

# HISTORIC VICTORIA CROSS

REPORT OF THE EXPERT PANEL



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**Cover Photo: 'Teddy' Sheean c.1941**  
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# 1. Chair's letter to the Prime Minister

## EXPERT PANEL

### HISTORIC VICTORIA CROSS

CHAIR	The Hon Dr Brendan Nelson AO
MEMBERS	Dr David Bennett AC QC Mr Brad Manera Dr Peter Shergold AC

The Hon Scott Morrison MP  
Prime Minister  
Parliament House  
CANBERRA ACT 2600

Dear Prime Minister

I am pleased to provide you with the report of the Expert Panel you assembled to consider the matter of the historic recognition of Ordinary Seaman Edward 'Teddy' Sheean. Specifically, you asked the Panel to examine respectively the detailed work conducted by the Defence Honours and Awards Appeals Tribunal (the Tribunal) on two separate occasions into Sheean's actions on 1 December 1942 during the sinking of HMAS *Armidale*. The Panel is unanimous in its conclusions and recommendations to you.

The Panel has undertaken a detailed review of the Tribunal's 2019 Review which recommended that Ordinary Seaman Edward 'Teddy' Sheean be awarded the *Victoria Cross for Australia* for his actions. This review had considered an appeal made by Tasmanian Veterans' Affairs Minister, the Hon Guy Barnett MP, against the decision by the Department of Defence to not recommend Sheean for the *Victoria Cross for Australia*.

A similar, but different review was undertaken in the Tribunal's 2011-13 *Inquiry into unresolved recognition for past acts of naval and military gallantry and valour* (the 2013 Inquiry). One of thirteen individual cases examined by this inquiry, it "concluded that Sheean's actions displayed conspicuous gallantry but did not reach the particularly high standard required for recommendation for a VC" and recommended "no action be taken to award Ordinary Seaman Sheean a *Victoria Cross for Australia* or other form of recognition for his gallantry or valour".

In an effort to reconcile these two differing conclusions and recommendations, you further asked the Expert Panel to examine any other relevant documentation. Finally, you have asked the Panel whether the 2019 Review had available to it any new, substantial evidence that was not available to the 2013 Inquiry. This evidence otherwise available, should be compelling enough for your government to recommend to the Sovereign that Sheean be awarded the *Victoria Cross for Australia*.

Having undertaken this task with open minds and bringing to it the various skills and expertise which you sought – in history, law, public administration and commemoration, the Panel reached a unanimous conclusion.

The Panel supports the conclusion of the 2019 Review that the *Victoria Cross for Australia* should be awarded to Ordinary Seaman Sheean for his actions on 1 December 1942. In doing so, we recommend to the Government that it accept the recommendations of the 2019 Review.

Consolidating the evidence available to the 2013 Inquiry, along with the 'new' evidence considered by the 2019 Review and more, previously unknown evidence found by the Expert Panel, is in every way 'compelling' in support of the Panel's advice to you.

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Further, ‘Teddy’ Sheean was done an injustice in 1942-45 by maladministration. This, his actions, supported by all the evidence now available, merit the awarding of the *Victoria Cross for Australia*.

The Panel bases its advice to you firstly on the basis of maladministration in the handling of Sheean’s actions in December 1942 and early 1943. From the initial incomplete, inaccurate, hastily written report of his actions by his Commanding Officer and failure of the Australian Commonwealth Naval Board (ACNB) to follow its own procedures meticulously, a series of events conspired to create an injustice in consideration of Sheean’s actions and appropriate recognition of them. The Panel does not criticise Lieutenant Commander Richards for this, given the circumstances under which his Report of Proceedings (ROP) of the sinking was prepared only six days after the sinking and the day after he arrived back in Darwin, and before other survivors and witnesses to Sheean’s actions had been found.

The 2019 Review considered the Sheean matter on a different legal basis from the 2013 Inquiry. The 2013 Inquiry had much of the evidence available to it, having undertaken an impressive collection and examination of it. However, the 2013 Inquiry in its analysis of the merit of Sheean’s actions was heavily influenced by government policy in opposition to retrospective awards and its pre-eminent determination to “uphold the integrity of the Awards and Honours system”. The Panel is also of the view that some analysis of the evidence by the 2013 Inquiry was flawed.

The 2019 Review, in considering an appeal of the decision made by the Chief of Navy to not recommend the *Victoria Cross for Australia* for Sheean, operated on a different legal basis from the 2013 Inquiry. It was unconstrained by ‘government policy’, received new evidence not available to the 2013 Inquiry, conducted a full merits review, and tested Sheean’s actions and the uncontested facts in relation to it against the regulations for the *Victoria Cross for Australia*. Having done so, in the Panel’s opinion, the 2019 Review reached a sound conclusion. Sound both in law and in evidentiary examination.

That ‘new’ evidence included Grant Sheean’s confirmation that ‘Teddy’ Sheean was unwounded when he turned away from the relative safety of the motor-boat beside the sinking ship and made his way back to the aft Oerlikon gun. Ted Pellett, who had been assisted by Sheean to get the boat away from the doomed ship on the heavily listing port side, confirmed in 1992 that Sheean was unwounded when he saw the enemy planes strafing men in the water. Sheean turned back towards the rear of the sinking ship and, in doing so, his own probable death. The 2013 Inquiry had been ‘unclear’ on the matter of Sheean being unwounded when he left Pellett. While accepting the 2019 Tribunal’s assessment, the Panel assigned less weight to this evidence, because it was being relayed from the recollections of a then elderly veteran 28 years after the conversation had occurred.

The testimony of the Chief of Navy, Vice Admiral Michael Noonan, was also regarded by the 2019 Tribunal as ‘new’ and ‘compelling’. The Panel shares this view. The Chief of Navy’s submission, based on meticulous study by the RAN included this:

*Sheean independently decided to forgo his opportunity at survival by not abandoning ship but rather returning to the gun. Despite being wounded enroute, he strapped himself in to shoulder mounts and harness, potentially giving up any chance of survival, and commenced firing the gun at the enemy, shooting down one aircraft and possibly damaging others whilst also attempting to disrupt and distract the enemy aircraft from strafing and killing his defenceless shipmates in the water. He sacrificed his life trying to save his shipmates and despite his severe and possibly fatal wounds he continued firing the gun as the ship slipped under the waves dragging him with it to his grave.*

In testimony to the Tribunal, Vice Admiral Noonan said:

*Sheean's actions on that day, 1 December 1942, were absolutely amongst the most conspicuous and most gallant we've seen in our Navy.*

The Panel further sought to examine the Japanese military archives seeking information in relation to the events of 1 December 1942. To our knowledge, this is the first occasion on which such an examination has been undertaken. In this, the Panel was assisted by the Australian War Memorial.

What the Panel found is revealing – compelling.

The detailed Japanese military records of the day confirm the attack by Japanese bombers and Zero fighters. The precise location, timing, bombing and sinking of the ship is confirmed as is return fire as it sank.

The records further indicate that two Japanese bombers were damaged but safely returned to base. No Japanese aircraft were lost.

Of relevance also, the Zeros expended a large quantity of 7.7mm rounds of ammunition consistent with low level, 'wave top' strafing, as described by witnesses.

From this, it is clear that both Sheean's motives and actions are consistent with the Japanese military records. That is, seeing his shipmates being strafed, he disobeyed the order to abandon ship, went back to the aft Oerlikon and, although a loader, strapped himself into the gun and under intense enemy fire, fired the gun damaging two aircraft until he went to his death. Given the 'short horizon' of survivors in the water, it is understandable that they believed a damaged aircraft trailing smoke had 'gone down'. This is immaterial to the fact of Sheean's most conspicuous gallantry.

I commend our report to you for consideration and thank your department and its officers for the impressive, professional support given to our work and deliberations.

Yours sincerely



The Hon Dr Brendan Nelson AO  
31 July 2020

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## 2. HMAS *Armidale* and Operation Hamburger

HMAS *Armidale* was one of 60 Bathurst Class corvettes (minesweepers) built in Australian shipyards during the Second World War. Australian corvettes were small ships each armed with a single 4-inch main gun, three 20mm Oerlikon guns principally for anti-aircraft protection, depth charges for antisubmarine use and a brace of Great War era light machine guns. Australian corvettes were Royal Australian Navy (RAN) workhorses providing convoy escort, local defence and both antisubmarine and anti-mine warfare tasks.

*Armidale* was launched on 23 January 1942. She was 186 feet long with a beam of 31 feet. *Armidale* was commissioned in June 1942 and deployed to northern waters in November 1942. Shortly after her arrival in northern waters, *Armidale* was added to the small group of Allied vessels tasked with Operation Hamburger.

Operation Hamburger was the codename given to the dangerous and complex task of extracting the Australian Imperial Force survivors of Sparrow Force who had been fighting a guerrilla war in the mountains of Timor, as well as a number of civilians and Portuguese and Dutch colonial troops, from the south coast of the enemy occupied island, to Australia.

Timor had fallen to the Japanese in February 1942. The largely Australian garrison had been either overwhelmed and killed or captured or had fled into the mountains and mounted a hit-and-run resistance. The Japanese occupation of Timor gave them control of airfields that were within striking distance of Australia. By November 1942, the Australian commandos were exhausted and needed to be rescued.

Operation Hamburger required of *Armidale* and her companion vessels, HMAS Ships *Kuru* and *Castlemaine*, that they make the hazardous journey from Darwin to Timor to recover the garrison and civilians. They also needed to plant a unit of Netherlands East Indies (NEI) troops to continue harassing the Japanese on the island.

On 1 December 1942, *Kuru* endured seven hours of air attacks before being recalled to Darwin. *Armidale* was also spotted by the Japanese. As well as her crew, *Armidale* was carrying 63 NEI troops and three Australian soldiers.

In the mid-afternoon, *Armidale* was attacked by nine 'Betty' bombers, three Zero fighters and a floatplane (Gill, G H *Royal Australian Navy 1942-45*, p. 218). Despite evasive manoeuvres and anti-aircraft fire *Armidale* was "struck by two torpedoes and possibly one bomb" (Gill, *ibid*).

Lieutenant Commander David Richards RANR gave the order to abandon ship. *Armidale* sank in a matter of minutes, while the Japanese aircraft continued strafing.

Of 149 personnel on the ship, 49 were rescued and 100 lives were lost.

The youngest and most junior of *Armidale's* crew was Ordinary Seaman, Second Class, Edward 'Teddy' Sheean. As the ship rapidly sank, this apparently ordinary young man, just 18 years old, performed an act of valour that was truly extraordinary.

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### 3. 'Teddy' Sheean

'Teddy' Sheean gave up his life in an act of exceptional bravery on 1 December 1942. Our nation will remain eternally grateful for, and inspired by, his service, dedication and sacrifice.

