



Australian Government

Defence Honours and Awards Appeals Tribunal

Farrar and the Department of Defence [2026] DHAAT 17 (3 August 2026)

File Number(s)	2025/035
Re	Mr Paul Farrar Applicant
And	The Department of Defence Respondent
Tribunal	Mr Stephen Skehill (Presiding Member) Rear Admiral Allan du Toit AM, RAN (Retd) Air Vice-Marshal Tracy Smart AO (Retd)
Hearing Date	20 July 2026
Attendances	Mr Paul Farrar (Applicant) Mr Tyson Pan, Assistant Director Defence Honours and Recognition, Department of Defence Ms Jen Robinson, Manager, Honours Reviews, Department of Defence (for the Respondent)

DECISION

On 3 August 2026, the Tribunal decided to recommend to the Minister that, for the reasons and with the qualifications detailed in the attached statement, the Defence decision refusing to recommend Mr Paul Farrar for the Conspicuous Service Medal should be affirmed.

CATCHWORDS

DEFENCE HONOUR – Conspicuous Service Medal – HMAS Adroit fire - eligibility criteria – outstanding or meritorious achievement – devotion to duty in non-warlike situations –fire fighting

LEGISLATION

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

Defence Force Regulation 2016 – Regulation 35

Commonwealth of Australia Gazette No. S108 dated 7 May 1990, Letters Patent and Regulations for the Conspicuous Service Decorations.

REASONS FOR DECISION

Introduction

1. The applicant, Mr Paul Farrar, seeks further recognition, in the form of the Conspicuous Service Medal (CSM), for his service fighting a fire in the *Attack* class patrol boat HMAS *Adroit* on 13 May 1988. Mr Farrar had previously received a Naval Officer Commanding West Australia (NOCWA) Commendation for that service.

Decision under review

2. On 5 June 2023, Mr Farrar applied to Defence seeking the above recognition.¹ On 11 December 2024, Defence wrote to Mr Farrar advising him, among other things, that his application *was considered afresh by senior Naval officers who assessed if your actions constituted a level of performance that was beyond the expectations of your role and training...Defence has determined while your actions were professional and decisive, they were appropriate with your level of training and experience at the time and reflect a suitable response for a member of the Ship's Duty Watch and therefore considers your actions do not meet the threshold for either a CSC or a CSM.*²

3. On 3 November 2025, Mr Farrar made application to the Tribunal seeking review of that decision.³

Tribunal jurisdiction

4. Pursuant to s110VB(1) of the *Defence Act 1903* (the Defence Act), 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 or by the Minister to refuse to recommend a person for an honour or award in response to an application.

5. Regulation 35 of the *Defence Regulation 2016* lists the defence honours that may be the subject of a reviewable decision. Included in that list is the CSM. Therefore, the Tribunal has jurisdiction to review decisions in relation to this defence honour.

6. The Tribunal was satisfied that the Applicant's letter of 5 May 2023 constituted an application as defined in s110V(1)(c) of the Defence Act. The Tribunal is bound by the eligibility criteria that governed the making of the reviewable decision in 2024, as required by s110VB (6) of the Act. In accordance with s110VB (1) of the Act, as the Applicant seeks 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.

¹ Letter, Mr Farrar to Defence (undated),.

² Letter, Defence to Mr Farrar, DH&A/OUT/2024/BN93843875, 11 December 2024.

³ Mr Farrar's application to the Tribunal, 3 November 2025.

Mr Farrar's service

7. Mr Farrar enlisted in the Royal Australian Navy on 9 April 1985 and discharged at his own request on 30 November 2022. At the time of his service at HMAS *Stirling* and attachment to HMAS *Adroit*⁴ Mr Farrar had been an Able Seaman for three years, having completed the following training:

- a. General Entry Recruit Training June 1985;
- b. M22 Fire Control Course 1985;⁵
- c. Standard Nuclear, Biological, Chemical and Defence (NBCD) course 1985;
- d. AB Patrol Boat Gunnery PJT 1986;
- e. Shipborne Lifesaving Equipment and Survival 1987;
- f. Command Test Part 1 for promotion to Leading Seaman September 1987; and
- g. Command Test Part 2 for promotion to Leading Seaman September 1987.⁶

8. Mr Farrar was posted to HMAS *Stirling* from 8 February 1988 to 27 March 1989. On the Naval Personnel Establishment and Management System his job title over this period included Royal Australian Naval Reserve Force Patrol Force Maintenance and HMAS *Adroit* ships' husbandry.⁷ Prior to his posting to HMAS *Stirling* and attachment to HMAS *Adroit*, Mr Farrar had served at sea in the patrol boat HMAS *Fremantle*, the destroyer escort HMAS *Stuart* and the training ship HMAS *Jervis Bay*.

