



PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MC23-009054

24 FEB 2023

His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

David,

Thank you for your letter dated 9 February 2023 forwarding correspondence from
s 47F [REDACTED] regarding a proposal for a
s 45 [REDACTED]

As the issue raised is the responsibility of the Minister for Defence, I have referred your
correspondence s 47F [REDACTED] to the Hon Richard Marles MP,
Deputy Prime Minister and Minister for Defence for consideration.

Thank you again for bringing this matter to my attention and I trust this information will be
of assistance.

A copy of this letter has been provided to the Deputy Prime Minister; the Hon Matt Keogh
MP, Minister for Veterans' Affairs; and the Hon Matt Thistlethwaite MP,
Assistant Minister for Defence for their information.

Yours sincerely

s 22(1)(a)(ii)
[REDACTED]

ANTHONY ALBANESE



PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS23-000205

30 MAR 2023

His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General
Government House
YARRALUMLA ACT 2600

Your Excellency

Further to our recent correspondence regarding His Majesty The King's Coronation on Saturday 6 May 2023, I am writing to update you on invitations for Australians to be involved in these celebrations.

In relation to the invitation from Buckingham Palace for ten Australians to attend the Coronation, I propose to accept this invitation.

I have asked that His Excellency Professor the Honourable Stephen Smith, High Commissioner of Australia to the United Kingdom, extend invitations to notable Australians based in the United Kingdom and to my preferred candidate for the flagbearer role, Ms Samantha Kerr OAM. The High Commissioner will liaise directly with Buckingham Palace in relation to these invitations.

I understand that your office will make arrangements to support the invitations and travel of the three other Australian representatives invited to attend (a representative of the Order of Australia, and one holder each of the Cross of Valour and Victoria Cross for Australia).

s 22(1)(a)(ii)



PRIME MINISTER
The Hon Anthony Albanese MP

05 APR 2023

Reference: MS23-000298

His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

David,

The enclosed letter seeks His Majesty The King's approval of the enclosed Commissions to Administer the Government of the Commonwealth of Australia to the former Governor-General, General the Honourable Sir Peter Cosgrove AK CVO MC (Retd) (Sir Peter), and His Excellency the Honourable Christopher Dawson AC APM, Governor of Western Australia.

I am advised by the Department of the Prime Minister and Cabinet that all other State Governors currently hold a Commission to act as Administrator.

I am further advised that you and all Governors will attend the Coronation of His Majesty The King on 6 May 2023. Accordingly, there will be no one commissioned to act as Administrator during this time. s 42

s 42

I understand Sir Peter is amenable to being commissioned to act as Administrator during your absence from Australia to attend His Majesty's Coronation.

I would be grateful if you would arrange for the enclosed documents to be presented to His Majesty for consideration.

Should His Majesty agree to Sir Peter being commissioned to act as Administrator, I seek your agreement to publicly announce these arrangements. I propose that the text of any announcement be agreed between your office and my Department before release.

s 22(1)(a)(ii)

Encl.



**COMMISSION TO ADMINISTER THE GOVERNMENT OF THE
COMMONWEALTH OF AUSTRALIA**

Passed under the Royal Sign Manual and the
Great Seal of Australia, appointing

GENERAL THE HONOURABLE SIR PETER COSGROVE AK CVO MC (RETD)

CHARLES THE THIRD, by the Grace of God King of Australia and His other Realms and Territories, Head of the Commonwealth: To General the Honourable Sir Peter Cosgrove, Knight of the Order of Australia, Commander of The Royal Victorian Order, Military Cross (Retired), Greeting:

WE DO, by this Commission under Our Sign Manual and the Great Seal of Australia, appoint you, Sir Peter Cosgrove, in the event of the absence out of Australia, or the death, incapacity or removal, of the Governor-General of the Commonwealth of Australia for the time being, or in the event of the Governor-General having absented himself or herself temporarily from office for any reason, to administer the Government of the Commonwealth, upon a request in that behalf being made to you in accordance with the Letters Patent issued by Her Late Majesty, Queen Elizabeth The Second, on 21 August 2008 as amended relating to the office of Governor-General of the Commonwealth of Australia.

AND WE DO declare that the Commission remains in force during Our pleasure.

Given at Our Court

At

On

By His Majesty's Command,

s 22(1)(a)(ii)

Prime Minister



**COMMISSION TO ADMINISTER THE GOVERNMENT OF THE
COMMONWEALTH OF AUSTRALIA**

Passed under the Royal Sign Manual and the
Great Seal of Australia, appointing

HIS EXCELLENCY THE HONOURABLE CHRISTOPHER DAWSON AC APM

CHARLES THE THIRD, by the Grace of God King of Australia and His other
Realms and Territories, Head of the Commonwealth: To His Excellency the
Honourable Christopher Dawson, Companion of the Order of Australia,
Australian Police Medal, Governor of the State of Western Australia, Greeting:

WE DO, by this Commission under Our Sign Manual and the Great Seal of
Australia, appoint you, Christopher Dawson, in the event of the absence out of
Australia, or the death, incapacity or removal, of the Governor-General of the
Commonwealth of Australia for the time being, or in the event of the
Governor-General having absented himself or herself temporarily from office
for any reason, to administer the Government of the Commonwealth, upon a
request in that behalf being made to you in accordance with the Letters Patent
issued by Her Late Majesty, Queen Elizabeth The Second, on 21 August 2008
as amended relating to the office of Governor-General of the Commonwealth
of Australia.

AND WE DO declare that the Commission remains in force during Our
pleasure.

Given at Our Court

At

On

By His Majesty's Command,

s 22(1)(a)(ii)

Prime Minister



PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS23-000452

27 APR 2023

His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia
Government House
YARRALUMLA ACT 2600

Your Excellency

As the Coronation of The King and The Queen Consort on Saturday 6 May 2023 nears, I have prepared a letter to His Majesty, on behalf of all Australians, to send our warmest congratulations to mark this important point in history.

I am sure that you will join me in expressing Australia's profound appreciation and warm friendship and I would be grateful if my letter could be conveyed to His Majesty The King at the earliest opportunity.

On Sunday 7 May the Australian Government will mark His Majesty's Coronation with a National 21 Gun Salute from the forecourt of Parliament House, Canberra, followed by a flypast by the Royal Australian Air Force.

Over the weekend of Saturday 6 and Sunday 7 May a number of significant buildings and monuments around Australia will illuminate in Royal purple to celebrate the Coronation, and I understand, both Government House in Yarralumla and Admiralty House in Sydney will participate.

When Parliament returns in early May, I will also move an Address of Congratulation to His Majesty The King.

I look forward to joining both you and Mrs Hurley at the Coronation in London next week.

s 22(1)(a)(ii)



PRIME MINISTER
The Hon Anthony Albanese MP

Your Majesty,

On the occasion of your Coronation, it is my very great pleasure to offer you and Her Majesty Queen Camilla the congratulations and good wishes of the people of Australia.