Lieutenant Commander David Richards RANR, in his Report of Proceedings (ROP) written immediately following the events, noted that:

*Ordinary Seaman Sheehan (sic), although wounded, remained at his post at the after (sic) Oerlikon, and was responsible for bringing down one enemy bomber. He continued firing until he was killed at his gun.*

As he died in action, Sheean was eligible for recognition by one of two posthumous awards: the Imperial *Victoria Cross* or the *Mention in Despatches (MiD)*. He was recognised with the *MiD*.

However, the Expert Panel (the Panel) is unanimously persuaded that the hastily written ROP failed to identify a number of significant points in relation to Sheean's actions during the loss of *Armidale*.

The Panel is convinced by the evidence that emerged after the writing of the ROP that Sheean, having received the order to abandon ship, made his way to the ship's side and assisted Able Seaman Edward Keith 'Ted' Pellett to release the ship's motor-boat. He could, like Pellett, have survived. Instead, Sheean rejected the opportunity offered by the relative safety of the motor-boat and returned to his action station at the aft Oerlikon. He made this choice in an attempt to disrupt the Japanese aircraft that were strafing both the ship and his shipmates in the water. Sheean made a conscious choice to fight the enemy and protect his shipmates rather than seek an opportunity to survive.

The Panel is persuaded that Sheean was not wounded at the time that he made this decision. Rather, he was wounded on his way back to the gun and probably wounded again, after having strapped himself into the Oerlikon. Nevertheless, he continued to fire until the ship sank.

The Australian official history states that "during the action one bomber and one fighter were seen to crash into the sea". The Panel has uncovered new evidence from the Japanese military archives in the National Institute for Defence Studies, Tokyo, showing that two Japanese bombers were damaged but were not brought down. Although the aircraft did not crash, the Panel is satisfied that the effect of Sheean's action was a deterrent to the strafing pilots and undoubtedly saved his shipmates' lives by drawing fire away from them and onto himself. His action was remarkably effective, given that Sheean was a loader rather than the gunner on the Oerlikon.

Sheean died at his gun. It is not known whether he died as a result of his wounds, or from drowning as the sinking ship dragged him to his death.

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## 4. Task and approach

Overturing a decision relating to a *Victoria Cross* nearly 80 years after the event is never to be taken lightly. The reasons for doing so must be compelling. The case for doing so must be absolutely exceptional.

The Government's view and clear policy is that consideration of the awarding of a retrospective *Victoria Cross for Australia* would only occur in light of compelling new evidence or if there was evidence of significant maladministration.

Given that there have been different views about 'Teddy' Sheean's actions in 1942, the Panel was requested to provide advice to the Prime Minister, the Hon Scott Morrison MP, on whether compelling new evidence about Sheean's actions in 1942 has come to light. Specifically, it was asked whether the 2019 Review by the Defence Honours and Awards Appeal Tribunal (the Tribunal) had any significant new evidence, not available to the previous reviews and otherwise available, that would be compelling enough to support a recommendation by the Government that Sheean be awarded the *Victoria Cross for Australia*. The Panel was also asked to consider other relevant documentation.

The Panel's Terms of Reference are at [Attachment 1](#). Short biographies of the Panel members are included at [Attachment 2](#).

The Panel considered the Tribunal's review: *Barnett and the Department of Defence re: Sheean* [2019] DHAAT 09 (23 July 2019) (the 2019 Review) which recommended that Ordinary Seaman Edward 'Teddy' Sheean be awarded the *Victoria Cross for Australia* for his actions in 1942. It also considered the report of the Tribunal's 2011-13 *Inquiry into unresolved recognition for past acts of naval and military gallantry and valour* (the 2013 Inquiry, sometimes referred to as the Valour Inquiry), which recommended that "no action be taken to award Ordinary Seaman Sheean a *Victoria Cross for Australia* or other further form of recognition for his gallantry or valour".

For further background, the Panel was able to review relevant submissions and transcripts from both the 2013 Inquiry and the 2019 Review.

The Panel also undertook consultation with a range of stakeholders, including the last living survivor of HMAS *Armidale*, members of the Sheean family and a number of public officials and office-bearers. Summaries of stakeholder consultations are provided at [Attachment 3](#).

The original Report of Proceedings (ROP) on the sinking of HMAS *Armidale* by Lieutenant Commander David Richards RANR is included at [Attachment 4](#).

Advice was sought from military historians on the availability of any other existing evidence, specifically in regard to investigations that may have been made of the wreck of HMAS *Armidale* and official Japanese military records from the National Institute for Defence Studies. As a result, significant new evidence from the Japanese side has been found. A summary of the Japanese Air Unit's Battle Reports researched by Dr Steven Bullard of the Australian War Memorial is included at [Attachment 5](#).

The Panel's work program is at [Attachment 6](#). A list of background documents from the 2013 Inquiry and the 2019 Review is at [Attachment 7](#), and the text of Commonwealth Naval Order 43/42 is at [Attachment 8](#).

In traversing the complexity, exceptional nature and public interest in the case of Sheean, the Panel determined that greater context should be included in this report. This approach informs the basis of the Panel's advice to the Prime Minister.



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## 5. Status of the 2013 Inquiry and the 2019 Review

The Tribunal was performing a different statutory function when it undertook its 2019 Review from that when it conducted the 2013 Inquiry.

Reviews of decisions conducted by the Tribunal are provided for in Division 3, Part VIII C of the *Defence Act 1903*, which provides for the Tribunal to review reviewable decisions. Under Division 3, individuals are able to apply to the Tribunal for an independent review of a decision of the Department of Defence regarding eligibility for a defence honour, defence award or a foreign award. This is not the same power as that exercised in relation to the 2013 Inquiry.

Inquiries into matters in response to a direction given by the Minister are regulated by Division 4, Part VIII C of the *Defence Act 1903*, which provides for the Tribunal to inquire into matters concerning honours or awards for eligible service.

Distinct requirements and considerations apply to each function. Importantly, the obligations imposed on the Tribunal when it conducts a review do not so bind it when it carries out an inquiry.

It is important to understand that the two Tribunals were engaged in different statutory processes, and were subject to different constraints. The 2013 Inquiry had terms of reference which required it to place an emphasis on Government policy. The 2019 Review was not legally constrained by Government policy and assessed Sheean's actions strictly against the eligibility criteria for the *Victoria Cross for Australia*.

The Tribunal in 2019 was looking at Sheean's case afresh. It had information before it that the 2013 Inquiry did not, namely the testimony of Mr Grant Sheean and the Chief of Navy, Vice Admiral Michael Noonan AO RAN. In any event, even if the 2013 Tribunal had engaged in a review of Sheean's case for the purposes of section 110VB of the *Defence Act 1903*, as opposed to an inquiry under section 110W, different Tribunals performing the same function in relation to the same facts might reach different conclusions.

Nonetheless, the task of the Tribunal in reviewing a reviewable decision under its review function is to reach the correct or preferable decision on the evidence or material before it. When considering a similar case, or even the same case, in future, the Tribunal would not be legally bound by its reasoning or conclusions in a previous case. A federal tribunal decision is not a binding precedent, as federal tribunals do not exercise judicial power.

The Panel has looked carefully at the work of both Tribunals in reaching its own conclusions.

### 5.1 The 2013 Inquiry

The 2013 Inquiry took place from 2011 through to 2013. In it, the Tribunal examined Sheean's case alongside 12 other individual cases relating to unresolved recognition. The 2013 Inquiry relied on the following evidence: the HMAS *Armidale* ROP by Lieutenant Commander Richards, and witness statements from survivors of *Armidale* including Ray Raymond, Ted Pellett, Arthur Lansbury, William Lamshed, Russell Caro, Victor 'Ray' Leonard, Rex Pullen, Colin Madigan, and Jack Duckworth.

The 2013 Inquiry indicated that it relied heavily on Richards' ROP. It asserted that the witness testimony corroborated the ROP. This was not the case. In summary, it found:

- after assisting Pellett in releasing the motor-boat, instead of obeying the order to abandon ship, Sheean, a loader of *Armidale's* aft Oerlikon, proceeded to this weapon and single-handedly engaged the enemy;

- 
- around this time, Sheean was wounded by the attacking Japanese aircraft;
  - Sheean then strapped himself to the aft Oerlikon, and used this weapon to shoot down at least one Japanese aircraft; and
  - Sheean remained at his weapon until he was killed.

The first dot point, an essential piece of evidence, was not included in the ROP.

The Tribunal determined that:

- the process by which Sheean was recommended for a decoration and subsequent award of a *MiD* was in accordance with the existing rules and practices;
- there is sufficient evidence to establish that what Sheean did was extremely brave;
- if he had lived, it was likely that he would have been awarded a second or third level gallantry award but as these were not available posthumously at the time, the equivalent award should not be awarded now;
- there was not sufficient evidence to find that there was a manifest injustice with regard to the outcome of the recommendation concerning Sheean;
- there was no new evidence to support reconsideration of Sheean for a *Victoria Cross for Australia*; and
- Sheean's actions displayed conspicuous gallantry but did not reach the particularly high standard required for recommendation for a *Victoria Cross for Australia*.

As the Panel will set out in section 6.1, the 2013 Inquiry's heavy reliance on Richards' inadequate ROP constituted an error of judgment. Several witness statements added essential information that was omitted from the ROP, and in parts contradicted it. The ROP was both incomplete and, in part, inaccurate.

In the 2013 Inquiry, although the terms of reference expressly directed the Tribunal to: "make recommendations on the eligibility of the naval and military members, as listed, to be awarded the *Victoria Cross*, the *Victoria Cross for Australia*, or other forms of appropriate recognition for their gallantry or valour", it did not explicitly address the eligibility criteria contained within the *Victoria Cross for Australia* regulations in its consideration of the Sheean case.

Following its terms of reference, the Tribunal weighed Australian honours policy in relation to both maintaining the integrity of the Australian honours system generally, and specifically in regards to retrospective Second World War *Victoria Cross* awards, as informed by Her Majesty The Queen's expressed views.

Nonetheless, the Tribunal concluded that it did have the power to recommend a retrospective award in the Australian honours system, including the *Victoria Cross for Australia*. However, in the case of Sheean, it did not find a basis in maladministration or new compelling evidence on which to make a recommendation for any award beyond the *MiD*.

On that basis, the Tribunal's report of the 2013 Inquiry recommended against a retrospective award of the *Victoria Cross for Australia* for 'Teddy' Sheean.

The Government accepted that recommendation in 2013.

## 5.2 The 2019 Review

In 2019, the Tribunal proceeded with a review of the Sheean case, on application by the Hon Guy Barnett MP, seeking review of a decision by Chief of Navy in 2018 to refuse to recommend the award of a *Victoria Cross for Australia* to Sheean.

The 2019 Review considered the ROP by Lieutenant Commander Richards, and the witness statements of Russell Caro, Victor 'Ray' Leonard, Lloyd Palmer, Colin Madigan, Ray Raymond, Arthur Lansbury, Ted Pellett and Donald Pullen. Despite some discrepancies, the Tribunal found that the witness statements provided a "broadly consistent account" of Sheean's actions.