9. HMAS *Adroit* was an *Attack* class patrol boat commissioned into the Royal Australian Navy on 17 August 1968. On 26 August 1983, it was handed over to the Commanding Officer of the Fremantle Port Division for use by the Western Australian Division of the Royal Australian Naval Reserve. In that role, its crew comprised of 3 Royal Australian Naval Reserve officers, 14 Royal Australian Naval Reserve sailors, and two Permanent Naval Force sailors. As a training vessel *Adroit* regularly participated in exercises in the Western Australian Exercise Area, during which time it operated routinely with both major and minor units of the RAN and RANR. Port visits were routinely made along the Western Australian coastline, as well as several to Darwin. Some fishery patrol work was also undertaken. HMAS *Adroit* decommissioned on 28 March 1992.⁸

10. Defence advised the Tribunal that the Reports of Proceedings and Navy History pages for HMAS *Adroit* and HMAS *Stirling* were reviewed for any mention of an incident or fire in HMAS *Adroit* on or around 13 May 1988. Defence submitted that the Sea Power Centre Australia did not hold any of HMAS *Adroit*'s Reports of Proceedings for 1988 and that the four Reports of Proceedings for HMAS *Stirling* of that year did not

⁴ Defence Report to the Tribunal, 24 February 2026.

⁵ It should be noted that 'Fire Control' in this context refers to the control of naval gunfire, and not firefighting. As part of General Entry and other training, all sailors receive detailed practical training on firefighting at sea and ashore.

⁶ Defence Report to the Tribunal, p.2.

⁷ Defence Report to the Tribunal, p.5.

⁸ Website, Royal Australian Navy Sea Power Centre - Australia, HMAS *Adroit*, accessed 10 March 2026.

mention a fire at the relevant time.⁹ Defence further submitted that if a significant fire occurred on 13 May 1988, this would have been reported in the HMAS *Stirling* ROP for that month, or perhaps subsequent reporting periods. In addition, Defence submitted that HMAS *Adroit* was listed as being alongside HMAS *Stirling* from 1 January to 14 May 1988.¹⁰ Defence also advised that the Naval Officer Commanding West Australia of the time, Commodore Baird, had since passed away.¹¹

Eligibility Criteria - the Conspicuous Service Decorations

11. The Australian Conspicuous Service Decorations (the Decorations) were created on 18 October 1989 to provide recognition to members of the Australian Defence Force and certain other persons for outstanding or meritorious achievement or devotion to duty in non-warlike situations.¹² The Decorations consist of the Conspicuous Service Cross (CSC) and the Conspicuous Service Medal (CSM).

12. The eligibility criteria are set out in the Australian Conspicuous Service Decorations Regulations (the Regulations), as follows:

The Conspicuous Service Cross 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 Conspicuous Service Medal shall be awarded for meritorious achievement or devotion to duty in non-warlike situations.*¹³

Mr Farrar's application to Defence

13. In his application of 5 June 2023, Mr Farrar explained that he was seeking a review of the award of his NOCWA Commendation, and possibly an upgrade to the Conspicuous Service Medal. He gave the following account of his relevant service:

...I received my bravery Commendation in 1998 as a very young Able Seaman, at the time I was posted to HMAS Adroit. On the 13 May 1998 I was on the upper deck when I went below deck, I saw smoke coming out of the Comcen¹⁴ door and then disappear so I raised the alarm and yelled, SMOKE, SMOKE, SMOKE. The LS¹⁵ then came down and I told him that I had seen the smoke disappear back into the Comcen compartment, and the compartment door was hot, he then proceeded to open the door even after I told him what I had seen, the

⁹ Defence Report to the Tribunal, p.5.

¹⁰ Maritime Component Command (now Fleet Command) annex of home ported ships alongside

¹¹ Defence Report to the Tribunal, p.9.

¹² Commonwealth of Australia Gazette No. S108 dated 7 May 1990 *the Australian Conspicuous Service Decorations, Letters Patent and Regulations*

¹³ Ibid

¹⁴ Communications Centre

¹⁵ Leading Seaman

compartment door opens outwards into the passageway and when it was opened there was a huge explosion from the battery pack which threw the LS backwards and into the bulkhead, a sound that still haunts me to this day.

We were the only 2 personnel onboard the ship at this time as Adroit was a reserve boat and we only had a crew of 4 fulltime RAN personnel posted onboard.

The LS had been hit by the explosion and could not see out of both his eyes, I quickly removed him from the scene and grabbed a towel and wet it and told him to hold on to his eyes whilst I made my way back to attack the fire before it became even more fierce, I managed to put the fire out and then returned back to my injured shipmate, once I assured him it was out I rang the relevant emergency services and then took the injured LS back up the ladder bay and on the upper deck to safety.