Along with others in our family of realms, we mourned the passing of your late mother, Her Majesty Queen Elizabeth II. Her 70-year reign spanned more than half our history as a federated nation. Few of us knew a world without her.

As you take up the duties she so faithfully and steadfastly fulfilled, Australia's respect and regard for you, your family, and the principles you have pledged to uphold, remains firm. We welcome your commitment to the institutions of democracy and the values of freedom and responsibility that underpin them. We honour the intention you and Queen Camilla so clearly have of serving the people of the United Kingdom and of the wider Commonwealth with energy, integrity, empathy, and love.

We also cherish the relationship which you personally have with our country, having spent time here during your school years, and having visited many times since. We look forward to welcoming you to our shores once again.

When Your Majesty's great-grandfather, King George V, ascended the throne on 9 May 1910, Australia's Parliament sent him their earnest prayer that his reign 'may be memorable in human progress, and marked by peace among the nations of the world.' Though our lives in 2023 could not be more different from the early years of the last century, our sentiments today are the same.

On behalf of all Australians, I send our warmest congratulations and sincere hopes as your reign begins. May it be a prosperous one, and may it be marked by peace and progress.

s 22(1)(a)(ii)

His Majesty The King



His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

10 May 2023

The Honourable Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister,

I have just returned from my State Visit to Greece, attendance at The King's Coronation in London, and a brief stopover in the United Arab Emirates to present Australian Operational Service Medals (Civilian) to those involved in the August 2021 evacuation from Kabul.

Greece

My two-day State Visit to Greece, the first by an Australian Governor-General for over 20 years, came at a watershed moment in our bilateral relations. My program focussed on reinforcing a warm, historic and long-standing relationship based on shared interests and a commitment to maintaining international peace and security, the rules-based order and effective multilateral cooperation. It was evident to me that Greece has been and continues to be an effective and influential partner for Australia within the European Union.

In Athens, I was welcomed at the Presidential Palace by President Katerina Sakellariopoulou and later hosted at a State Lunch. s 33(a)(iii) , s 33(b)

s 33(a)(iii) , s 33(b)

In a meeting with Prime Minister Kyriakos Mitsotakis, s 33(a)(iii) , s 33(b)

s 33(a)(iii) , s 33(b)

In a separate meeting with the Shadow Minister for Foreign Affairs, Dr George Katrougalos, s 33(a)(iii)

s 33(a)(iii)

In addition to the ceremonial welcome, state lunch and individual meetings, Linda and I attended a wreath-laying ceremony at the Tomb of the Unknown Soldier hosted by Trade Minister Konstantinos Fragkogiannis; and a visit to the Acropolis Monument hosted by the Minister of Tourism, Mr Vasilis Kikilias, and the Executive Officer of the Australian Archaeological Institute in Athens, Dr Lita Tzortzopoulou-Gregory.

From Athens, Linda and I travelled to Lemnos to officiate at the ground-breaking ceremony for the Lemnos Remembrance Trail (funded by the Australian Government). It was the first visit by an Australian Governor-General to Lemnos and we were accompanied by President Sakellaropoulou, and the Minister of Defence, Mr Nikolaos Panagiotopoulos. The trail commemorates the over 50,000 Australian doctors, nurses and service personnel who passed through Lemnos during the Gallipoli campaign. The trail will be an international site of historical significance, which will further strengthen the connection between Lemnos, Greece and Australia. In addition to the ground-breaking ceremony, Linda and I attended memorial services at the Moudros Military Cemetery and the Portianou Commonwealth Cemetery and laid floral tributes at the headstones of Australians buried there. I expect that these Australian graves will have only had infrequent visitors over the years, so my Office will work with the Department of Veterans' Affairs to share photos of the visit with the families and loved ones of the fallen. We also attended a community lunch with the President hosted by Lemnos local authorities and later, visited numerous commemorative sites – which will become features of the Remembrance Trail – at Pounda Bay.

United Kingdom

My program in London focussed on Coronation-related commitments. It was a great privilege for Linda and me to represent Australia at such an historic occasion. Equally, as both you and I remarked, I was tremendously proud of the diverse group of Australian community representatives selected to attend the Coronation. They showcased a breadth of talent and a variety of incredible contributions, reflecting who we are as a nation. The event that you and I attended at Stoke Lodge hosted by our High Commissioner was an important and valuable opportunity to gather with the Australian representatives ahead of the Coronation events.

In addition to the lunch and reception hosted by The King on the Friday, the Coronation on the Saturday and Coronation Concert at Windsor on the Sunday, Linda and I also attended a breakfast hosted by the Secretary of State for Foreign, Commonwealth and Development Affairs, the Right Honourable James Cleverly MP on the Friday. It was a timely opportunity to meet with Commonwealth and Pacific leaders, particularly ahead of the first CHOGM in the Pacific region when Samoa hosts in October 2024, and ahead of my intended travel to numerous Pacific Islands next month.

Separately, Linda and I hosted a dinner for the Governors-General of Canada and New Zealand. Noting the Right Honourable Mary Simon's appointment as Canada's first Indigenous Governor-General, and Dame Cindy Kiro's appointment being the first New Zealand Maori women to hold the office, I value their insights and experience on Indigenous matters, particularly ahead of our referendum this year on the Voice. I intend to continue to engage with them in relation to the role of my position during and after events of such significance.

I had brief interactions with Secretary Cleverly and the Secretary of State for Defence, the Right Honourable Ben Wallace MP. s 33(a)(iii) , s 33(b)

s 33(a)(iii) , s 33(b)

s 33(a)(iii) , s 33(b)

I note that you had an audience with The King and a meeting with The Prince of Wales and look forward to discussing our observations when we next meet. s 33(a)(iii)

s 33(a)(iii)

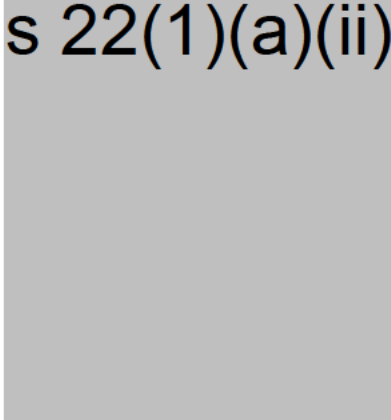
United Arab Emirates

During a transit through Abu Dhabi, I presented Australian Operational Service Medals (Civilian) to 33 recipients involved in the August 2021 evacuation from Kabul. The group, a mix of Australian and locally engaged staff from across the region, represent the very best of Australia in enhancing and protecting our interests overseas. It was a privilege to recognise them for their contribution to the evacuation operations.