The incumbent Chair of the Tribunal argued that there were two compelling new sources of evidence presented to the 2019 Review.

The first important evidence was the testimony of the Chief of Navy, Vice Admiral Michael Noonan. Informed by months of detailed research undertaken by the Royal Australian Navy, Noonan, in testimony to the Tribunal, said:

*Sheean's actions on that day, 1 December 1942, were absolutely among the most conspicuous and gallant we've seen in our Navy.*

The second source of evidence was Grant Sheean's account of a 1992 conversation with Ted Pellett. Pellett confirmed to him that rather than remaining at the gun, Sheean had left his post to assist Pellett in releasing a motor-boat. Sheean then observed his mates were being strafed in the water, and while unwounded, decided to go back to the Oerlikon to return fire on the Japanese aircraft. While accepting the 2019 Tribunal's assessment, the Panel assigned less weight to this evidence, because it was being relayed from the recollections of a then elderly veteran 28 years after the conversation had occurred.

The Tribunal found the following extract to be a "reasonable synopsis" of the facts:

*When the order was given to abandon ship, Sheean went to the stowage position of the motor-boat and was witnessed on deck standing next to Able Seaman Edward Pellet [sic] who used an axe to chop one of the falls of the motor-boat. Despite the fact that Armidale was a doomed vessel, the Japanese aircraft were continuing to fire upon the ship's crew as they abandoned ship as well as those already in the water. As Pellet got into the motor-boat, Sheean was seen to move towards the side of the ship as if to abandon ship then turned and headed back towards the aft Oerlikon, which was his normal action station but as a loader not as the gunner. Pellet told Leading Signalmans Lansbury that he saw Sheean hit (injured) as he made his way back to the gun which was some distance away. Lansbury saw Sheean make his way to the gun, strap himself in and commence firing. He also saw him get hit in the back by enemy aircraft fire. Stoker Ray Raymond was in the water 35-40 yards away from the aft section where, as it sank, he could see Sheean strapped into the Oerlikon. Raymond's account of Sheean actually shooting down one and possibly damaging other enemy aircraft accorded with that of Wireman William Lamshed who also witnessed the aircraft being shot at and hit by rounds from the aft Oerlikon but he did not know at the time that it was Sheean manning the gun. Raymond and others stated that they saw or heard the gun firing right up until it was under water.*

The Tribunal determined that Sheean performed an act of gallantry in action on 1 December 1942 when he decided to forgo his opportunity for survival by not abandoning ship and instead returning to the Oerlikon to engage enemy aircraft. The Tribunal concluded that in the presence of the enemy, Sheean performed an act of the most conspicuous gallantry and considered his actions to be a pre-eminent act of valour.

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Importantly, the 2019 Review was not required to consider or be bound by Government policy in relation to retrospective *Victoria Cross* awards. It focussed entirely on a merits review of the case against the *Victoria Cross for Australia* regulations.

The 2019 Review also noted that having determined this recommendation, Sheean would necessarily be eligible for the second or third tier gallantry award, but did not explicitly suggest this as a possibility in its Report.

The Government did not accept the recommendations of the 2019 Review.

### 5.3 The Minister's discretion

Unlike the Tribunal, the Minister is not bound by the eligibility criteria for an honour or award. Indeed the *Defence Act 1903* is silent as to when and under what circumstances the Minister may decide to exercise the discretion to make a recommendation on the conferral of an honour.

Similarly, the terms of the Letters Patent and Regulations establishing the *Victoria Cross for Australia* do not impose any obligation on the Minister to make a recommendation even if the eligibility criteria are met.

Further, despite the legal basis of the review function of the Tribunal, there is no requirement in law that the Minister or the Government accept the Tribunal's recommendation.

In deciding whether or not to recommend a person for an honour, the Minister is exercising the Commonwealth's executive power and has the ability to apply a broader perspective to decision-making informed by policy. While the precise limits of the executive power are ill-defined (*Davis v Commonwealth* (1988) 166 CLR 79, 93), activities that fall squarely within the scope of the power, such as the conferring of honours, give rise to a broad discretion. The fact that Part VIII C of the *Defence Act 1903* does not seek to limit, either expressly or impliedly, the Minister's decisions in relation to the conferring of honours or awards may suggest that Parliament intended for that discretion to remain broad.

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## 6. Consideration of Documentation

### 6.1 Report of the 2013 Inquiry

The report of the 2013 Inquiry noted several deficiencies in the original ROP ([Attachment 4](#)) authored by Lieutenant Commander Richards, including that Sheean was the loader at the aft Oerlikon gun, not the gunner; and that Sheean did not remain at his post after the order to abandon ship, but rather assisted Pellett in releasing the motor-boat before returning to the Oerlikon. Despite these omissions the Tribunal found that Richards' ROP was "broadly consistent" with the accounts of witnesses. The Panel strongly disagrees with this conclusion.

The Panel determines that the 2013 Inquiry erred in relying excessively on the information provided in the ROP, and in finding that the information provided in survivor accounts did not amount to new evidence. The evidence gathered through Russell Caro's paper published in the *Australian Journal* of 2 April 1945, and survivors' written and oral submissions to the Tribunal from 2011-2013, provided far more detail than was in the ROP. Frank Walker's interviews conducted in the 1980s are also helpful and are largely consistent with formal testimony and submissions to the Tribunals. These details corrected errors contained within the ROP. However, the Tribunal did correctly dismiss some testimony as unreliable hearsay.

The survivors' statements fleshed out the fuller story of Sheean's actions on 1 December 1942. In particular, Pellett provided crucial new evidence corroborating that Sheean had not remained at his post, but rather had gone to the motor-boat after the order to abandon ship, and then decided to return to the gun after witnessing the strafing of his shipmates in the water. Pellett's evidence also noted that Sheean was uninjured at the time of making the decision to return.

The Panel is of the view that the 2013 Inquiry assigned insufficient weight to Pellett's statement. This evidence showed that Sheean was uninjured at the time he made the decision to return. Had he moved to the motor-boat with Pellett, he would have had a reasonable chance of surviving the sinking. In choosing to return to the highly exposed Oerlikon gun while uninjured, in the context of a rapidly sinking ship under heavy strafing from enemy aircraft, Sheean decided to give up his chance of survival in order to protect his shipmates in the water.

As noted in the Department of Defence's submission to the 2019 Review, "Sheean independently decided to forgo the opportunity at survival by not abandoning ship but rather returning to the gun". In failing to recognise such details as new and compelling evidence, the Panel believes the 2013 Inquiry missed an opportunity to rectify the injustice done to Sheean through the deficient processes of 1942-45.

The Panel is also critical of the 2013 Inquiry's purported merits review of the Sheean case. The 2013 Inquiry undertook a process review, in which it looked for maladministration in the original decision. The Tribunal determined that "maladministration could occur not only if a commander failed to follow the required procedure, but also if a commander made a decision that could not be justified by the available evidence, if a commander did not show due diligence, or if a commander failed to make a decision when the evidence suggested that they should have made a decision." Only if this could be found to be true, which the 2013 Inquiry found it was not, would a formal merits review be undertaken.

The Panel finds that Richards failed to comply with the regulations for award recommendations under Commonwealth Naval Order 43/42 which required that: "the precise nature and quality of the action, enterprise, conduct or achievement commended should in each case be clearly defined" (at [Attachment 8](#)). The Panel does not criticise Richards or ascribe malevolent intent to his description of Sheean's actions, particularly given the context in which he was writing his

report – in the aftermath of a traumatic battle, one day after himself having been rescued, and when survivors and key witnesses to Sheean’s actions had not yet been rescued.

The inadequate description of events was not purposeful. Nevertheless, whatever the reasons, the Panel finds that, objectively, maladministration did occur. The incomplete and partly inaccurate ROP, by omission, contributed to the maladministration, compounded by the Australian Commonwealth Naval Board (ACNB) and the Admiralty’s handling of Sheean’s citation, as will be set out in section 7.3.

## 6.2 Report of the 2019 Review

Like the 2019 Review, the Panel found paragraph 53 of the Royal Australian Navy’s report to the Tribunal to be compelling:

*There is no doubt that Sheean's actions demonstrated gallantry under all of the guises of bravery, courage, heroism, valour and daring and that it was conspicuous to those that were there. Survivors in their statements talk about Sheean's actions in the terms ranging from "heroic behaviour", "awe-inspiring", "altruism", "very brave", "seen something really exceptional", "one of the bravest things that could ever be recorded" to "idiotic". The reconstruction shows that a more fitting summary of his actions would have been:*

*Sheean independently decided to forgo his opportunity at survival by not abandoning ship but rather returning to the gun. Despite being wounded enroute, he strapped himself in to shoulder mounts and harness, potentially giving up any chance of survival, and commenced fire the gun at the enemy, shooting down one aircraft and possibly damaging others whilst also attempting to disrupt and distract the enemy aircraft from strafing and killing his defenceless shipmates in the water. He sacrificed his life trying to save his shipmates and despite his severe and possibly fatal wounds he continued firing the gun as the ship slipped under the waves dragging him with it to his grave.*

As a product of months of research by the Royal Australian Navy, the Panel further found paragraph 53’s summary of facts to be valuable in forming an overall view on the timeline of Sheean’s actions.

The Panel also looked favourably on Vice Admiral Michael Noonan’s oral testimony to the Review, where he stated that: “Sheean’s actions on that day, 1 December 1942, were absolutely among the most conspicuous and gallant we’ve seen in our Navy”.

Overall, the Panel agrees with the emphasis placed on the evidence supporting the eligibility assessment to recommend Sheean for a *Victoria Cross for Australia*.

## 6.3 Other relevant evidence

The Panel considered the background documentation from the 2013 Inquiry and 2019 Review in three tranches: submissions considered only in 2013, submissions considered in both 2013 and 2019 and new submissions considered only in 2019. A table of background documents considered is at [Attachment 7](#).

The Panel undertook its own primary source research by requesting that Dr Steven Bullard of the Australian War Memorial translate Japanese unit records maintained by the National Institute for Defence Studies in Tokyo. This revealed new evidence which is detailed at section 7.2.

The Panel also sought advice from Dr Michael McCarthy, an authority on wartime shipwrecks. Dr McCarthy confirmed that the wreck of HMAS *Armidale* has not been found by Australian

authorities. It appears that, while the location is known, no official search has been undertaken. Further, Dr McCarthy advised that even if the wreck had been located, after almost eight decades, examination of the wreck is unlikely to tell us anything other than what we already know occurred on the aft superstructure and around the aft Oerlikon in the last minutes before HMAS *Armidale* sank.

In addition the Panel undertook an inspection of an Oerlikon gun at the Australian War Memorial. It was apparent from this inspection that the strap mechanism (which does up at the back) is awkward and would not be easy to undo. For an injured man under water, removal would be close to impossible. This demonstrates that, when Sheean decided to strap himself into the gun on a sinking ship (as he had to do in order to operate it effectively), he must have realised that he was giving up virtually all hope of survival.