It is my belief that my actions on that day were just as heroic as the HMAS Westralia fire and I was so very grateful that unlike the Westralia fire there were no fatalities that day.

I saw my shipmates from the HMAS Westralia get their Commendations upgraded and I believe I should also be privileged enough to get mine upgraded.

I live with the memory of that incident every day of my life and still think about how lucky I really was to have been there to save my injured crewmate and the ship....¹⁶

14. Mr Farrar also supplied a copy of his Commendation, signed by the Naval Officer Commanding, West Australia Area, on 2 August 1988, which stated:

I commend you for your outstanding service as a member of the Permanent Naval Forces Crew of Her Majesty's Australian Ship ADROIT on 13 May 1988.

On this day your quick thinking in locating the source of the smoke and the initiative shown in dealing with the explosion of the battery pack, in particular, rendering first aid to an injured crew member and ensuring that all relevant emergency services were properly informed were highly commendable.

Your actions contributed greatly to minimising the injury and damage that could have resulted from the explosion was in the best tradition of the Service.

¹⁶ Application for recognition, Mr Paul Farrar, 5 June 2023.

15. Mr Farrar also provided a copy of his Australian Defence Organisation summarised service history, which outlines his service details and training record.

The Defence decision

16. On 11 December 2024, Defence wrote to Mr Farrar in response to his application. Defence advised Mr Farrar that:

- a) beside the information provided by Mr Farrar in his application, Defence was *unable to produce any other details of the fire in the Record of Proceedings for HMA Ships Adroit or Stirling or contemporary news reports* and that it was unable to identify any eyewitnesses with detailed knowledge of the event;
- b) at the time of the fire, Mr Farrar's Chain of Command considered his actions and given their knowledge of the incident and the actions undertaken, they considered that the appropriate level of recognition was that of a Flag Officer Commendation.
- c) Defence did not consider the fires on HMA Ships *Adroit* and *Westralia* to be comparable in duration, size, or lethality;
- d) Defence had determined that while his actions were professional and decisive, they were appropriate with his level of training and experience at the time and that they reflected a suitable response for a member of the Ship's Duty Watch; and
- e) those actions did not meet the threshold for either the Conspicuous Service Cross or the Conspicuous Service Medal.¹⁷

The Application for Review

17. In his application for review, Mr Farrar told the Tribunal:

I have been watching the last 2 years of Awards been given for the same Medal I had asked for and am completely amazed that I was not awarded a CSM, for the most part a lot of recent awards were presented for doing their Trained requirements just as I did in 1988 and some just for being great guys it seems.

I took a depended offence to be told that my actions were different to that of the Westralia incident. A fire/explosion is the same on any ship whether it be a small patrol boat or our largest ship in the fleet, just because there was no loss of life makes it irrelevant in fact it is my belief I went above and beyond my duties on that day as I was on a vessel that I had not been 100% acquainted with, the fact that I did fight the fire and render first aid simultaneously as well

¹⁷ Letter, Defence to Mr Farrar, DH&A/OUT/2024/BN93843875, 11 December 2024.

as informing relevant shore emergency sections, I feel was outstanding for a young inexperienced sailor and was in the finest traditions of the Royal Australian Navy.

In 1988 I received a Flag Officers Commendation (One Star). In the late 1990s to early 2000s that was upgraded to a Silver Commendation.

I realize that in 1988 It was rare to see any CSM's given out to Officers let alone Junior Ranks. It was also an era where it was a paper world and not the computerized modern-day world it is now.

I do not for the life of me see why Honours and Awards would even hint at the possibility of finding any witnesses from that 1988 time period, or why my original Commendation has to be put into Question especially after getting it upgraded to Silver Commendation.¹⁸

Defence's position

18. In its report to the Tribunal of 24 February 2026, Defence advised that in response to Mr Farrar's application to the Tribunal, it had reviewed its original merit assessment of his service and found that there was no new or substantive evidence that would justify reconsideration of the original decision. Defence also submitted in its report that the only contemporaneous description of Mr Farrar's actions are those set out in the NOCWA Commendation.

19. As to Mr Farrar's bases for seeking further recognition, Defence submitted that Mr Farrar's view that other individuals may have received the Conspicuous Service Medal for lesser reasons is not a valid criteria for making him eligible for the Medal. It submitted that honours are assessed on the individual's documented level of merit against the formal eligibility standards in place at the time and that perceived inconsistency in past awards cannot create entitlement, as each nomination must independently meet the threshold of *meritorious achievement or devotion to duty*.

20. Concerning Mr Farrar's comparison to recognised service in HMAS *Westralia*, Defence submitted that the scale of the two incidents were fundamentally incomparable for determining eligibility for the Conspicuous Service Medal.

