The applicants' closing submission

91. Collectively, both contended that they met the criteria for a CSC, or alternatively, a CSM. They said they met the criteria on the basis of:

- the inadequate equipment they were required use i.e. the portable fire extinguishers;
- conditions in the aft pump room, including their lack of familiarity with the dark and cavernous space, with limited avenue for any potential escape;
- that they never resiled from their duty, but remained 'on task';
- the level of danger they faced, particularly on the bottom plates, with residual fuel in the pumps in the space and vast quantities of fuel in the forward compartment; and
- that they put their own safety last, being dressed in inadequate protective clothing and armed with inadequate equipment, in particular, they had no breathing apparatus to protect them should the compartment be drenched with CO2.

92. While accepting that those in the hose teams in the MMS were arguably subject to greater danger, Lieutenant Commander Manders in particular, pointed out that the hose teams did so with the benefit of fearnought suits and breathing apparatus, as opposed to he and Mr Shingles who were dressed in basic firefighting rig.

Defence submission at hearing

93. Defence submitted that notwithstanding the evidence presented at hearing which highlighted the difficulties of boundary cooling in the aft pump room, Mr Shingles and Lieutenant Commander Manders' actions, while commendable, fell short of 'conspicuous', as defined.

94. Defence conceded that their duties, by virtue of being the first boundary cooling team and their location in the unfamiliar and potentially dangerous aft pump room was an unenviable task. Defence also conceded that their task was the most challenging of the teams who were directed to conduct boundary cooling.

95. Defence representatives (as well as Mr Shingles and Lieutenant Commander Manders) were at pains not to be too proscriptively comparative in their assessment of their actions against those of others. However, Defence submitted that the hose teams who faced the fire

[66] Ibid.

in the MMS faced greater danger than those conducting boundary cooling, even taking into account the fact that the hose teams were equipped with better personal protective equipment. Defence submitted that boundary cooling was and is an important and necessary role, but a less critical role than direct firefighting.

96. Defence submitted that the respective actions of Mr Shingles and Lieutenant Commander Manders did not distinguish them at the level required for a CSC or a CSM, particularly noting that those who served in the fire teams, with the exception of the hose team leaders, had not been so decorated.

97. Defence reiterated that the 2019 Navy Group Commendation was awarded in recognition of the collective dedication and commitment shown on that day, which of course included the efforts of Mr Shingles and Lieutenant Commander Manders, and reiterated its position that this was the most appropriate form of recognition for their actions.

TRIBUNAL CONSIDERATION

98. We carefully considered the evidence of Mr Shingles and Lieutenant Commander Manders as well as that of Mr Bottomley, Captain Dietrich and the evidence made available through the BOI process and its report. We considered the Defence submission in opposition to the award of a CSC and or CSM.

99. We found Lieutenant Commander Manders and Mr Shingles to be impressive and credible witnesses who were trying best to accurately recall traumatic events of nearly 25 years ago. While we did not have the benefit of corroborating evidence from Leading Seaman Quigley, we nonetheless accepted the accounts of Lieutenant Commander Manders and Mr Shingles without reservation.

Tribunal findings

100. **Training.** We find that as far as damage control and firefighting are concerned, it is the responsibility of all members of a ship's company and something for which every member is trained. This included boundary cooling to prevent the spread of the fire to adjacent compartments. All members of the ship's company are trained in this procedure and its associated techniques, and this included Mr Shingles and Lieutenant Commander Manders. In short, it was part of their duties for which they were trained. It was expected of **all** members of *Westralia*'s ship's company. However, we equally accept that no level of training could fully prepare any member of the crew for the events of that fateful day.

101. **Their respective roles.** We find that of all the boundary cooling teams, Mr Shingles and Lieutenant Commander Manders faced the greatest challenges and faced the greatest risk. This needs to be recognised foremost. Further, they decided to boundary cool from the bottom plates and in doing so exposed themselves to potentially greater risk than arguably Leading Seaman Quigley on the higher plates. In short they showed initiative in their duties and 'stayed on task' before they were relieved some time later.

102. We were unable to delineate between either of the roles performed by each of them. They performed roles equal to the other and had been in the RAN for about the same length of time, albeit Lieutenant Commander Manders was serving at a higher rank and had the benefit of some additional damage control and firefighting training.

103. **Direct and indirect firefighting.** The dangers of indirect firefighting, that is boundary cooling, are inherently less than those of presented by direct firefighting in hose teams. We accept the written evidence of Mr Bottomley that boundary cooling is a 'lesser role' by comparison. We note that, while emphasising their comparative lack of personal protective equipment, Mr Shingles and Lieutenant Commander Manders conceded that in boundary cooling they played a different role to direct firefighting.