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## 7. Principal Issues

The 2019 Review received some new evidence, which is of merit. The Panel has discovered more new evidence, in the Japanese Air Unit Battle Reports researched by Dr Steven Bullard of the Australian War Memorial (included at [Attachment 5](#)) and in its inspection of an Oerlikon gun. In the view of the Panel, this new evidence, when consolidated with previously available evidence, is compelling.

The 2019 Review was informed by the work of the 2013 Inquiry, but was not a review of it. Instead it conducted a merits review of Sheean's actions, unconstrained by Government policy under its statutory obligations, and identified two pieces of new evidence which it collated with all existing evidence and reached a sound conclusion based in law.

The 2013 Inquiry was comprehensive in its application. It was also heavily guided by Government policy. Further, it was determined, in its terms of reference and its conclusions, to uphold the integrity of the Imperial and Australian honours systems. It reached a conclusion consistent with its terms of reference.

However, the Panel determined that the administration of the process for considering Sheean's actions by authorities in 1942 was incomplete. It was deficient and caused Sheean injustice. Specifically, the Panel found that the ROP, which was written only days after the sinking of HMAS *Armidale*, contained inaccuracies in relation to Sheean's actions and it substantially understated what he did.

The 2019 Review's new evidence, in regards to Sheean returning to the Oerlikon after assisting Pellett to release the motor-boat and being uninjured when he did so, actually emerged at the end of the Second World War and in the decades that followed. This evidence was available to the 2013 Inquiry. However, the Panel does not agree with the 2013 Inquiry's treatment of this evidence.

The Panel's view is that there is a new interpretation of evidence available to it, which is compelling. Further, the Panel believes that a series of missed opportunities, which can be characterised as maladministration by omission, has contributed to a substantial injustice. The Panel believes this should be rectified. The integrity of the honours system is upheld, if not enhanced, when an injustice is corrected.

This position informs the Panel's conclusion that Sheean merits the *Victoria Cross for Australia*. Sheean's actions, affirmed by the 2019 Review tested against the eligibility criteria in the Regulations for the *Victoria Cross for Australia*, confirm his eligibility.

### 7.1 Did the 2019 Review reveal new evidence?

The 'new' evidence uncovered by the 2019 Review was the Royal Australian Navy's report to the Tribunal which provided a detailed description of the events that occurred from the attack by the Japanese aircraft to Sheean's death. This was supplemented with 'new' evidence provided by Mr Grant Sheean. Significant weight was placed on Vice Admiral Noonan's statement in testimony that Sheean's actions were: "amongst the most conspicuous and most gallant we've seen in our Navy".

Mr Grant Sheean's testimony gave a firsthand account of his discussion with Pellett in 1992. Pellett confirmed to him that Sheean was not wounded when he was standing beside him at the motor-boat, and that, after they had observed Japanese aircraft strafing survivors, Sheean made a conscious decision to return to the gun.



The Tribunal noted that the Department of Defence, as the respondent in the 2019 Review, was aware of this evidence and did not call it into question.

While the Panel considers that this is not substantive new evidence per se, the detailed research undertaken by the Royal Australian Navy in preparing their report to the Tribunal confirms the finding of the 2013 Inquiry that the information the Admiralty received in 1942-43 was “deficient” in that:

*although Sheean's action station was at the aft Oerlikon gun, he was not the gunner, but a loader; Sheean did not remain at his post after the abandon ship order was given, but rather assisted Pellet (sic) to release the motor-boat; once the boat was released Pellet abandoned ship and Sheean returned to his action station; Sheean then strapped himself into the gunner's position; Sheean fired his gun as the ship sank; Sheean went down with the ship.*

Further, in the view of the Panel, the 2019 Review extended support for this position in that Sheean was not wounded when he returned to the Oerlikon. For a young man to choose willingly to try to help his shipmates, knowing full well the ship was going down, is the action of someone prepared to make the ultimate sacrifice.

While the Panel accepts the context of the past, and acknowledges the traumatic events that preceded and followed the sinking of HMAS *Armidale*, it nonetheless determined that administrative events and errors conspired to deal Sheean a substantial injustice.

## 7.2 Is there any other new evidence?

The Panel could not find evidence that previous reviews had sought to compare the recollections of *Armidale* survivors with Japanese accounts of the action. In order to examine exhaustively all lines of inquiry, the Panel requested that Dr Steven Bullard of the Australian War Memorial access and translate Japanese unit records maintained by the National Institute for Defence Studies in Tokyo. Dr Bullard's translation of the Japanese Air Unit Battle Reports is at [Attachment 5](#).

Japan did not have an air force during the Second World War. The Japanese navy and army included aviation units. The attacks on HMAS *Armidale* on 1 December 1942 were conducted by aviation units from the 753<sup>rd</sup> Naval Air Group and the 202<sup>nd</sup> Naval Air Group, both flying out of the Japanese held airbase at Kupang in western Timor.

The translations reveal that the Japanese were aware of Allied shipping activity south of Timor and were hunting for the RAN vessels. The twin-engined, torpedo or bomb armed, Mitsubishi G4M 'Betty' bombers, each with a crew of seven, from the 753<sup>rd</sup> Naval Air Group were flying their third sortie of the day when a flight of seven bombers sighted and attacked HMAS *Armidale*.

The attack on HMAS *Armidale* took place on 1 December 1942. The 753<sup>rd</sup> Naval Air Group report states that the attack began at 13:42 hours, Tokyo time (15:42 hours, local time). The attack lasted some 13 minutes during which time the attackers scored at least one torpedo hit. HMAS *Armidale*, described as a transport ship, was damaged on the right (starboard) side and came to a stop. The log states that, during the second run, a direct hit by a bomb or torpedo was achieved on the ship which then sank. The log records that aircraft No.1 from Flight 230 received hits from enemy fire. The attack broke off at 13:55 (15:55) and all seven aircraft returned to Kupang by 14:20 (16:20).

The timings recorded in the 753<sup>rd</sup> Naval Air Group report accord with the timings contained within the Australian official history.

In the five sorties launched by the 753<sup>rd</sup> Naval Air Group that day over 120 light bombs were dropped and 8 torpedoes launched. Apart from the vessel hit in the third sortie (that we know to be HMAS *Armidale*) no hits were scored.

In the summary of missions for the day it is confirmed that two aircraft were hit by enemy fire. It appears that these were the aircraft mistakenly described by the survivors of HMAS *Armidale* as being shot down. There is no evidence in either Australian or Japanese records to suggest that the damage to the two aircraft could have been the result of any action other than Sheean's.

Providing top cover fighter support for the bombers was a flight of three Mitsubishi A6M 'Zero' fighters from the 202<sup>nd</sup> Naval Air Group. The Zero was the Imperial Japanese Navy's high-performance fighter. A single-engine monoplane with a crew of one, the Zero was armed with a 20mm cannon in each wing and two 7.7mm machine guns in the engine cowling. On operations the Zero carried 500 rounds for each machine gun and 60 rounds for each cannon.

The Zero's cannon fired similar rounds to those from *Armidale's* Oerlikon but the 7.7mm was the same calibre as the rifle ammunition carried by Japanese infantrymen, and is similar to the .303" rifle ammunition carried by Australian soldiers at the time. This sort of ammunition would only be useful against soft skinned targets like humans on deck or in the water.

The Zeros left Kupang 10 minutes behind the Bettys and flew south east of Timor. They reported that they sighted HMAS *Armidale* at 13:05hrs (15:05 local and Darwin time) and correctly identified it as a minesweeper travelling at 15 knots.

The Zeros of the 202<sup>nd</sup> Naval Air Group were tasked with protecting the bombers. They observed the torpedo attack on *Armidale* and record that the ship sank within six minutes of being hit. They include mention of their own attacks on the ship which they broke off at 14:00. They continued to patrol and returned to base at 15:25. This six minute window is consistent with the Panel's findings in relation to the timings of Sheean's actions.

The summary of the operation by the three Zeros from 202<sup>nd</sup> Naval Air Group records that 19 rounds of 20mm ammunition and 510 rounds of 7.7mm ammunition were fired.

For this flight to have expended 15 to 20 per cent of its machine-gun ammunition and enough rounds for several bursts of cannon fire on the only contact recorded on this sortie, the attack on *Armidale*, confirms that these aircraft strafed the foundering vessel and the survivors in the water around it.

The Panel finds this additional information to be compelling in its confirmatory nature of Pellett's evidence that Sheean was motivated to return to the Oerlikon because his shipmates were being strafed in the water.

In combining this conclusion with the previous evidence, and confirming key facts through the examination of Japanese archive material, the Panel finds that what is now known about Sheean's actions is sufficiently compelling to advise the Prime Minister to accept the recommendation of the 2019 Review.

### 7.3 Was there maladministration?

Operation Hamburger, to which HMAS *Armidale* was deployed, was not widely regarded as having been competently executed. While it was a strategic success, it was not without its operational failures.

On 6 December 1942, Commodore Cuthbert Pope signed a document convening a Board of Inquiry (BOI) to investigate the loss of HMAS *Armidale*. On the same day, he received a signal that 20 survivors had been rescued from the motor-boat, including Lieutenant Commander

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Richards. Richards completed his ROP the next day on 7 December 1942 (included at [Attachment 4](#)). Richards' description of Sheehan's action was:

*Ordinary Seaman Sheehan (sic), although wounded, remained at his post at the after (sic) Oerlikon, and was responsible for bringing down one enemy bomber. He continued firing until he was killed at his gun.*

Subsequent witness testimony, agreed by two Tribunals and Defence itself, confirms that the ROP description understated what Sheehan is known to have done, and contained factual errors. He did not remain at his post while wounded, but rather returned uninjured to the gun after assisting Pellett with releasing the motor-boat. Whilst his post was at the gun, he was the loader not the gunner. Furthermore, as revealed through research of Japanese records, Sheehan did not down one enemy bomber, but rather damaged two bombers.

The BOI took place on 8 December 1942, seven days after the sinking of HMAS *Armidale* and two days after Richards and some survivors were recovered, at a time when the search for other survivors was still ongoing. Richards appeared before the BOI and delivered oral testimony of the information contained within his ROP, but the BOI did not have access to a written copy of the ROP. The BOI report was submitted to Commodore Cuthbert Pope on 8 December 1942. On 14 December 1942, Pope sent the BOI report, Richards' ROP and "a number of other documents" to the ACNB.

Several witnesses of Sheehan's actions stated that their evidence was not solicited in any way after the events of 1 December 1942. However, William Lamshed stated his belief that "six sailors of different authorities were questioned by the officers of the day". Regardless of how many were or were not consulted, it is nonetheless accurate to say that several crucial pieces of information were not forwarded to the ACNB and Admiralty, including the evidence of lower-ranked sailors. The 2013 Inquiry noted that such practices were standard at the time, as only officers had input into the BOI reports, and survivors of lower ranks were not consulted.