21. As to Mr Farrar's claims that he went above and beyond, given his level of experience and level of familiarity with the ship, Defence stated that as an Able Seaman with three years' service, he had completed the mandatory RAN damage-control, shipboard firefighting, and first-aid training, all of which are specifically designed to ensure sailors can manage equipment fires, raise alarm, and initial casualty care independently. He would also have completed fire-fighting and first aid in his General Entry Recruit Training. Acting exactly as trained in a routine, quickly contained incident

¹⁸ Application for review, Mr Paul Farrar, 3 November 2025.

does not, by itself, demonstrate performance beyond the expected competence level for a sailor of that rank and experience, and that at the time of the battery explosion, HMAS *Adroit* was berthed alongside HMAS *Stirling*, a major support base whose primary purpose is to provide operational, logistics and emergency assistance to naval units, including firefighting support if required.

22. Defence also submitted that it could find no record of Mr Farrar seeking to upgrade his Commendation, nor that it had been upgraded to a ‘Silver Commendation’, and that it had not been ‘put into question’ by Defence.

23. Defence submitted the following findings of fact:

- a. Mr Farrar noticed smoke coming from the Communications Centre’s door and he raised the alarm by yelling “*SMOKE SMOKE SMOKE*”;
- b. A battery pack exploded once the compartment door was opened with the ensuing rush of oxygen fuelling the smouldering pack;
- c. A Leading Seaman opened the door, despite Mr Farrar warning him that the door was hot. The Leading Seaman was injured by the resulting explosion caused by the opening of the door that led to the abrupt burning of combustible gases;
- d. The size of the fire cannot be determined. Mr Farrar describes the explosion as ‘*huge*’. The original Commendation does not describe the size of the explosion, nor is there mention in either HMAS *Stirling*’s or HMAS *Adroit*’s Reports of Proceedings (ROPs) or newspaper reports or other historical documents about any fire or incident occurring in HMAS *Adroit*;
- e. Mr Farrar rendered First Aid, ‘*doused the fire*’ and alerted emergency services;
- f. As a result of Mr Farrar’s contribution, the damage and injuries from the fire were minimised;
- g. It was a non-warlike situation and HMAS *Adroit* was alongside HMAS *Stirling* at the time of the incident; and
- h. Mr Farrar had been in the Navy for 3 years at the time of the fire and is deemed to have been appropriately trained to deal with an incident of this nature as a member of a Ship’s Duty Watch.

24. Defence provided the following merit assessment of Mr Farrar's service:

The CSM shall be awarded for meritorious achievement or devotion to duty, in non-warlike situations. ABFC Farrar was in a non-warlike situation when the action took place

Meritorious achievement refers to accomplishing a task or series of tasks in a manner that significantly exceeds normal expectations, resulting in a positive and measurable impact on the mission, unit, or organisation. Unlike routine performance, meritorious achievement is characterised by exceptional initiative, innovation, and effectiveness. It often involves overcoming obstacles, introducing improvements, or delivering results that enhance operational capability or readiness.

Meritorious achievement ordinarily refers to a task or project executed in an exceptional manner that goes beyond expected performance. Mr Farrar's actions were immediate reactions to an unexpected explosion, demonstrating competence and initiative under pressure during a single emergency event. However, this was a response rather than an achievement, and the outcomes—preventing further injury, limiting damage, and supporting an immediate safety response—were momentary and localised rather than representing measurable or enduring impact on the mission, unit, or organisation.

There is no evidence of innovation, improvement, or problem-solving beyond standard emergency procedures. While commendable, his conduct reflects professional competence, not innovation or exceptional project-level accomplishment. Accordingly, the NOCWA Commendation remains the appropriate form of recognition for a significant, praiseworthy, single-event performance. His actions do not meet the criteria required to be considered a meritorious achievement.

Devotion to duty refers to an unwavering commitment to fulfilling one's responsibilities with integrity, professionalism, and perseverance, regardless of challenges or personal inconvenience. In a military context, it embodies loyalty to the mission, the unit, and the values of service. It means prioritising the needs of the organisation and the welfare of subordinates above self-interest, while maintaining high standards of conduct and performance. This principle is foundational to military ethos because operational success often depends on individuals consistently performing their duties with diligence and reliability.

Having reviewed the citation for Mr Farrar's conduct on 13 May 1988, the actions described—quickly locating the source of smoke, responding to a battery pack explosion, rendering first aid, and notifying emergency services—constitute a commendable, single-incident emergency response demonstrating presence of mind and professional competence. The citation does not attest to a long-term pattern of exceptional performance, elevated responsibility, or continued sacrifice; nor does it indicate enduring capability uplift or organisational benefit beyond the immediate incident. Accordingly, while the conduct was deserving of recognition, it does not meet the sustained devotion-to-duty threshold for the

CSM, and the NOCWA Commendation remains the appropriate and proportionate form of recognition.