In Greece, the United Kingdom and the United Arab Emirates, Linda and I saw firsthand the impressive work being undertaken by our diplomatic posts to advance Australia's national interests. Our Ambassador in Greece, His Excellency Arthur Spyrou, has made an exceptional impact during his posting to Athens which has significantly aided and enhanced Australia's reputation and standing. I am also grateful to our High Commissioner in London, His Excellency the Honourable Stephen Smith, and our Ambassador in the United Arab Emirates, Her Excellency Heidi Venamore, and their very professional teams for facilitating such successful visits in each country.

I look forward to discussing the outcomes of my visit when we next meet.

s 22(1)(a)(ii)





PRIME MINISTER
The Hon Anthony Albanese MP

23 MAY 2023

Reference: MS23-000489

His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

I write to recommend changes to the Ministry and to provide the documents necessary to implement the changes for your consideration.

In order to facilitate the proposed appointments, I first recommend that you revoke the current appointments as Parliamentary Secretaries of the Hon Dr Andrew Leigh MP, the Hon Patrick Gorman MP and Senator the Hon Anthony Chisholm.

I recommend that you appoint:

- The Hon Dr Andrew Leigh MP as Parliamentary Secretary to the Treasurer and Parliamentary Secretary to the Minister for Employment and Workplace Relations, to be known as Assistant Minister for Competition, Charities and Treasury and Assistant Minister for Employment;
- The Hon Patrick Gorman MP as Parliamentary Secretary to the Prime Minister and Parliamentary Secretary to the Minister for the Public Service, to be known as Assistant Minister to the Prime Minister and Assistant Minister for the Public Service;
- Senator the Hon Anthony Chisholm as Parliamentary Secretary to the Minister for Education and Parliamentary Secretary to the Minister for Infrastructure, Transport, Regional Development and Local Government, to be known as Assistant Minister for Education and Assistant Minister for Regional Development.

Instruments to give effect to these recommendations are attached for your signature.

I understand you have agreed to conduct a swearing-in ceremony for these changes to the Ministry, on a date to be agreed between our offices.

s 22(1)(a)(ii)



His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

30 June 2023

The Honourable Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister,

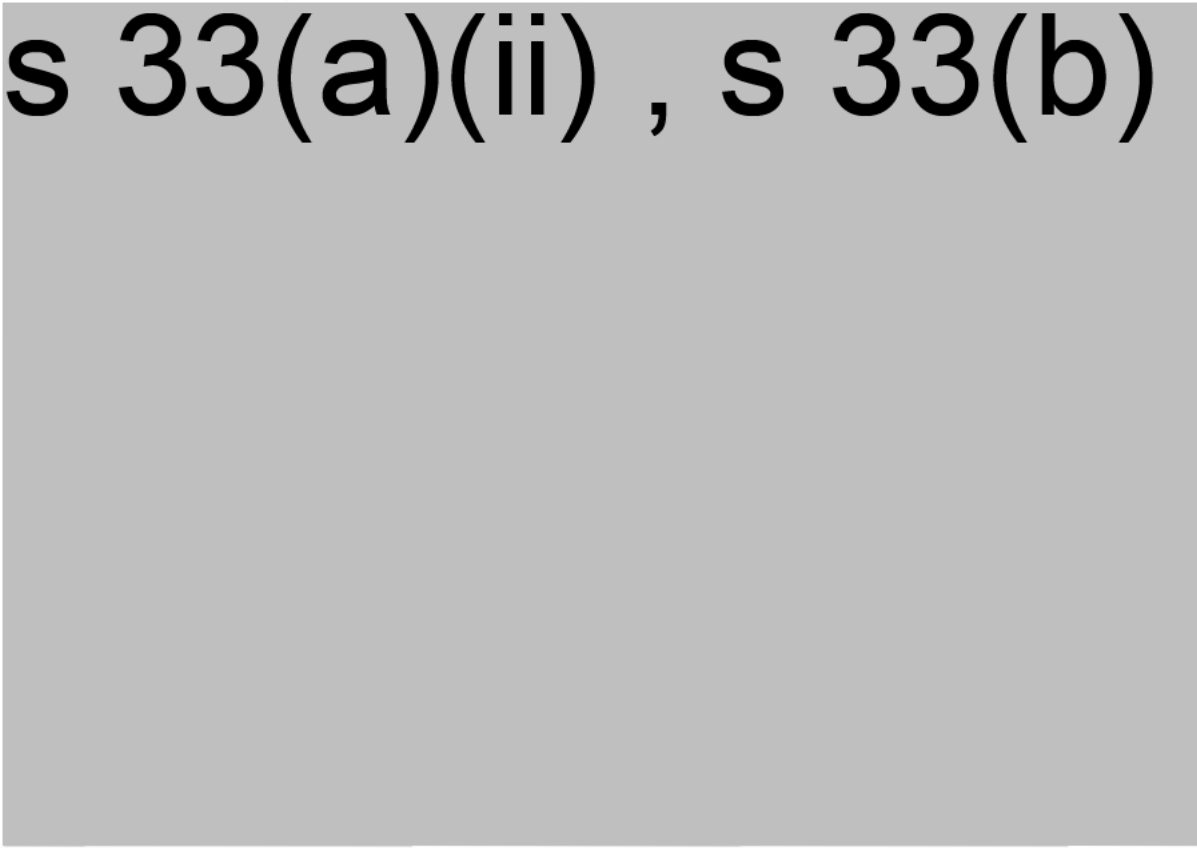
During the period 21 – 29 June I undertook State Visits to six Pacific nations: Samoa, Tonga, Kiribati, Tuvalu, Cook Islands and Vanuatu. In each nation I was very warmly received and was able to see and hear how much the Australian partnership with each of these nations is valued.

Before offering my observations from the visit I would like to commend to you our High Commissioners and Acting High Commissioners for the excellent relationships they have established with their respective Government partners. In each nation they were well known to Heads of State and Government, spoken to and about as trusted interlocutors, and they were across the breadth of issues in the respective relationships. I also thank them and their staffs for the support that they provided to Linda and me, and my delegation, during our visit. I was well briefed, advised and guided throughout.

s 33(a)(iii) , s 33(b)

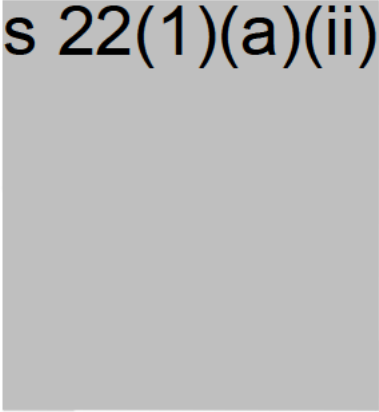
There were two common, non-defence or security themes, raised or observed across the six nations that, if addressed, I believe would significantly enhance our position in the region:

s 33(a)(ii) , s 33(b)



A number of smaller but important issues were either raised or observed during my visit to each country. I would offer to discuss them with the relevant Departmental official(s) if you think that this would be of assistance.

s 22(1)(a)(ii)





His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

7 July 2023

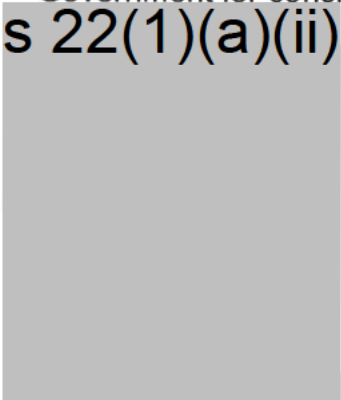
The Hon Anthony Albanese MP
Prime Minister
Parliament House
Canberra ACT 2600

Dear Prime Minister

In accordance with the Letters Patent issued on 18 August 2022, and Amendments to the Letters Patent issued on 16 February 2023 and 11 May 2023, Ms Catherine Holmes AC SC today presented me with the Final Report of the Royal Commission into the Robodebt Scheme.