The Secretary of the ACNB forwarded a copy of the ROP of HMAS *Armidale* for the period 29 November to 1 December 1942 to the Lords Commissioner of the Admiralty of Awards. They considered it and determined a *MiD* would be awarded on 15 June 1943. It was gazetted on 29 June 1943. Sheehan's *MiD* was republished on 23 July 1943 with the correct spelling of his surname.

The 'Australia Station' for the ACNB handled the matter in accordance with its usual procedures and no specific award was recommended. However, other stations in the European / Mediterranean theatres used Royal Navy Form 57, 'Recommendation for Decoration or *Mention in Despatches*', which did require nomination of a specific award. Had Richards used Form 57, it would have prompted him to nominate Sheehan for a specific award. The use of Form 57 would have meant that Richards would have had only two options available to him: the *MiD*, or the *Imperial Victoria Cross*. Had all of the facts that are presently known been available to Richards at the time, there is a higher probability that the *Victoria Cross* would have been recommended. However, as the ACNB's Australia Station did not use RN Form 57 or its Australian equivalent RAN Form 58 in its usual award processes at the time, it cannot be said that failure to use such forms on its own constituted maladministration.

The Panel is of the view that the errors and omissions in the ROP were significant. In submitting a ROP containing significant errors and omissions, the Panel accepts that Richards failed to comply with the regulations for award recommendations under Commonwealth Naval Order 43/42 ([Attachment 8](#)), which required that: "the precise nature and quality of the action, enterprise, conduct or achievement commended should in each case be clearly defined".

The 2013 Inquiry did not examine whether the information provided to those deciding the matter in 1942 met these requirements, but it did note that the ACNB showed little initiative in ensuring RAN personnel were properly recognised.

Vice Admiral Noonan told the 2019 Review that it was “disappointing” that, “through circumstance, a full description of the action was not captured in 1943”. The Panel reaches the same conclusion that the ROP submitted did not comply with this order. Noonan further stated that Richards “wasn’t as forward leading as a commanding officer as he might have been”. While it was understandable - in the context of a captain who had lost his ship seven days earlier, amidst a disastrous six months for the RAN - it is the Panel’s view that the ROP was not just deficient, but constituted maladministration.

The Panel finds that the ACNB and the Admiralty would have been unable to appreciate the full extent of Sheean’s valour based on the incomplete and inaccurate information contained within the ROP. As a result, the Panel believes that the ROP did Sheean a substantial injustice.

## 7.4 Was there an opportunity to correct the record?

The Panel finds that there have been a number of opportunities over time to right the wrong of Sheean’s actions not being recognised with the *Victoria Cross*, but those opportunities have been missed. The Panel does not wish to characterise any of these lost opportunities as being malevolent, or even intentional. It is more that with the overview afforded to the Panel, the missteps and missed chances to recognise Sheean appropriately have become apparent. The Panel considers it is never too late to remedy the injustices of the past.

This series of missed opportunities began with Lieutenant Commander Richards being required to write his ROP before all his men had been rescued. This contributed to the deficiencies and inaccuracies of the ROP, which was subsequently relied on by the Admiralty to consider Sheean’s case for recognition. The deficient and inaccurate ROP also disproportionately influenced the conclusion of the 2013 Inquiry.

There was another missed opportunity when the ACNB did not ensure that the ROP complied with CNO 43/42 before it was submitted to the Admiralty.

The ACNB also failed to take the opportunity to talk to the survivors, many of whom had witnessed Sheean’s actions. Instead, due to the circumstances and timing of perhaps the worst period in the Second World War for Australia’s defence forces, an official publicity ban was in place regarding the loss of *Armidale*. In this context, the survivors were told not to speak of their experiences and were scattered across the country as some were hospitalised, some sent home to recuperate and others were redeployed.

At the conclusion of the Second World War, there was another chance to assess if the correct recognition had been afforded, with the end of war honours list. However, no-one spoke up, and nobody connected this opportunity with the more detailed story penned by survivor, Ordinary Seaman Russell Caro. His account of *Armidale*’s sinking appeared in the *Australian Journal* five months before the war was over.

Even when the official history of the Royal Australian Navy in the Second World War was published in 1968, which credited Sheean with downing a bomber and remaining at his gun while the ship sank, still no action was taken to reassess his award. This continued to be the case for the decades that followed, up to and including the 2013 Inquiry.

The Panel finds that much of the evidence, which the 2019 Review focussed on, highlights that the true story of Sheean had always been there.

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## 7.5 Is there a compelling case for change?

Having assessed the available evidence, the Panel accepts the following facts (based on evidence given by the Chief of Navy, Vice Admiral Noonan, in his submission to the 2019 Review):

'Teddy' Sheean, the youngest, junior ranked member of HMAS Armidale's ship's company, left the aft Oerlikon gun when the order to abandon ship had been given. He went to the listing, port side of the ship. He stood next to Able Seaman Edward Pellett who used an axe to chop one of the ropes to the motor-boat. At this time the Japanese aircraft were firing on the doomed ship and strafing the men in the water. As Pellett got into the released motor-boat, Sheean was seen to move as if to also get in the boat, but suddenly turned and went back towards the aft Oerlikon gun where he was the loader, not the gunner. Sheean was 'hit' as he made his way to the gun but he reached the gun, strapped himself into the Oerlikon and commenced firing. He was 'hit' again in the back by enemy aircraft fire. As the ship was sinking, Sheean damaged two enemy aircraft. Survivors reported the gun firing up until the aft section sank. Sheean died at the gun. Whether from wounds or drowning is unclear.

The 2019 Review tested Sheean's actions against the *Victoria Cross for Australia* eligibility criteria as set out in the Letters Patent and Regulations. The evidence tested against the criteria makes him eligible, against all three criteria, for the awarding of the *Victoria Cross for Australia*. The 2019 Tribunal so recommended.

The foundation for change is built on maladministration by omission; evidence available to the 2013 Inquiry the analysis of which was flawed; new evidence presented to the 2019 Tribunal and now, further new evidence discovered and examined by the Panel. The case for Sheean is compelling.

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## 8. Advice

The Panel considers that:

- Sheean was done a substantial injustice in consideration of his actions in the original decision-making period in 1942-45, constituting maladministration;
- there is now compelling evidence available to support higher recognition for Sheean;
- Sheean's courageous sacrifice of his life to save his shipmates meets the eligibility criteria for the *Victoria Cross for Australia*; and
- the highest level of recognition should be accorded in this exceptional case.

On that basis, the Panel's unanimous advice is that the Government accept the recommendation of the 2019 Review that Sheean be awarded the *Victoria Cross for Australia*.

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## Attachment 1: Terms of Reference

The Panel is requested to consider:

- the review of the Defence Honours and Awards Appeals Tribunal (the Tribunal): *Barnett and the Department of Defence re: Sheean* [2019] DHAAT 09 (23 July 2019) which recommended that Ordinary Seaman Edward ‘Teddy’ Sheean be awarded the *Victoria Cross* for his actions in 1942 (the 2019 Review);
- the report of the Tribunal’s 2011-13 Inquiry into unresolved recognition for past acts of naval and military gallantry and valour, which recommended that “no action be taken to award Ordinary Seaman Sheean a *Victoria Cross* or other further form of recognition for his gallantry or valour” (the 2013 Inquiry); and
- any other relevant documentation;

and to provide the Prime Minister with advice, by 31 July 2020, on:

- whether the 2019 review had any substantial new evidence that was not available to the 2013 Inquiry and is otherwise available and is compelling enough to support the Government recommending to the Sovereign that Sheean’s award of the *Mention in Despatches* be replaced by the *Victoria Cross*.

The Panel will invite submissions from and consult with relevant parties to these matters as they consider appropriate to form their conclusion.

The Panel will be supported by the Department of the Prime Minister and Cabinet.

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## Attachment 2: Biographies of Expert Panel members

The Panel of four was convened by the Prime Minister and announced on 10 June 2020. It was chaired by former Minister for Defence and former Director of the Australian War Memorial, the Hon Dr Brendan Nelson AO, and comprised the former Australian Solicitor-General, Dr David Bennett AC QC, Senior Curator and Historian at the NSW Anzac Memorial, Mr Brad Manera, and former Secretary of the Department of the Prime Minister and Cabinet, Dr Peter Shergold AC. Short biographies follow.

### **THE HON DR BRENDAN NELSON AO**

Dr Nelson was the Director of the Australian War Memorial from 2012-2019. Prior to this, he was the Australian Ambassador to Belgium, Luxembourg, the European Union and NATO from 2009-2012. Apart from overseeing a major transformation in Australia's relationships with the European Union and NATO, Dr Nelson forged deep links with the communities of Flanders, where almost 14,000 Australians lost their lives during the First World War. He formerly served as Minister for Education, Science and Training from 2001-2006 and as Minister for Defence from 2006-2007 when troops were deployed to Iraq, Afghanistan, East Timor and Solomon Islands. He is currently the President of Boeing Australia, New Zealand & South Pacific.

### **DR DAVID BENNETT AC QC**

Dr Bennett served as Solicitor-General for the Commonwealth of Australia from 1998-2008. He served as President of the New South Wales Bar Association from 1995-1997 and President of the Australian Bar Association from 1995-1997. He was appointed as Queen's Counsel in 1979 and practised in the areas of appellate law generally, constitutional law, administrative law, revenue law, trade practices and competition law, among others.

### **MR BRAD MANERA**

Mr Manera is the Senior Historian and Curator at Sydney's Anzac Memorial in Hyde Park. He has enjoyed a 40-year career as curator and historian in some of Australia's most pre-eminent museums including the Australian War Memorial. He has received a New South Wales Parliament Tribute for his work as Executive Manager of the Anzac Memorial. His recent publications include *New South Wales and the Great War* (2016) and *In That Rich Earth* (2020), a study of a century of Australian battlefields.

### **DR PETER SHERGOLD AC**

Dr Shergold has been Chancellor of Western Sydney University since 2011. He served as Secretary of the Department of the Prime Minister and Cabinet from 2003-2008, Secretary of the Department of Education, Science and Training from 2002-2003, Secretary of the Department of Employment, Workplace Relations and Small Business from 1998-2002, Australian Public Service Commissioner from 1995-1998, Chief Executive Officer of Comcare from 1994-1995, and head of the Aboriginal and Torres Strait Islander Commission from 1991-1994. He has chaired reviews into Medicare Card security (2017); the National Construction Code (2017-2018), Refugee Settlement (2019) and Senior Secondary Pathways for Students (2020).



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## Attachment 3: Stakeholder consultations

The Panel was privileged to interview **Dr Victor 'Ray' Leonard**, now 97 years old, who served as an Ordinary Seaman alongside 'Teddy' Sheean on HMAS *Armidale* at the age of 19, and is now the sole living survivor of the sinking. He later worked as the Chief Psychologist for the Department of Veterans Affairs. Dr Leonard submitted evidence both to the 2013 Inquiry and to the 2019 Review.