To be considered for the CSM, Mr Farrar's performance must be demonstrably superior to others or beyond the expectations of his role and training. Mr Farrar as an Able Seaman of three years' experience had undergone basic fire-fighting and first-aid training. While a frightening experience, any Ship's Duty Watch, would be expected to control a fire initiated from an exploding battery pack and render first aid as required.

Mr Farrar's comments on the Defence report

25. In his response to the Defence report, Mr Farrar stated:

No I have nothing more to say, it seems like this incident was swept under the carpet like many others I have witnessed over my 38 years of service, so I too will not acknowledge my commendation.

Tribunal Analysis

26. In order to be eligible for the Conspicuous Service Medal, each of two limbs of the eligibility criteria for that defence honour must be met:

- a. the service must have been provided in a "non-warlike" situation; and
- b. that service must have involved "meritorious achievement or devotion to duty".

Meaning of "non-warlike"

27. In 1993, the federal Cabinet endorsed a submission from the Minister for Defence and approved express definitions of the terms "warlike" and "non-warlike."

28. The definitions thereby proposed and approved were as follows:

Warlike

1. Warlike operations are those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties. These operations can encompass but are not limited to:

- a. a state of declared war;

- b. *b. conventional combat operations against an armed adversary; and*

Peace Enforcement operations which are military operations in support of diplomatic efforts to restore peace between belligerents who may not be consenting to intervention and may be engaged in combat activities. Normally, but not necessarily always they will be conducted under Chapter VII of the UN Charter, where the application of all necessary force is authorised to restore peace and security or other like tasks.

Non-Warlike

2. Non-warlike operations are defined as those military activities short of warlike operations where there is risk associated with the assigned task(s) and where the application of force is limited to self defence. Casualties could occur but are not expected. These operations encompass but are not limited to:

a. Hazardous. Activities exposing individuals or units to a degree of hazard above and beyond that of normal peacetime duty such as mine avoidance and clearance, weapons inspections and destruction, Defence Force aid to the civil power, Service protected or assisted evacuations and other operations requiring the application of minimum force to effect the protection of personnel or property, or other like activities.

b. Peacekeeping. Peacekeeping is an operation involving military personnel, without powers of enforcement, to help restore and maintain peace in an area of conflict with the consent of all parties. These operations can encompass but are not limited to:

(1) activities short of Peace Enforcement where the authorisation of the application of force is normally limited to minimum force necessary for self defence;

(2) activities, such as the enforcement of sanctions in a relatively benign environment which expose individuals or units to 'hazards' as described in sub-paragraph 2(a);

(3) military observer activities with the tasks of monitoring ceasefires, re-directing and alleviating ceasefire tensions, providing 'good offices' for negotiations and the impartial verification of assistance or ceasefire agreements, and other like activities; or

(4) activities that would normally involve the provision of humanitarian relief.

NOTES:

1. Humanitarian relief in the above context does not include normal peacetime operations such as cyclone or earthquake relief flights or assistance.

2. Peacemaking is frequently used colloquially in place of peace enforcement. However, in the developing doctrine of peace operations, Peacemaking is considered as the diplomatic process of seeking a solution to a dispute through negotiation, inquiry, mediation, conciliation or other peaceful means.

29. While the Minister's Cabinet Submission did not recommend that Cabinet approve a separate definition of 'peacetime' service and while Cabinet did not do so, it is apparent that both the Cabinet submission and the Cabinet decision recognised that there were three categories of ADF service – 'warlike', 'non-warlike' and 'peacetime'. This is because the submitted and approved definition of 'non-warlike' specifically stated that the 'hazardous' sub-category of 'non-warlike' service involved exposing individuals or units to a degree of hazard above and beyond that of normal peacetime duty.

30. In the Cabinet decision, it was made clear that these definitions were to apply to three matters:

- a. setting terms and conditions applicable to ADF personnel on deployments;
- b. determining relevant entitlements under the Veterans Entitlements Act; and
- c. making recommendations for defence honours.

31. In 2018, the definitions were updated by the Minister for Defence in response to a submission from the Chief of the Defence Force. That submission, approved by the Minister, stated that *The 1993 framework (warlike, non-warlike and peacetime) remains practical for classifying ADF operations, and has other government agency support. However, the guidance to Defence on how to assess NOS for ADF operations has been reviewed to ensure relevancy for future ADF operations.*

32. Accordingly, the updated definitions apply only to nature of service classification for ADF service after the date of approval of the revised definitions, and the 1993 definitions remain extant for the purpose of making recommendations for defence honours.

33. Notwithstanding this, Defence has on occasions argued that for the purposes of medallic recognition 'non-warlike' means 'other than warlike'. That argument was mounted in particular in the context of the Tribunal's 2023 *Inquiry into Medallic*

Recognition for Service with Rifle Company Butterworth, and was dealt with at length in the report of that Inquiry.