I have been advised that copies of this Final Report have been provided to the Government for consideration.

s 22(1)(a)(ii)





His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

28 August 2023

The Honourable Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister,

Thank you for your letter received today in relation to the proposed law to alter the Constitution of Australia in accordance with the *Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023*.

I note your recommendation to hold the referendum on Saturday 14 October 2023, and am agreeable to convening a special meeting of the Federal Executive Council on or before 11 September 2023 to enable my consideration of the writ for the referendum in accordance with Part II of the *Referendum (Machinery Provisions) Act 1984* (the Act). I also note under section 12 of the Act, once the writ is issued I will immediately forward:

- a. copies of the writ and proposed law to State Governors, the Chief Minister for the Australian Capital Territory and the Administrator of the Northern Territory, and
- b. the original writ and a copy of the proposed law to the Australian Electoral Commissioner.

I am agreeable to you making an announcement of the intended date of the referendum in advance of the meeting of the Federal Executive Council and before the writ is issued, and I have no objection to the public release of your letter and this reply at an appropriate time.

s 22(1)(a)(ii)



His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

28 September 2023

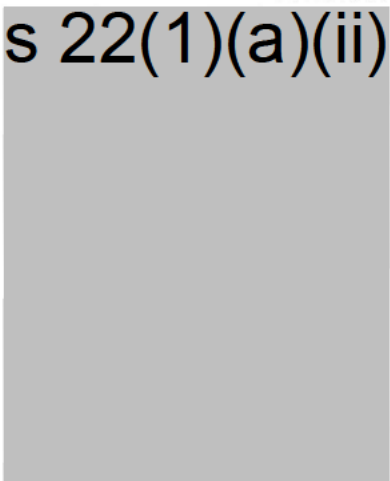
The Hon Anthony Albanese MP
Prime Minister
Parliament House
Canberra ACT 2600

Dear Prime Minister

In accordance with the Letters Patent issued on 4 April 2019, and amendments to the Letters Patent issued on 13 September 2019, 13 May 2021 and 24 June 2021, the Honourable Ronald Sackville AO KC today presented me with the Final Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

I have been advised that copies of this Final Report have been provided to the Government for consideration.

s 22(1)(a)(ii)





His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

1 December 2023

The Honourable Anthony Albanese MP
Prime Minister
Parliament House
Canberra ACT 2600

Dear Prime Minister,

I have recently returned from my visit to Solomon Islands having accepted an invitation to attend the 2023 Pacific Games between 19 and 21 November 2023.

My visit included several bilateral meetings as well as community and Pacific Games related program elements.

I attended the Pacific Games Opening Ceremony on 19 November which was preceded by a reception where I met informally with leaders and senior representatives of Pacific nations as well as senior staff involved in the organisation of the Games. These included His Excellency the Hon Patteson Oti, Acting Governor-General of Solomon Islands, The Hon Manasseh Sogavare, Prime Minister of Solomon Islands, The Hon James Marape, Prime Minister of Papua New Guinea, The Hon Surangel Whipps Jr, President of Palau, and The Hon Tuala Tavega Iosefo Ponifasio, Deputy Prime Minister of Samoa.

The Opening Ceremony was a great success and it was clear from the enthusiasm of the visiting nations and the reception they received that the Games are a significant event for the Pacific nations. My observation was that the Solomon Islanders had a strong sense of pride about hosting the Games.

On 20 November, I had formal meetings with His Excellency the Hon Patteson Oti, Acting Governor General of Solomon Islands and The Hon Manasseh Sogavare, Prime Minister of Solomon Islands. In both meetings gratitude for Australia's assistance in preparing for and supporting the Games was expressed.

s 33(a)(iii) , s 33(b)



s 33(a)(iii) , s 33(b)

I was pleased to officially open and handover the new National Weather Forecasting Office, constructed with funding from Australia, which will significantly enhance the ability to forecast weather events in a timely manner.

I also attended a reception, hosted by His Excellency Mr Rod Hilton, Australian High Commissioner to Solomon Islands, to recognise Friends of Australia living and working locally. This was an opportunity to meet Australia Awards alumni, heads of Australian-funded programs, representatives from NGOs funded by Australia, Australian-funded advisors, volunteers, athletes, business and community leaders.

During a reception hosted by Prime Minister Soqavare I spoke s 33(a)(iii) , s 33(b)

s 33(a)(iii) , s 33(b)

I believe my visit was well received. Program elements were broadcast live on local media and I was warmly welcomed by all Solomon Islanders and Pacific leaders I met.

s 33(a)(iii)

The success of the visit must in part be attributed to the dedicated and energetic staff of the Australian High Commission in Honiara and I thank and commend them for their professional support.

s 22(1)(a)(ii)



His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

19 February 2024

The Honourable Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister,

I have recently returned from my official visit to Thailand, with program elements in Bangkok and the Chiang Rai province.

The timing of my visit was symbolic, being the 72nd year of our diplomatic relations and also the year that His Majesty King Maha Vajiralongkorn turns 72 – considered an auspicious milestone as it is six cycles of the lunar calendar. The level of hospitality provided by the Thai system cannot be understated. It was clear that the unprecedented courtesies extended to Linda and me were at the personal instruction of The King and reflected the value His Majesty placed in the relationships established during his training at the Royal Military College Duntroon in the 1970s. For example, recent visits to Thailand by other heads of state have included a brief audience with The King, but the royal banquet hosted by Their Majesties for Linda and me was the first in recent memory. The significance of this reverberated through the Thai system, and I expect will add to the significant goodwill that exists between Australia and Thailand.