The Panel was also grateful for the generosity of 'Teddy' Sheean's nephews, **Mr Garry Ivory** and **Mr Grant Sheean**, who shared a deeply personal perspective as descendants. The family has been active in raising the profile of Sheean's bravery since the 1950s.

The Panel interviewed **the Hon Guy Barnett MP**, a member of the Tasmanian House of Assembly and Parliamentary Secretary to the Premier. He serves as the Tasmanian Minister for Primary Industries and Water, Minister for Energy, Minister for Resources, and as Minister for Veterans' Affairs. He was previously a member of the Australian Senate.

The Panel interviewed **Major General Greg Melick AO RFD SC** who was able to discuss the range of views held by members of the Returned and Services Leagues of Australia (RSL), of which he is the National President.

The Chief of the Defence Force, **General Angus Campbell AO DSC**, was also interviewed by the Panel about Defence's views.

The Chief of Navy, **Vice Admiral Michael Noonan AO RAN**, wrote to the Panel advising that he had nothing to add to his testimony to the 2019 Review.

The panel interviewed **Mr Mark Sullivan AO**, Chair of the Defence Honours and Awards Appeals Tribunal, and presiding member for the 2019 Review, and **Ms Naida Isenberg**, a member of the Tribunal for the 2019 Review. While not interviewed by the Panel, the other two Tribunal members who participated in the 2019 Review, **Mr David Ashley AM** and **Brigadier Mark Bornholt AM**, reiterated their strong support for the recommendations of the 2019 Review and their confidence in Mr Sullivan to represent their views.

The panel also interviewed **Mr Alan Rose AO**, who was Chair of the Tribunal during the 2013 Inquiry.

## Consultation Summaries

### **DR VICTOR 'RAY' LEONARD**

Dr Leonard shared his personal insights of his shipmate Sheean as a young man, and his experiences as a crew member of HMAS *Armidale* on the day it sank and in the aftermath.

In relation to Sheean's bravery, Dr Leonard shared his view that his great act of courage was when, helping Pellett to disentangle and cut the motor-boat free, Sheean looked at the men in the water being fired upon, and then headed back to the Oerlikon. Dr Leonard noted that it was quite a task to get back to the gun, even uninjured, and given that it was an acute uphill angle as the ship was sinking.

In Dr Leonard's words: "That was the bravest thing he did, to go back."

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## MR GARRY IVORY AND MR GRANT SHEEAN

Mr Ivory and Mr Sheean expressed their understandable disappointment in the outcome of the 2013 Inquiry but agreed with the findings of the 2019 Review. Mr Ivory recounted that, after attending a hearing of the 2013 Inquiry, he remarked that “nothing’s going to change” because it was his sense that the Tribunal members believed it would open a “Pandora’s Box”.

He was relieved that the 2019 Review was a merits review of Sheean’s actions. Mr Ivory also considered it an injustice that Sheean was not recommended for a *Victoria Cross* during the Second World War as his commanding officer’s report was inaccurate and incomplete.

Mr Ivory identified the evidence in the 2019 Review that did not feature in the 2013 Inquiry was Dr Leonard’s evidence, Grant Sheean’s evidence from his conversation with Ted Pellett in 1992, and Vice Admiral Noonan’s comments. In their view, Pellett’s evidence was of particular importance, casting new light on Sheean’s actions, by confirming that he was not wounded when he decided to return to the aft Oerlikon gun.

Both family members reflected on the idea that Sheean could have abandoned the ship and taken his chances but instead made the decision to return to the Oerlikon gun, forgoing his chance of survival. They also reported that family of other survivors had told them that the Japanese aircraft took evasive action to get away from the Oerlikon fire, and that the survivors believed that Sheean’s actions had contributed to saving their lives.

They also shared their personal experiences of being told by many survivors that Sheean had been an inspiration for them particularly when they were adrift at sea in the days after the ship’s sinking.

## THE HON GUY BARNETT MP

Minister Barnett, as applicant to the 2019 Review, shared his view that the 2019 Review was the first merits based review of the Sheean case since the Second World War and that its findings, based in law, should be held in higher regard than the 2013 Inquiry which did not adequately address the merits of Sheean’s actions. He strongly supported an outcome in favour of a *Victoria Cross for Australia*, but also noted that on the basis of the 2019 Review, Sheean could have been considered for other gallantry awards such as the Star of Gallantry but that this was not pursued as the Tribunal found that Sheean met the eligibility criteria for the *Victoria Cross for Australia*.

Minister Barnett shared the position that the new and compelling evidence was the confirmation that Sheean was not wounded when he made the decision to go back to the Oerlikon, casting new light on Sheean’s actions. He also shared his view that Royal Australian Navy’s reconstruction of Sheean’s actions as shared to the 2019 Review was more accurate and substantive than the description provided by Sheean’s commanding officer in the Second World War, and that he was surprised that these discrepancies were not considered by the 2013 Inquiry as evidence of maladministration.

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**MAJOR GENERAL A G (GREG) MELICK AO RFD SC**

Major General Melick outlined that the RSL's general policy position is to oppose retrospective awards due to a number of considerations, but that there were divided opinions within the RSL in this case.

He expressed concern that other cases without relatives or other advocates lobbying for historic recognition do not receive similar attention. He also questioned the reliability of evidence many years after the event, conveyed by those not directly involved and by those closely connected to the individual concerned.

In General Melick's view, the politicisation of the awarding of honours for valour was very inappropriate.

He emphasised that there are potentially many other actions which would be just as deserving as Sheean's of review and upgrade of recognition. However, he noted from a strictly legal perspective, there was no impediment to the award of a *Victoria Cross for Australia* to Sheean.

**GENERAL ANGUS J. CAMPBELL AO DSC**

General Campbell stated the Defence position that no maladministration or compelling new evidence had been demonstrated in the 2019 Review. He also raised the general policy position of opposing retrospective awards, due to a number of considerations.

General Campbell pointed out that only nine members of the Royal Australian Navy received a posthumous *Mention in Despatches* in Second World War and that it was, and remains, a significant and respected award.

Further, he stated that the Australian Defence Force regarded Sheean's actions as so exceptional that a submarine was named after him – HMAS *Sheean* – the only Australian vessel to be named after a sailor.

General Campbell noted that it would be his duty to accept the decision of awarding a retrospective *Victoria Cross for Australia* in the case of new compelling evidence that was not known to previous inquiries or the original decision-makers. However, he noted his philosophical position that this could destabilise the Australian honours system.

**MR MARK SULLIVAN AO**

Mr Sullivan outlined concerns with the 2013 Inquiry's framework of decision-making, which may have made it challenging for them to reach the same conclusion as the 2019 Review.

While he reflected that most of the evidence was available to the 2013 Inquiry, Mr Sullivan identified the importance of the Chief of Navy's evidence, including his statement that: "Sheean's actions on that day, 1 December 1942, were absolutely amongst the most conspicuous and most gallant we've seen in our navy".

Mr Sullivan also referred to the clarified timeline of events regarding Sheean's wounding, confirmed by Mr Grant Sheean's testimony, as new evidence. He expressed his view that the key issue was that this evidence had not previously been assessed against the *Victoria Cross for Australia* eligibility criteria. For this reason Mr Sullivan asserted that the 2013 Inquiry cannot be said to have conducted a merits review of the Sheean case.

He also expressed the view that the integrity of the honours system is upheld if those who have been overlooked, for whatever reason, are given the right recognition in the end.

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**MS NAIDA ISENBERG**

Ms Isenberg expressed the position that the 2013 Inquiry had not applied the facts of the case to the *Victoria Cross for Australia* criteria and conveyed that the 2019 Review's perspective was that the integrity of the system would be enhanced if someone whose actions were incredibly meritorious were to be honoured; conversely, integrity suffered if such a person were overlooked.

**MR ALAN ROSE AO**

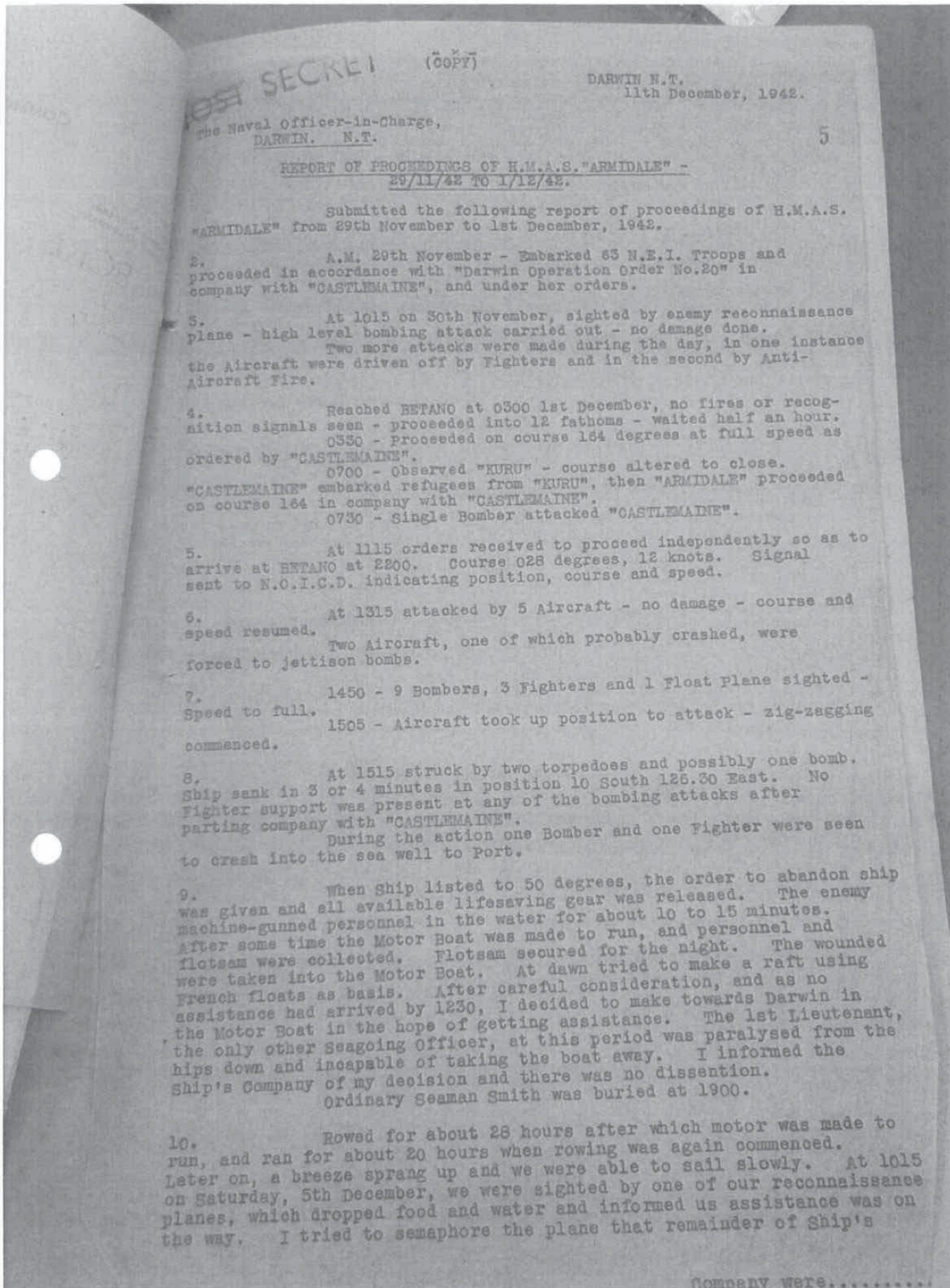
Mr Rose outlined that the 2013 Inquiry, in accordance with its terms of reference, was looking to balance the public interests involved, including preserving the integrity of the Australian honours system and the Imperial honours system. Mr Rose said that the 2013 Inquiry understood that it was part of their job to develop policy that might be followed in the future in dealing with historic awards, and what effect that consideration might have on the integrity of the systems.