34. In the course of that Inquiry, Defence had argued that there are three classifications of service for Nature of Service purposes ('warlike', 'non-warlike' and 'peacetime') but only two classifications ('warlike' and 'non-warlike') for the purposes of medallic recognition and that accordingly, in the context of medallic recognition, 'non-warlike' meant 'other than warlike' and covered both the 'non-warlike' and 'peacetime' Nature of Service classifications.

35. The Inquiry report concluded that:

19. In the view of the Tribunal, the introduction of such a dichotomy would have been both illogical and anomalous. More importantly, the Tribunal considered that those arguments by Defence were untenable. The 1993 Cabinet Decision clearly recognised three separate classifications of service - 'warlike', 'non-warlike' and 'peacetime' - that were to determine each of conditions of service, veterans' entitlements under the VEA, and medallic recognition. There has since been no later Cabinet decision or other properly informed Government decision that has changed that position.

36. In the present case, Defence asserted that Mr Farrar's actions occurred in a 'non-warlike' situation. However, the Defence report made it clear that this assertion was made because *Defence administers the Conspicuous Service Decorations on the basis that 'non-warlike' means 'other than warlike'*¹⁹

37. The present Tribunal recognised that the definitions are not embodied in an Act, Regulation or other legislative instrument. Rather, the definitions are simply an expression of Government policy as to when declarations and determinations made under or for the purposes of legislation should be made. Accordingly, it is open to the Government to vary the definitions if it so wishes. But that is a matter for decision by the Government, and not a matter for decision by the Department of Defence.

38. In the period up to the Rifle Company Butterworth Inquiry, Defence had not been able to produce any properly informed Government decision to vary the 1993 definitions so as to provide that, in relation to medallic recognition, 'non-warlike' is to be taken to mean 'other than warlike'.

39. At the hearing in this matter, the Tribunal asked Defence to advise it whether there had since been any properly informed Government decision to vary the 1993 definitions so as to provide that, in relation to medallic recognition, 'non-warlike' is to

¹⁹ Defence Research Report, 9 December 2024, p.3.

be taken to mean ‘other than warlike’.

40. On 21 July 2026, Defence advised that the matter previously raised by the Tribunal remained under consideration by the Government. This clearly implied that that there had been no Government decision to vary the meaning of ‘non-warlike’ as approved by the Cabinet in 1993.

41. Accordingly, the Tribunal considered that, for the purposes of the Conspicuous Service Medal, the service in question must meet the 1993 definition of ‘non-warlike’ and cannot be either of ‘warlike’ or ‘peacetime’ service.

42. It was clear to the Tribunal that the service in issue in the present case was ‘peacetime’ service. HMAS *Adroit* was as a Naval Reserve vessel alongside HMAS *Stirling* at the time of the fire in question. There was no risk to the ship or those on board from any hostile force, and the risk of a fire was no greater than that to any other ADF property being used in peacetime service.

43. That conclusion alone was sufficient to finalise the application for review lodged by Mr Farrar. Because his service at the time was ‘peacetime’, in accordance with the still-extant 1993 Cabinet decision it could not be eligible for recognition under the Conspicuous Service Regulations, no matter how praiseworthy his actions might have been.

44. However, the Tribunal was aware that Defence, in reliance on the misconception that ‘non-warlike’ meant ‘other than warlike’, has in practice recommended award of Conspicuous Service decorations for peacetime service and that Ministers, apparently unaware of the misconception, have recommended to the Governor General that such decorations be issued.

45. Accordingly, to avoid any perception that Mr Farrar might be disadvantaged if it did not do so, the Tribunal went on to consider whether Mr Farrar’s service met the second limb of the eligibility criteria and demonstrated ‘meritorious achievement or devotion to duty’.

Meaning and assessment of ‘meritorious achievement or devotion to duty’

46. For the Conspicuous Service Medal, the eligibility criteria are *meritorious achievement or devotion to duty*. In the assessment of Mr Farrar’s relevant service, the Tribunal had regard to previous Tribunal cases that have considered the meaning of those criteria.

47. In *Shingles and Manders and the Department of Defence* (2021), DHAAT 12 (22 July 2022), the Tribunal reviewed 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 or Conspicuous Service Medal for their actions during the HMAS *Westralia* fire on 5 May 1998.

48. In that case, the Tribunal recommended to the Minister that the decision be affirmed, and this recommendation was accepted. In reaching its decision, the Tribunal commented:

'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.'

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

'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'.

'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.'

'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.'