Applying the eligibility criteria for the Conspicuous Service Decorations

104. Neither Mr Shingles nor Lieutenant Commander Manders were nominated at the time, or since for either the CSC or CSM. However, little appears to have been known about their service and the dangers they faced. The Tribunal now has a detailed body of evidence upon which to make an assessment.

The Conspicuous Service Cross

105. We firstly considered the CSC. In doing so, we had to determine whether the evidence would support a finding that their respective service met the threshold of …*outstanding devotion to duty or outstanding achievement in the application of exception skills, judgment or dedication…*so as to meet the eligibility criteria for this award.

106. The criteria uses the word 'outstanding'. We consider, consistent with the reasoning of the Tribunal in *Cain,* that the use of 'outstanding' indicates an expectation that a recipient of the CSC will have significantly performed over and above their duty.

107. The draft citation prepared by Mr Shingles refers to *'outstanding teamwork, courage and bravery'*. It highlights their devotion under fear but not any exceptional skills or judgment they had to apply.

108. We consider that Mr Shingles and Lieutenant Commander Manders were trained in firefighting operations which included boundary cooling. They were dedicated in so far as they conscientiously did what was asked of them and 'stayed on task' until they were relieved an hour or so later. They did their best to achieve boundary cooling in an ad hoc manner with a limited number of portable fire extinguishers. Their roles were not without risk. However, we do not find that their respective roles were performed significantly over and above their duty. Their actions did not involve the application of exceptional skills or exceptional judgment or exceptional dedication as required by the criteria.

109. We therefore did not find that the criteria for the CSC was met by either Mr Shingles or Lieutenant Commander Manders.

The Conspicuous Service Medal

110. Noting that the CSM falls within the conspicuous service decorations and we did not find in favour of the CSC, we went on to consider the CSM for *…meritorious achievement or devotion to duty..*'meritorious' is defined in the Macquarie Dictionary as meaning *'deserving of reward or commendation; possessing merit'*.

111. Ultimately, we did not find that the evidence supported an alternate finding that their respective service was sufficiently meritorious or devoted so as to meet the eligibility criteria for the CSM.

112. Their efforts in achieving boundary cooling were no doubt compromised for the reasons set out above. Boundary cooling was arguably better achieved by the relieving team who had a fully working hose or hoses. Both men achieved what they could in the challenging circumstances. It was grim and daunting, but we essentially find that they fulfilled their duties as trained, as expected, and as a consequence of being detailed to do so. They persevered for an hour or so, as opposed to being 'devoted to duty'. We therefore do not find that either of their respective actions reached the threshold for *meritorious achievement or devotion to duty* for a CSM.

Navy Group Commendation

113. In our view, the acts of Mr Shingles and Lieutenant Commander Manders have been appropriately recognised with the Navy Group Commendation, which is awarded in recognition of dedication and commitment by a group, unit or team. Once the fire took hold in the main engine room it was a cumulative effort in firefighting operations. While three hose teams were deployed to the main engine room, a network of boundary cooling operations took place via teams in three separate locations while the sea cooled the hull from below. Crucial support was provided by medical and logistical staff. Other members of the ship's company were involved in coordinating firefighting and damage control operations, some with external help. It truly was the ethos of 'all hands on deck' which saved *Westralia* and all but four members of her crew. The team effort is highly deserving of the Navy Group Commendation. This very much includes Mr Shingles and Lieutenant Commander Manders who performed commendably, under extreme pressure and consistent with the finest traditions of the Royal Australian Navy.

114. We are unanimous in our view that the successful fight to save HMAS *Westralia* and her crew off the coast of Western Australia on 5 May 1998 represents the very best of the Royal Australian Navy and is a credit to the men and women who serve at sea in our warships.

115. We are at pains to point out that our decision does not diminish the valuable service of Mr Shingles nor Lieutenant Commander Manders, which in the case of Lieutenant Commander Manders, is still ongoing. [redacted]

116. We also wish to thank Captain Dietrich and Mr Bottomley for making themselves available to discuss the events of 5 May 1998 in further detail.

117. Finally, we pay tribute to those who tragically died in the fire, namely; Midshipman Megan Pelly RAN, Petty Officer Marine Technician Shaun Smith BM, Leading Seaman Marine Technician Bradley Meek and Able Seaman Phillip Carroll BM.

[67] [redacted]

DECISION

118. The Tribunal decided pursuant to Section 110VB(1)(b) of the *Defence Act 1903*, to recommend to the Minister that the decision of Vice Admiral Michael Noonan AO RAN of 20 July 2021 to refuse to recommend Lieutenant Commander Brett Manders RANR and Mr Nathan Shingles for the Conspicuous Service Cross be affirmed.