He noted that the 2013 Inquiry examined the processes of the time, whether there was new evidence, the merits of what the individual did, and whether there had been maladministration causing injustice to the individual. In regards to Sheean, the 2013 Tribunal did not find there was maladministration in relation to the 1942-45 processes.

Mr Rose felt that a retrospective *Victoria Cross for Australia* would not necessarily damage the integrity of the honours and awards system if there was a solid policy background in how the decision was made, if it were clear that the award was remedying a manifest injustice, and if there was clear guidance as to how future claims would be handled.

## Attachment 4: Report of Proceedings

P246



P247

- 2 -

Company were on raft at scene of sinking. Plane circled close while signal was made, then flew away without acknowledgement. I did not know whether signal had been received or not. I 6  
END

11. At 1830 two more planes came out and dropped more food, water and Verrey lights with a note saying that "KALGOORLIE" should arrive about 2300, advising us to fire Verrey lights every half-hour after that time. This was complied with but there was no sign of "KALGOORLIE".

12. At 1100 next morning, plane sighted to eastward, but we could not attract attention.

At 1120 masts of ship sighted but she was observed to turn away after about 5 minutes.

2000 - another plane sighted - Verrey light fired to attract attention, she immediately turned towards us, and signalled that Corvette was on its way.

2130 - fired Verrey light and again at 2215, soon after a flashing light from "KALGOORLIE" was observed, and by 2300 all personnel were aboard "KALGOORLIE".

A signal was sent from "KALGOORLIE" at daylight, giving information and position of raft.

13. Confidential Books were locked in the chest in the Chart Room, and those in use on the Bridge were in cabinet with door shut, and all went down with the Ship.

14. The behaviour and conduct of the Ship's Company was at all times of the highest order, and it is difficult to name any one act as more gallant than another, except those of Ordinary Seaman Edward SHEEHAN and Lieutenant W.G. WHITTING, R.A.N.R.(S).

Ordinary Seaman SHEEHAN, although wounded, remained at his post at the after Oerlikon, and was responsible for bringing down one enemy bomber. He continued firing until he was killed at his gun.

Lieutenant WHITTING, 1st Lieutenant, did excellent work in getting the lifesaving gear away under very difficult circumstances, being wounded in two places and constantly under fire.

15. About two thirds of the Dutch Troops were in the Forward Mess Deck and were killed by the blast of the first torpedo. Of the remainder, 4 were in the Motor Boat (one of whom died on the way), and the others were on the raft.

I have the honour to be, Sir,

Your obedient servant,

(SGD.) D.H. RICHARDS.

LIEUTENANT COMMANDER, R.A.N.R.(S).

## Attachment 5: AWM Research

Excerpts relating to the attack on HMAS *Armidale* are highlighted. The reader will note that in relation to the attack on *Armidale*, the time is recorded as 1305 hrs Tokyo time (GMT + 8 hr). This reconciles with Richards' ROP, which records the time as 1505 hrs (as stated in the *Australian Official History*). Question marks are used to denote characters for which Dr Steven Bullard was unable to find a satisfactory translation.

### Japanese air attacks on HMAS *Armidale*

#### Summary

Contemporary reports produced by Japanese Navy and Army air units in Timor record that on 1 December 1942, several enemy ships were located in the Timor Sea. One of these ships, at a position 10°S, 125°30'E, was attacked and sunk by seven type-one land-based attack aircraft (Betty bombers) from the 753rd Naval Air Group, with three Zero fighters from the 202nd Naval Air Group in support. The reports note that two of the Betty bombers received hits from enemy fire, but that all ten aircraft returned safely to Kupang without any significant damage.

The time and location of this incident corresponds to Allied accounts of the sinking of HMAS *Armidale*. There were numerous other actions in the area on 1 December by other aircraft from the two air groups, in addition to several floatplanes from the Japanese light cruisers *Natori* and *Kinu*, but the records available do not indicate any Japanese aircraft losses on that day.

All records are available from the website of the Japanese Center for Asian Historical Records run by the National Archives of Japan ([www.jacar.go.jp/english/index.html](http://www.jacar.go.jp/english/index.html)). Note that times given in the reports correspond to Tokyo time (GMT + 8hr).

A summary translation of sections related to HMAS *Armidale* is contained below.

Steven Bullard, PhD

Author, Official History of Australian Operations in Iraq and Afghanistan

Australian War Memorial

July 2020

### Extract from reports on 1 December 1942

Mission: Aerial reconnaissance of the Timor Sea to the north-west of Australia<sup>1</sup>

Aircraft: 5 x type-one land attack bombers, 753rd Naval Air Group, Koepang

- At 0755 hrs, aircraft no. 3 from 130 Flight sighted two enemy destroyers. It was not possible to attack them owing to worsening weather conditions.

<sup>1</sup> Hikōkitai sentō kōdō chōsho (Air unit battle action report), '753 Kū (753rd Naval Air Group)', 1 December 1942, NIDS: C08051701900, pp. 1684.

Mission: Attack on enemy ships in Timor Sea<sup>2</sup>

Aircraft: 28 x type-one land attack bombers, 753rd Naval Air Group, Koepang

## First sortie

- At 0943 hrs, the first sortie of 7 x a/c left base
- At 1107 hrs, one enemy transport ship was sighted and four bombing runs conducted as follows:
  - 1st run (310, 320, 330 Flights – 7 x a/c), no direct hits
  - 2nd run (310 flight 2 x a/c), no direct hits
  - 3rd run (320 flight – 2 x a/c), no direct hits
  - 4th run (330 Flight – 2 x a/c), no direct hits
- At 1133hrs, the attack ended and head to base
- At 1232 hrs, the first sortie of 7 x a/c returned to base

## Second sortie

- At 0945 hrs, the second sortie of 3 x a/c left base
- At 1037 hrs, arrived over enemy transport group
- At 1052 hrs, 1st run, no direct hits
- At 1121hrs, 2nd run, no direct hits
- At 1200 hrs, began search for enemy troops in nearby seas
- At 1307 hrs, 3rd run, no direct hits
- At 1310 hrs, attack ended and head to base
- At 1400 hrs, second sortie of 3 x a/c returned to base

## Third sortie

- At 1136 hrs, the third sortie of 7 x a/c left base<sup>3</sup>
- At 1303 hrs, one enemy transport ship sighted
- At 1342 hrs, attack begins
  - during successive attacks by a/c, a torpedo had a direct hit.
  - The transport ship [was damaged?] on right side, came to a stop
  - During 2nd run, [a/c no. 3, 220 Flight ... ?] achieved direct hit on ship, which then sank.
  - A/c no. 1 from Flight 230 received hit from enemy fire
- At 1355 hrs, the attack ended and head for base
- At 1420 hrs, third sortie of 7 a/c returned to base

<sup>2</sup> Hikōkitai sentō kōdō chōsho (Air unit battle action report), '753 Kū (753rd Naval Air Group)', 1 December 1942, NIDS: C08051701900, pp. 1685–86.

<sup>3</sup> Note that nine aircraft were indicated allocated to the third sortie, but only seven were reported to have been involved. Nonetheless, all nine crews were reported as participating in missions later in the month, so there is no suggestion that this discrepancy was to cover up the loss of two aircraft during the mission.



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#### Fourth sortie

- At 1538 hrs, the fourth sortie of 5 x a/c left base
- At 1544 hrs, enemy minesweeper sighted
- At 1657 hrs, joined by reconnaissance plane (a/c no. 1, 330 Flight)
- At 1700 hrs, attack begins
- At 1716 hrs, reconnaissance plane detached
  - 1st run, no direct hits
  - 2nd run, no direct hits
  - 3rd run, no direct hits
- At 1724 hrs, attack ended and return to base
- At 1830 hrs, fourth sortie of 5 x a/c returned to base

#### Fifth sortie

- At 1440 hrs, fifth sortie of 4 x a/c left base
- At 1550 hrs, arrived at estimated location, began search
- At 1630 hrs, one enemy transport ship sighted, 1st run, no direct hits
- At 1643 hrs, 2nd run, no direct hits
- At 1705 hrs, attack ended and head to base
- At 1845 hrs, fifth sortie of 4 x a/c returned to base

#### Summary of mission:

- 14 x 250 kg bombs
- 110 x 60 kg bombs
- 8 x torpedos
- 2 x a/c hit by enemy fire
- No aircraft lost, no casualties

#### Mission: Covering support for enemy fleet attack unit<sup>4</sup>

Aircraft: 4 x type-0 [Zero] fighter aircraft, 202nd Naval Air Group, Koepang

- At 0950 hrs, 4 x a/c left base
- At 1045 hrs, arrived above fleet
- At 1050 hrs, Attack unit begins bombing, fighters provide top cover
- At 1200 hrs, reform and head to base
- At 1245 hrs, 4 x a/c returned to base

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<sup>4</sup> Hikōkitai sentō kōdō chōsho (Air unit battle action report), '202 Kū (202nd Naval Air Group)', 1 December 1942, NIDS: C08051649600, p. 2195.

## Summary of mission:

- No shots fired
- No aircraft lost, no casualties.