49. 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 CSM to Mr James Cain, the Leader of Hose Team 3 during the *Westralia* fire. The Tribunal recommended Mr Cain be awarded the CSC for his actions, and this recommendation was accepted. In its reasons for that decision, the Tribunal said

'The Tribunal then turned to consider the actions of Mr Cain against the eligibility criteria for the Decorations, in particular if there was, in a non-warlike situation, 'outstanding devotion to duty or outstanding achievement in

the application of exceptional skills, judgement or dedication’ (for the CSC) or ‘meritorious achievement or devotion to duty’ (for the CSM).

‘The Defence Honours and Awards Manual defines ‘non-warlike situation’ as ‘a situation in which ADF service involves all service that has not been declared to be warlike, including declared non-warlike and hazardous and peacetime service.’

‘The Tribunal had no hesitation in finding that Mr Cain displayed meritorious achievement or devotion to duty in the course of fighting the fire, thus satisfying the criteria for the CSM.’

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

51. And in *Stevens and the Department of Defence* [2024] DHAAT 5, the Tribunal said:

In its report, Defence submitted that there was little guidance regarding what constitutes ‘meritorious achievement or devotion to duty’. For the purposes of its report and making an assessment of Mr Stevens’ actions, Defence stated that it used the definition of ‘meritorious achievement’ as being exemplary behaviour or actions that contributed to a mission, task or job and was of a higher standards than others in similar circumstances; and ‘devotion to duty’ as being commitment over and above the person’s expected duty.

...

The Tribunal considered whether the definitions of ‘meritorious achievement’ and ‘devotion to duty’ set out in the Defence report set the bar for the Conspicuous Service Medal at too high a level. The Tribunal considered however that those asserted definitions were not unreasonable and that there was nothing else of relevance in Mr Stevens’ service records that would warrant such a recommendation.²⁰

52. The Tribunal also noted that, in its report to the Tribunal in this matter, Defence stated that:

Meritorious achievement refers to accomplishing a task or series of tasks in a manner that significantly exceeds normal expectations, resulting in a positive and measurable impact on the mission, unit, or organisation. Unlike routine performance, meritorious achievement is characterised by exceptional initiative,

²⁰ Stevens and the Department of Defence [2024] DHAAT 5.

innovation, and effectiveness. It often involves overcoming obstacles, introducing improvements, or delivering results that enhance operational capability or readiness.

... Meritorious achievement ordinarily refers to a task or project executed in an exceptional manner that goes beyond expected performance.

... Devotion to duty refers to an unwavering commitment to fulfilling one's responsibilities with integrity, professionalism, and perseverance, regardless of challenges or personal inconvenience. In a military context, it embodies loyalty to the mission, the unit, and the values of service. It means prioritising the needs of the organisation and the welfare of subordinates above self-interest, while maintaining high standards of conduct and performance. This principle is foundational to military ethos because operational success often depends on individuals consistently performing their duties with diligence and reliability.

53. The Tribunal considered it clear that, having regard to the overall scheme of defence honours, service that met the 'meritorious' eligibility criteria did not have to be 'outstanding' but could be of a lesser standard. At the same time, however, merely meeting legitimate expectations was not intended to be assessed as 'meritorious' and something more commendable and praiseworthy was required. Performance and the devotion to duty displayed must significantly exceed the reasonable expectations of an ADF member in the same circumstances.

54. As noted above, in this case Defence advised that the only available and reasonably contemporaneous documentation of the fire in HMAS *Adroit* was the commendation awarded to Mr Farrar. Unfortunately, it contained only minimal detail. Additionally, Mr Farrar advised the Tribunal that he had previously sought to locate other documentation that would confirm his recollections of the events in question. However, he stated that he had been unable to find any record of:

- a. his call to emergency services at HMAS *Stirling*;
- b. a report of the fire-fighters who attended HMAS *Adroit* in response to that call;
- c. his interview after the fire by Naval police officers; and
- d. medical treatment of the Leading Seaman who was injured when he opened the hatch to the area in which the fire originated – as Mr Farrar could not recall the name of the Leading Seaman, he had been unable to undertake any further research in this regard.

55. In the absence of any other documentation, the Tribunal was therefore only able to assess the significance of the fire and the surrounding events of the day on the basis of Mr Farrar's recollections.

56. It was apparent to the Tribunal that Mr Farrar's recollections of those events were vivid, and that he has long felt a degree of anguish and pain about what he was required to do, and did do, on that day and what the consequences might have been if he had not acted as he did.