In Bangkok, I was hosted by Prime Minister Srettha Thavisan. Activities included a ceremonial welcome, bilateral call, meeting with cabinet ministers, and a state lunch at Government House. I have asked post to provide a separate report by cable, particularly as Prime Minister Thavisan prepares to visit Melbourne for the ASEAN summit next month. He brings strong business credentials to his role and his government has a clear focus on building the economy through increasing trade, attracting investment, and connecting supply chains. s 33(a)(iii) , s 33(b)

s 33(a)(iii) , s 33(b)

s 33(a)(iii) , s 33(b)

My audience with The King and royal banquet at The Grand Palace were the most significant program elements of my visit. As the first such event hosted by Their Majesties, the roval banquet received extensive national coverage and interest. s 33(a)(iii)

s 33(a)(iii)

Other program elements in Bangkok included a meeting with the Supreme Patriarch, His Holiness Somdet Phra Ariyavongsagatayana, who is the most senior religious figure in Thai Buddhism. I also attended a lunch with prominent Australians living and working in Thailand; met with staff and those who contribute to the bilateral relationship at the Australian Embassy; and attended a reception with Australian alumni. This reception, for approximately 250 guests, underscored the strength of our people-to-people links and the value created by our defence and civilian alumni programs.

From Bangkok, Linda and I travelled to the northern province of Chiang Rai. There we visited the Doi Tung Development Project and the Mekong-Australia Partnership (MAP) Project. The MAP is a tangible example of Australia's support for Thailand to mitigate and adapt to the effects of climate change, enhance water security and management, respond to transnational crime priorities, and build human capacity. It's part of a multi-country activity in Cambodia, Laos, Thailand and Vietnam and is appreciated by the Mekong riverine communities. We also visited the White Temple and attended a reception with Australian alumni and those with Australian links in the Chiang Rai region.

Throughout the visit, I was accompanied by minister-of-honour Deputy Prime Minister and Minister of Interior, Mr Anutin Charnvirakul. As leader of the Bhumjai Thai Party, he was a prime ministerial candidate in the 2019 and 2023 elections. He has a sound understanding of and personal connection to Australia, having visited in 2016 with DFAT's Special Visits Program. Indeed, it was his observation of the Royal Flying Doctor Service during that visit that led him to establishing a similar service in Thailand when he was the Minister for Health. s 33(a)(iii)

Finally, I acknowledge the important and impressive work undertaken by our embassy in Bangkok. The post, led by Her Excellency Dr Angela Macdonald PSM, continues to enhance Australia's reputation and standing in Thailand, and I am very grateful to them for supporting such a successful and impactful visit.

s 22(1)(a)(ii) ng further when we next meet.



His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

23 April 2024

The Honourable Anthony Albanese MP
Prime Minister
Parliament House
Canberra ACT 2600

Dear Prime Minister,

I am writing following my state visit to New Zealand between 16 and 18 April 2024.

While in the past Governors-General have travelled between each country on a regular basis, the COVID-19 pandemic, the passing of Her Majesty Queen Elizabeth and the Coronation of His Majesty King Charles made my visit the first since Dame Patsy Reddy travelled to Australia in June 2021.

The purpose of my visit was to acknowledge and celebrate the significant bilateral and military links between our two countries. The visit included a range of activities in Wellington and Auckland.

In Wellington, I received a traditional Ceremony of Welcome at Government House ahead of afternoon tea and a state dinner hosted by Her Excellency The Right Honourable Dame Cindy Kiro GNZM QSO, Governor-General of New Zealand.

At both the afternoon tea and state dinner, I met with senior representatives from defence, government and for-purpose sectors involved with Trans-Tasman initiatives and projects where our two countries share similar objectives.

I appreciated the opportunity to continue conversations with Dame Cindy – which began during travel to the United Kingdom – on New Zealand's continuing journey of reconciliation with Māori. At each program element, I was welcomed by local Māori, and was often accompanied by Dame Cindy's Kaumātua and Kuia, respected Māori elders who provide cultural guidance, advice, and leadership.

Recognising the long-standing bond between our two nations, and the proximity of the visit to ANZAC Day, I spent time at New Zealand's national war memorials in Wellington and Auckland and met with veterans and those supporting them.

In Auckland, I travelled to Rotorua Island, and was privileged to be included in the release of a baby Kiwi. The bird, aged just 17 days, was part of a repopulation

project which has seen the eradication of all introduced predators on the island to allow the re-establishment of endangered animals such as the Kiwi.

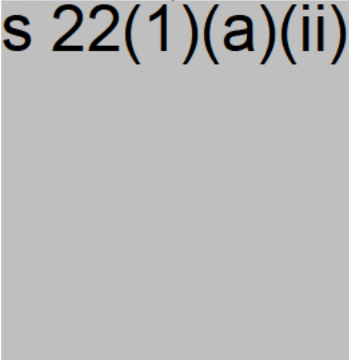
As guest of Dame Cindy, I attended a reception at Government House Auckland for Australians based in New Zealand, prominent New Zealanders, and others working to enhance the relationship between the two countries. The event allowed me to meet Australia Awards alumni, heads of Australian-funded programs, staff of Australian-funded NGOs and representatives from business, defence and the broader community.

On my final day, I took the opportunity to visit the Auckland City Mission and met with staff and volunteers of Orange Sky Laundry Aotearoa, which provides free laundry services to those experiencing homelessness. After being established in Brisbane in 2014, Orange Sky expanded to commence operations in New Zealand in 2018, and now provides services in four cities across the country.

From anecdotal feedback and coverage in Australian and New Zealand media, the visit has been well received, and provided a timely reminder of the many genuine connections between our two countries.

The success of the visit must in part be attributed to the commitment of our High Commissioner, Her Excellency Harinder Sidhu PSM, and efforts of her staff at the Australian High Commission in Wellington. I thank Ms Sidhu, along with Deputy Head of Mission Ms Amy Guihot, and the many other colleagues who made my visit possible. Their ongoing dedication to maintaining and enhancing the relationship between Australia and New Zealand is to be commended.

s 22(1)(a)(ii)





PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS23-001191

16 MAY 2024

His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

A handwritten signature in blue ink that reads 'David,' with a flourish at the end.

I am writing to seek your approval of the Government's proposal to appoint Congressman Joseph David Courtney, an American citizen, as an Honorary Officer to the General Division of the Order of Australia.

Congressman Courtney is a tireless advocate of the alliance between the United States and Australia. He has been committed to Australia's international and security interests, particularly the AUKUS trilateral partnership. A summary of Mr Courtney's contribution in the form of proposed media notes are attached to this correspondence.

Subject to your approval, the Department of the Prime Minister and Cabinet (PM&C) will follow established protocols to seek the United States Government agreement to this honour. Congressman Courtney would also be contacted to ascertain his willingness to accept the honour. PM&C will advise your officials once the necessary procedures have been completed. At that time, I would be grateful if formal announcements could be made and the media advised.

s 22(1)(a)(ii)

A large, solid grey rectangular redaction box covering the majority of the lower half of the page.