Mission: Covering support for enemy fleet attack unit<sup>5</sup>

- Aircraft: 3 x type-Zero fighter aircraft, 202nd Naval Air Group, Koepang
- At 1145 hrs, 3 x a/c left base
- At 1200 hrs, over Kolbano Bay
- At 1305 hrs, one enemy minesweeper (2000 tonne class) located
  - Ship travelling bearing 30 degrees, speed 15 knots
  - While maintaining cover for the torpedo attack unit, carried out attacks on ship
- At 1341 hrs, torpedo from a/c from 753rd Naval Air Group hit ship
- At 1347 hrs, ship sank
- At 1400 hrs, a/c head for base
- At 1525 hrs, 3 x a/c returned to base

## Summary of mission:

- 19 x 20 mm rounds
- 510 x 7.7 mm rounds
- No damage, no casualties

16th Air Regiment (Army) War Diary<sup>6</sup>

## 1. Outline of events 1 December 1942

- 16th Air Regiment headed to the south of Timor, and began search in the Timor Sea in order to attack enemy ships.
- At 1850 hrs, contacted by large enemy plane
- At 1905 hrs, attacked plane, two hits, but not accurate and no damage

## 2. ...

## 3. Signal log (1 December 1942)

- At 0800 hrs, No 10 Search Recon Line, a/c no 2 reports to HQ that two enemy destroyers found
- At 0910 hrs, 335th Base HQ reports that location of two enemy destroyers is 150 nm at 85 degrees from Kupang

<sup>5</sup> Hikōkitai sentō kōdō chōsho (Air unit battle action report), '202 Kū (202nd Naval Air Group)', 1 December 1942, NIDS: C08051649600, p. 2196.

<sup>6</sup> Senji nisshi sentō shōhō (War diary and record of battles), 'Dai 16 Sentai (16th Air Regiment)', 1 December 1942, NIDS: C08030054800, pp. 0007-21.

- 
- At 1140 hrs, 335th Base HQ reports Second Attack Group departs (9 x land attack bombers, 3 x fighters)<sup>7</sup>
  - At 1305 hrs, report of one enemy destroyer, located 85° and 200 nm from Kupang, travelling at 20 knots
  - At 1400 hrs, report that one ship sunk, all aircraft to return to base
  - At 1704 hrs, 335th Base HQ reports:
    - At 1304 hrs, Second Attack Group found and attacked enemy ship (87° and 180 nm from Kupang),
    - At 1340 hrs, the ship was sunk by torpedo attack
    - At 1540 hrs, all a/c had returned to base
  - At 1855 hrs, 335th Base Commander reported:
    - At 1302 hrs, the Second Attack Group (9 x land attack bombers, 3 x fighters) located one special purpose enemy ship at a position 87° and 160 nm from Kupang
    - At 1340 hrs, the ship was sunk by a torpedo attack, two friendly a/c were hit by enemy fire

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<sup>7</sup> There is a discrepancy, noted above, between the nine attack aircraft allocated to the mission and reports from the Navy that only seven were involved.

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## Attachment 6: Work program

The Panel met a total of eight times between 15 June 2020 and 31 July 2020.

The first two sessions encompassed a review of the submissions provided to both the 2013 Inquiry and the 2019 Review along with the final reports.

The next three sessions related to the consultations and the final three focussed on the development of the advice.

### Meeting dates, times and locations:

15 June 2020	11.30am to 1.30pm	Sydney
30 June 2020	9.00am to 12.00pm	Sydney/Canberra videoconference
6 July 2020	10.00am to 3.30pm	Sydney/Canberra and by teleconference
7 July 2020	1.45pm to 5.20pm	Sydney/Canberra and by teleconference
10 July 2020	11.00am to 1.00pm	Sydney/Canberra teleconference
16 July 2020	11.00am to 1.00pm	Sydney/Canberra teleconference
21 July 2020	11.00am to 1.00pm	Sydney/Canberra teleconference
29 July 2020	12.30pm to 2.30pm	Sydney/Canberra teleconference

## Attachment 7: Documents considered

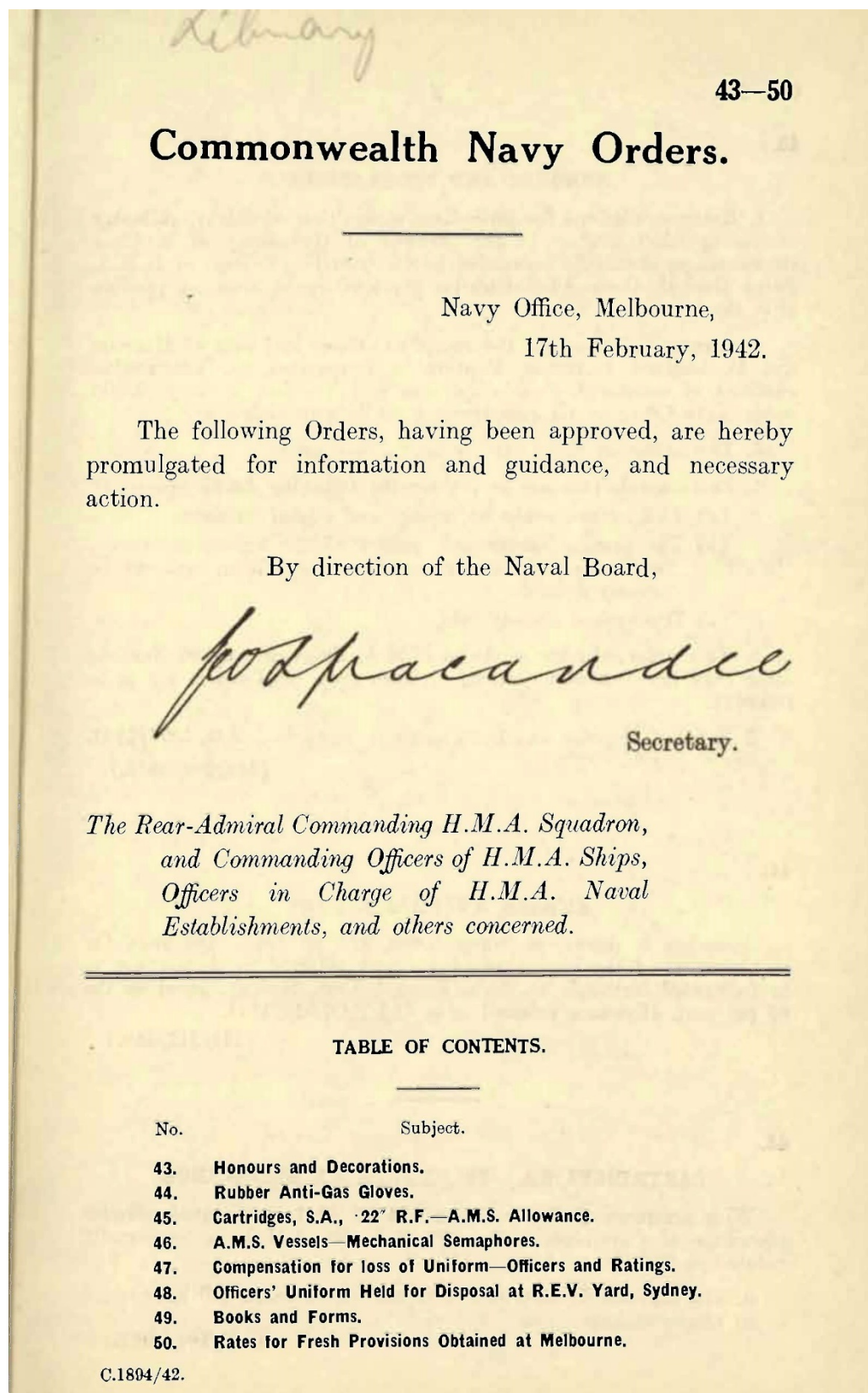
Submission Number	Submission name	Inquiry/Review which reviewed the submission
57	Mr Stanley Yates	2013
58	President/Treasurer Royal Australian Corvettes Association - Victorian Branch	2013
64	Mr John Stanley	2013
82	Mr Brenton Best MP Member for Braddon	2013
89	Nowra Greenwell Point RSL Sub Branch	2013
92	Mr Michael Carlton	2013
99	Wilson	2013
106(1)	Dr Tom Lewis OAM	2013
106(2)	Dr Tom Lewis OAM	2013
124	Mr Richard Pelvin	2013
193	Mr Chris Schacht	2013
200	Brigadier Andrew Nikolic AM CSC (Retd)	2013
235	General David Hurley AC DSC	2013
27	Mr Howard Halsted President Royal Australian Navy Corvettes Association (NSW) Inc.	2013/2019
27A	Mr Howard Halsted President Royal Australian Navy Corvettes Association (NSW) Inc.	2013/2019
78	Mr Garry Ivory	2013/2019
95	Dr Victor (Ray) Leonard	2013/2019
95A	Dr Victor (Ray) Leonard	2013/2019
120	Senator Guy Barnett	2013/2019
120A	Senator Guy Barnett	2013/2019
236	Mr Sid Shepherd	2013/2019
-	Record of Interview - Mr Rex Pullen 18 November 2005	2013/2019
-	Record of Interview - Dr Victor Leonard 30 August 2011	2013/2019
-	Record of Interview - Mr Bill Lamshed 2 September 2011	2013/2019
-	Account provided by Mr Bill Lamshed 1 June 2002	2013/2019
-	Admiralty File ADM1/14364	2013/2019
-	Admiralty File ADM1/10492	2013/2019
-	Admiralty File ADM1/11502	2013/2019
-	Victoria Cross for Australia Regulations	2013/2019

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-	Australian Gallantry Decorations Regulations	2013/2019
-	Excerpts – George Hermon Gill – Royal Australian Navy 1942-1945 – Official History of the RAN in Second World War	2013/2019
128	Mr Sid Sidebottom	2013/2019
-	Excerpt – J.H. Adams – Ship in Battledress	2013/2019
-	Application for review – the Hon. Guy Barnett MP	2019
-	Tribunal request for Defence Submission	2019
-	Interim response from Chief of Navy	2019
-	Defence submission	2019
-	Letter passing Defence submission to applicant	2019
-	Applicants comments in response to the Defence submission	2019
-	Written statement from witness Dr Tom Lewis OAM, Military Historian, and author of <i>Honour Denied: Teddy Sheean: a Tasmanian Hero</i>	2019
-	2019 – Day 1 Transcript	2019
-	2019 – Day 2 Transcript	2019

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# Attachment 8: Commonwealth Naval Order 43/42



43—45

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43.

**HONOURS AND DECORATIONS.**

1. Recommendations for immediate recognition of valour, gallantry or distinguished conduct in the presence of the enemy or in other circumstances should be forwarded by Commanding Officers of H.M.A. Ships through their Administrative Authorities as soon as possible after the incident.
2. Recommendations for the award to officers and men of Honours and Decorations, including Mention in Despatches, for outstanding qualities of command, leadership, zeal and devotion to duty should reach Navy Office by 1st January and 1st July in each year.
3. The nature of the Award is not to be suggested.
4. Recommendations are to include the following details:—
  - (a) Full names, ranks or ratings and official numbers.
  - (b) The precise nature and quality of the action, enterprise, conduct or achievement commended should in each case be clearly defined.
  - (c) Decorations already held.
5. This order will not apply to H.M.A. Ships serving on Stations other than the Australia Station. In such cases local orders are to be followed.
6. A list of Honours and Decorations is shown in A.F.O. 1371/1941.  
(448/201/1386.)