57. In his written and oral submissions Mr Farrar stressed the following points:

- a. prior to 13 May 1988 he had only ever confronted a fire in the controlled conditions of a training exercise, when he knew that there were always better qualified people on the scene to take control if matters got out of hand;
- b. on this occasion he had no back-up support whatsoever;
- c. he was not fully acquainted with the layout and equipment of HMAS *Adroit* – while he had been posted to HMAS *Stirling* on 9 February 1988, he had only been 'lent' to HMAS *Adroit* about two weeks before the fire;
- d. as a Reserve vessel, HMAS *Adroit* was not equipped with the then-latest fire-fighting equipment;
- e. the only fire extinguisher he could find at the time was one for use on solid combustible or flammable liquid fires, rather than electrical fires such as that he faced;
- f. the screams of pain and agony from the Leading Seaman when he was injured after opening the hatch door were terrible to hear and very confronting for him when considering what first aid he should provide;
- g. he was forced to strike a difficult balance between fighting the fire on the one hand, and rendering first aid on the other, with potentially serious consequences depending on the balance he struck;
- h. had he not done what he did there was a real risk that the vision and potentially the life of the Leading Seaman may have been lost, and that HMAS *Adroit* may have been destroyed; and

- i. after the fire, he received no support from the Navy to assist him to deal with what he had experienced.

58. Mr Farrar argued that any fire on a ship is indistinguishable from any other fire on a ship, and he pointed to the medallic recognition received by some involved in fighting the fire in HMAS *Westralia*. However, the Tribunal could not accept that the *Adroit* and *Westralia* fires were truly comparable. The *Westralia* fire in a cavernous machinery space was far larger, required far more fire-fighting effort and resulted in far greater death, injury and damage. Accordingly, the fact that some who fought the *Westralia* fire received medallic recognition for their efforts did not necessarily mean that Mr Farrar also deserved the same recognition. Rather, the appropriate level of recognition for Mr Farrar had to be determined by assessment of his particular circumstances by reference to the eligibility criteria for that honour, which in turn depended upon whether he had performed significantly above the reasonable expectations of an ADF member in his situation.

59. In this latter regard, the Tribunal noted that:

- a. Mr Farrar had been a serving naval member for some three years prior to the fire, including seagoing service during which time he would have gained experience as a member of a duty watch while alongside;
- b. he had undertaken basic first aid training;
- c. he had also undertaken a course in fire-fighting;
- d. while he had previously never had to fight any fire other than a training fire, that same situation was faced by every naval member the first time they had to do so and the expectation would have been that their training would have adequately equipped them to do so;
- e. while he could not locate the most appropriate fire extinguisher, and there may in fact not have been such an extinguisher in close proximity or on board, he had nevertheless managed to extinguish the fire;
- f. the practical first aid that he rendered, involving providing a wet cloth for the eyes of the Leading Seaman, did not require intrusive or expert medical treatment by him; and
- g. while he was required to deal with the fire and the injuries to the Leading Seaman by himself for a period, he did have access to, and did manage to seek, expert emergency support from HMAS *Stirling*.

60. The Tribunal concluded that, in each of these respects, Mr Farrar had performed proficiently, professionally and very competently and had displayed devotion to duty. However, the Tribunal was not satisfied that he had significantly exceeded the reasonable expectations of a Navy member of his rank and experience in his circumstances.

61. The Tribunal appreciated that Mr Farrar felt he had been let down by the Navy's failure to provide support to him after the fire and agreed that that was unacceptable – possibly by the standards of the day, but certainly by the standards of today. However, while that was regrettable, the Tribunal considered that it was not a consideration of relevance to the CSM eligibility criteria.

62. Noting that Mr Farrar had expressed a concern that the lack of detailed records of the fire indicated that the Navy had been motivated to 'sweep it under the carpet', the Tribunal suggested that this was unlikely. Had it wished to do so, it would not have issued the Commendation he had received which made express reference to the fire. Rather, the Tribunal considered that the lack of other records was simply a reflection of less comprehensive, paper-based filing and archiving at the time, as compared to present day standards.

63. The Tribunal also noted that Mr Farrar believed that others who had performed less significant service had received award of the CSM or other Defence honours. However, whether that was the case was not a matter within the review jurisdiction of the Tribunal. Under the Defence Act, the Tribunal is confined to assessing the performance of the individual against the eligibility criteria, and not that of others.

64. The Tribunal also noted that Mr Farrar had advised it that, while he originally believed that he had been appropriately recognised by the Naval Officer Commanding West Australia Commendation he was awarded, he no longer felt that was the case. The members of the Tribunal with long-standing and very senior ADF experience stressed to Mr Farrar however that the commendation he had received was significant by the standards of the day and that he could justifiably feel very proud of his achievements. At the same time, the Tribunal encouraged him to engage with Defence to explore whether, under the currently prevailing commendation scheme, he might be awarded any different badge or recognition. The Tribunal noted that Defence had readily agreed to liaise with Mr Farrar in that regard.

Tribunal Decision

65. In light of all of the above, the Tribunal decided to recommend to the Minister that, for the reasons and with the qualifications detailed above, he should affirm the decision of Defence that Mr Farrar should not be recommended for award of the Conspicuous Service Medal.