NOTE: Proposed text for the Governor-General to release to the media on announcement of the honour (without classification on release)

ORDER OF AUSTRALIA

Appointed an Honorary Officer in the General Division of the Order of Australia (AO)

NAME: Congressman Joseph David Courtney

ADDRESS: Washington, United States of America

CITATION: For distinguished service to Australia's relationship with the United States of America

Congressman Courtney is a strong and tireless advocate of the alliance between the United States and Australia. He has been instrumental and committed to progressing Australia's international and security interests, particularly advancing AUKUS enabling legislation, required to make the AUKUS trilateral security partnership a success.

Through his leadership in numerous Congressional Committees, Congressman Courtney has diligently championed the Australian-US Alliance and advanced American and Australian naval power.

Congressman Courtney was crucial in the re-establishment of *The Friends of Australia Congressional Caucus* in 2017, a bipartisan group within the US Congress which seeks to promote mutual cultural, economic and security interests. He has strengthened people-to-people connections between countries, generously hosting state and federal officials. Uniquely for over ten years he has hosted an Australian university student intern in his Capitol Hill office, providing an opportunity to learn about Congress.

The contribution of Congressman Courtney to champion a prosperous relationship between Australia and the United States, focused on ensuring global security in the Indo Pacific, make him worthy of recognition for distinguished service to Australia at Officer level.



His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

20 May 2024

The Honourable Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister,

I have recently returned from my State Visit to Indonesia, which coincided with the 75th anniversary of bilateral relations and was the first visit by a Governor-General in over 20 years.

My visit focussed on those pillars which underpin our Comprehensive Strategic Partnership. It was an opportunity to engage with the most senior members of the current and incoming administrations and help underscore Australia's commitment to Indonesia.

As guest of President Widodo, I attended a ceremonial welcome, tree-planting and State Lunch at the Presidential Palace Bogor. During our one-on-one conversation, I noted our 75th anniversary of bilateral relations, reaffirmed Australia's commitment to the Australia-Indonesia Comprehensive Strategic Partnership and acknowledged President Widodo's accomplishments during his ten years in office. The President reflected positively on his recent visits to Australia, including to Melbourne for the ASEAN-Australia Special Summit in March this year, and last year's visit to Sydney.

s 33(a)(iii) , s 33(b)

s 33(a)(iii) , s 33(b) It was a very warm and friendly exchange, with the elements at the Presidential Palace receiving significant favourable media coverage in Indonesia.

I also met with President-elect Prabowo at the Australian Ambassador's Residence. Having first met at the Royal Military College Duntroon in 1974, our conversation was relaxed and broad ranging. We spoke of the value of exchange programs and reflected on the 50 years of military exchanges between Australia and Indonesia.

s 33(a)(iii) , s 33(b)

Other program elements focussed on our people-to-people links, connecting people, exchange programs and educational partnerships. I opened the new campus in South Jakarta of the Australian Independent School and visited Public High School 54 in East Jakarta to showcase the Australia-Indonesia Building Relationships through Intercultural Dialogue and Growing Engagement (BRIDGE) school partnerships program.

Linda and I attended events with representatives and alumni of two of my patronages – the Australia-Indonesia Muslim Exchange Program (AIMEP) and Australia-Indonesia Youth Exchange Program (AIYEP).

We also met with the Senior Advisory Group of IKAHAN and attended a separate dinner with IKAHAN members and senior Indonesian defence leaders. The dinner celebrated 50 years of cadet exchanges between the Indonesian Military Academy and the Royal Military College Duntroon. IKAHAN, which I co-founded in 2011, continues to thrive with over 4,000 members and provides a valuable vehicle for dialogue and engagement between our defence alumni. In a separate ceremonial event, Linda and I laid a wreath at the Kalibata Heroes' Cemetery.

Recognising Indonesia's pride in its multi-faith society and our deepening interfaith links, we visited the Istiqlal Mosque (the largest mosque in Southeast Asia) and Jakarta Cathedral. These impressive places of faith are linked by the Tunnel of

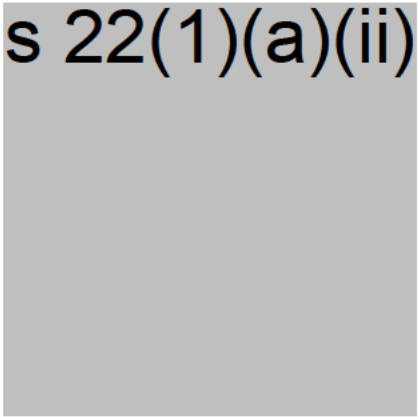
Friendship to symbolise the country's philosophy of unity in diversity, where all religions co-exist in peace and harmony.

A focus of our visit was a gala dinner to celebrate the 75th anniversary of diplomatic relations. The dinner for approximately 250 recognised the contributions of senior Indonesians who have played a role in the relationship and acknowledged the impressive achievements of Australian alumni.

While in Jakarta, Linda and I took the opportunity as guests of the Australian Ambassador to ASEAN, Her Excellency Ms Tiffany McDonald, to visit the ASEAN Secretariat to reaffirm Australia's commitment to ASEAN centrality and celebrate 50 years since Australia became ASEAN's first Dialogue Partner.

Linda and I were most grateful for the impressive work of the Australian embassy staff to prepare and support such a meaningful and impactful program. The embassy, led by Her Excellency Ms Penny Williams PSM, represents the best of the Australian Public Service. Linda and I appreciated the opportunity to meet with embassy staff and their families during a reception and thank them personally for their contribution to the bilateral relationship.

s 22(1)(a)(ii)





PRIME MINISTER
The Hon Anthony Albanese MP

6 JUN 2024

Reference: MS24-000500

His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Dear Governor-General

David,

On behalf of the Government and the people of Australia, I thank you and Linda for your service to our nation.

For five years you have served our country with distinction as Governor-General. This follows your life-time of distinguished service in the military and as Governor of New South Wales.

As Governor-General, you have carried out your duties with exceptional dignity and humility, undertaking thousands of engagements around our nation and overseas, uplifting and connecting with Australians from all walks of life.

Most importantly Australians everywhere have respect and admiration for your service, for the values you represent and uphold. Our nation is greatly enriched by your many contributions.

To honour your time as Governor-General, the Australian Government has made a contribution of \$10,000 to Dementia Australia. I know you are a strong supporter of this charity and the work they do supporting people living with dementia, their families and carers.

Jodie and I wish the very best for you and Linda as you resume your lives with your family.

s 22(1)(a)(ii)



His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

11 June 2024

The Honourable Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister,

I have recently returned from my official visit to France to commemorate the 80th anniversary of the D-Day landings at Normandy.

The focal point of my program was the international ceremony hosted by the President of the French Republic, His Excellency Emmanuel Macron, at Omaha Beach, Saint-Laurent-sur-Mer. The event was significant in that it is likely to be the final commemorative occasion to be attended by veterans from the D-Day landings.

The ceremony was well attended by foreign Heads of State and Heads of Government, including: the Presidents of the United States, Ukraine, the Italian Republic, Poland, the Slovak Republic, and the Czech Republic; King of the Netherlands, King of the Belgians, and the King of Denmark; the Prince of Wales, the Crown Prince of Norway, Grand Duke of Luxembourg, and Sovereign Prince of Monaco; and Heads of Government from France, the Netherlands, Canada, Denmark, Norway, Germany, Hellenic Republic, and Luxembourg; and the President of the European Council. During the ceremony and the subsequent reception hosted by President Macron, I spoke with each of the leaders and in particular, reaffirmed Australia's ongoing support to President Zelensky and the people of Ukraine. You would be aware that the French coordinated and released the 'Normandy Declaration' during the commemorations which Australia supported along with the other 18 countries. I commend the French for their organisation of these significant events to honour those who served and sacrificed during such a pivotal battle in the Second World War.

In addition to the international French-led ceremony, Linda and I attended a commemoration at the British Normandy Memorial with Their Majesties The King and Queen at Ver-sur-Mer. There has been extensive media coverage of The King's impressive speech during the service. At the reception immediately following the ceremony.

s 33(a)(iii), s 33(b)
 s 33(a)(iii), s 33(b) During the ceremony, I sat with the United Kingdom's Foreign Secretary, Lord Cameron. s 33(a)(iii)
 s 33(a)(iii)

During a brief visit to Paris, Linda and I met with Australian embassy staff and their families. I acknowledged the important work of the embassy during a busy period, including the response to the recent unrest in New Caledonia and the preparations for D-Day commemorations and this year's Olympics and Paralympics. I was invited by our Ambassador, Her Excellency Ms Gillian Bird PSM, to present long-serving staff with awards in appreciation of their contribution to the Franco-Australian relationship. s 33(a)(iii)

s 33(a)(iii)

My program also included opportunities to commemorate the 33,840 Australian war dead at wreath laying ceremonies at several official Australian memorials maintained by the Office of the Australian War Graves. We visited and laid tributes at the Villers-Bretonneux Military Cemetery, the Australian National Memorial, the Australian Corps Memorial at Le Hamel, and Daours Cemetery. As guests of the Director, Mr Benjamin Daetwyler, and Mayor of Villers-Bretonneux, Linda and I visited the Sir John Monash Centre. I was impressed by the centre's immersive and interactive presentation of Australia's involvement on the Western Front drawn from a rich archive collection. I acknowledge the ongoing work of the centre's staff and volunteers to help educate the tens of thousands of annual visitors on the significant contribution made by Australians on the Western Front.

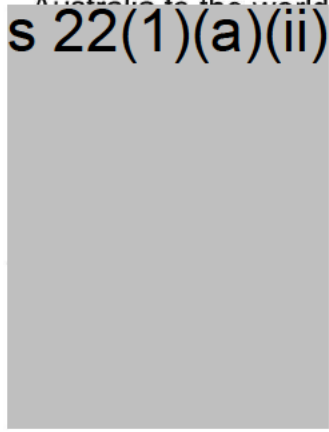
While in the Normandy region, Linda and I attended commemorative events at the Pegasus Bridge Memorial and Museum, Ranville Cemetery and the largest Commonwealth War Cemetery of the Second World War in France, Bayeux Cemetery.

Linda and I were most grateful for the support of the Australian embassy staff to arrange such a meaningful program. The embassy, led by Ambassador Bird, is doing impressive work to advance the bilateral relationship and the staff represent the best of the Australian Public Service.

Finally, as I near the end of my term as Governor-General, I take this opportunity to acknowledge the valuable support provided by the Department of Foreign Affairs and

Trade during my tenure. It has been a privilege to represent Australia and help advance our international interests during 19 visits to 29 countries. I have also appreciated their support during Guests-of-Government visits by Heads of State and Heads of Government I have hosted at either Government House or Admiralty House, their partnership in facilitating regular credentials ceremonies, and the important role they play in assisting with my engagement with the diplomatic corps. I have been impressed by the Department's commitment to showcasing the best of Australia to the world and progressing our bilateral and multilateral relations.

s 22(1)(a)(ii)





His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

13 June 2024

The Honourable Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister,

Thank you for your letter of 6 June last in which you informed me of the Government's kind decision to donate \$10,000 to Dementia Australia in recognition of my time in office. I am grateful for the Government's decision. I know that these funds will be used to the benefit of thousands of dementia sufferers and carers in Australia.

May I also thank you for your kind words regarding my service as Governor-General. It is an understatement to say what an enormous privilege it is to hold this office. Linda and I have been blessed by our interactions with so many wonderful Australians who are capable of so much in both the good times and the bad. These interactions will form our lasting memories.

Yours sincerely,

s 22(1)(a)(ii)



His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia

20 June 2024

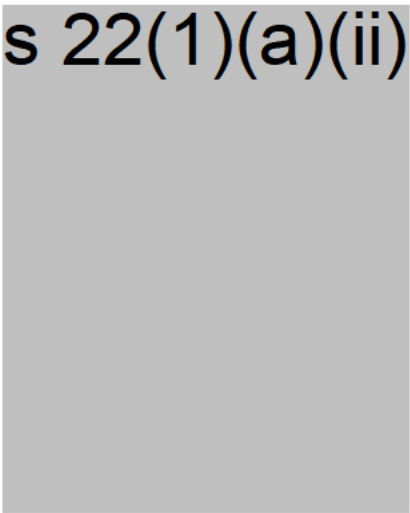
The Hon Anthony Albanese MP
Prime Minister
Parliament House
Canberra ACT 2600

Dear Prime Minister

In accordance with the Letters Patent issued on 8 July 2021, and Amendments to the Letters Patent issued on 10 April 2022, Mr Nick Kaldas APM today presented me with the Lived Experience Report of the Royal Commission into Defence and Veteran Suicide.

I have been advised that copies of this Report have been provided to the State Governors and I forward the Report for the Government's consideration.

s 22(1)(a)(ii)





PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS23-000895

His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia
Government House
YARRALUMLA ACT 2600

Your Excellency

On 19 June 2023, the Australian Parliament passed the *Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023*, a proposed law to alter the Constitution of Australia. A copy of this proposed law is attached to this letter.

I recommend that the proposed law be put to electors for their consideration in a referendum poll to be held on 14 October 2023.

I seek your approval for a special meeting of the Federal Executive Council on or before 11 September 2023 to enable your consideration of the writ for this referendum.

I also seek your agreement to make an announcement of the intended date of the referendum in advance of this meeting of the Federal Executive Council.

If the writ for the referendum is issued, consistent with section 12 of the *Referendum (Machinery Provisions) Act 1984*, I recommend that you immediately forward:

- a. copies of the writ and proposed law to State Governors, the Chief Minister for the Australian Capital Territory and the Administrator of the Northern Territory; and
- b. the original writ and a copy of the proposed law to the Australian Electoral Commissioner.

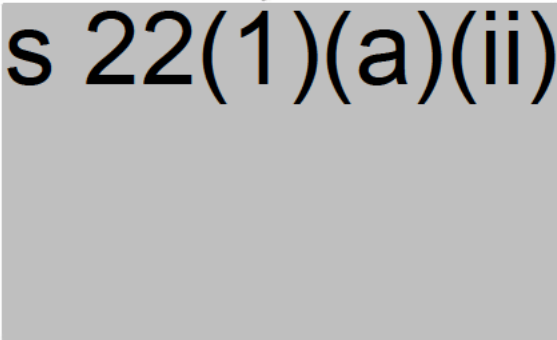
I will write to the State and Territory Premiers and Chief Ministers to advise them I have recommended you issue a writ for a referendum poll on 14 October 2023.

I would appreciate your confirmation, in accordance with established practice, that you have no objection to the public release of this letter and your reply, at an appropriate time.

A copy of this letter has been sent to Senator the Hon Don Farrell, Special Minister of State, the Hon Mark Dreyfus KC MP, Attorney-General, and the Hon Linda Burney MP, Minister for Indigenous Australians.

Yours faithfully

s 22(1)(a)(ii)





PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS24-000290

His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of Australia
Government House
CANBERRA ACT 2600

Your Excellency *David,*

I am writing to formally advise you of the support arrangements which will be available to you upon your retirement from the office of Governor-General.

Under the *Governor-General Act 1974*, former Governors-General are entitled to an allowance payable for life which is set at 60 per cent of the salary payable to the Chief Justice of Australia, less any other pension payable to you from the Commonwealth, a State or a Territory. Based on the current salary of the Chief Justice, the full allowance payable is \$389,928; this will be reduced by the amount of any other relevant pensions you receive.

The allowance will be increased in line with the Chief Justice's salary as determined annually by the Remuneration Tribunal. The allowance will be subject to taxation at the time of payment under the general Pay-As-You-Go taxation arrangements. The *Governor-General Act 1974* sets out further details regarding your allowance.

Support arrangements will also be made available to you consistent with those usually made available to former Governors-General and their spouses when accompanying the former Governor-General on official travel. These arrangements will be reviewed periodically to ensure they are consistent with your working requirements. Further details of these arrangements are attached.

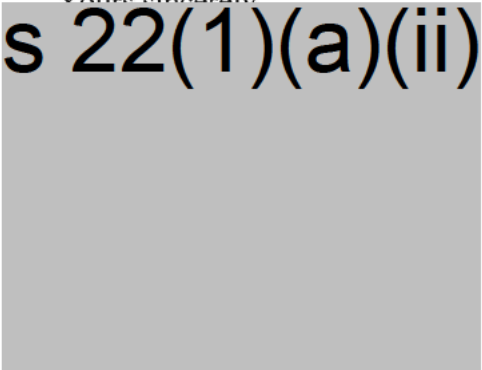
I understand that, in accordance with custom, you and Mrs Hurley intend to take leave of His Majesty The King following your retirement. With regard to Australia's current cost of living pressures, I support you travelling business-class to London to do so. Airfares, accommodation and other reasonable costs will be covered.

If you would like any information or assistance in relation to your allowance please do not hesitate to contact s 22(1)(a)(ii) at the Department of Finance. s 22(1)(a)(ii) can be contacted at s 22(1)(a)(ii) or ParlSuper@finance.gov.au.

If you would like any information or assistance in relation to any of the other support arrangements, please do not hesitate to contact s 22(1)(a)(ii) at the Department of the Prime Minister and Cabinet on s 22(1)(a)(ii) or ^{s 47E(d)} @pmc.gov.au.

Yours sincerely,

s 22(1)(a)(ii)



FORMER GOVERNOR-GENERAL SUPPORT ARRANGEMENTS

General Hurley

For the purpose of the support arrangements below, *official business* means business undertaken in the capacity as a former Governor-General. This may include attending events at the request of the Australian Government and events connected with organisations for which the former Governor-General was a patron while in office. Benefits provided at Australian Government expense are not to be used for commercial purposes.

Category	Support for General Hurley
Relocation expenses	<p>Relocation of personal effects and storage for up to three months from the point of departure from Government House or until office accommodation is available.</p> <p>Relocation of personal effects and storage for up to three months after the closure of office accommodation.</p>
Staff	<p>One ongoing position not above the level of a full-time Australian Public Service classification 6 (APS 6). The allocation may be allocated pro rata across more than one staff member (for example; Executive Support, Speechwriter, Archivist) at the discretion of the former Governor-General, as long as the total allocation is not exceeded.</p> <p>The position will be engaged in accordance with the Public Service Act 1999 and employed under the terms and conditions of the Department of the Prime Minister and Cabinet (PM&C) Enterprise Agreement 2024-27, or successive agreements (as applicable).</p> <p>Staffing arrangements will be reviewed in line with the PM&C Performance Framework.</p>
Office facilities (accommodation; publications; and information, communication and technology)	<p>Office accommodation will be provided to the former Governor-General and staff in the city of their principal residence. This will include facilities, utilities, office equipment, office requisites, postage and stationery necessary to operate the office.</p> <p>Information and communication technology equipment will be provided including computers, internet, software, multi-function devices, office telephone landlines and mobile telephones.</p> <p>The cost of purchasing publications for purposes relating to official business as a former Governor-General, but not commercial business.</p> <p>Office requirements will be reviewed at the end of each lease term.</p>
Car transport	<p>The former Governor-General is provided access in the city of their principal residence to either:</p> <ul style="list-style-type: none"> - a Commonwealth Government car with driver transport service (ComCar); or - a private-plated vehicle, including all running and maintenance costs, equivalent to vehicles available to Commonwealth Parliamentarians as outlined by the Department of Finance.

Category	Support for General Hurley
Travel	<p data-bbox="464 271 564 300"><u>Airfares</u></p> <ul data-bbox="512 309 1362 622" style="list-style-type: none"> - Business-class airfares within Australia will be provided on scheduled transport services for official business as a former Governor-General. - Business-class airfares overseas for official business as a former Governor-General, subject to the Prime Minister's approval. - The cost of airfares is limited to the most reasonable and usual route between the departure and destination points, or the cost of an economy-class airfare where no business-class airfare is available. <p data-bbox="464 667 751 696"><u>Train and Car Transport</u></p> <ul data-bbox="512 703 1362 801" style="list-style-type: none"> - First class train travel costs where the travel is for official purposes. - Access to ComCar when travelling on official business as a former Governor-General within Australia. <p data-bbox="464 846 852 875"><u>Accommodation and incidentals</u></p> <ul data-bbox="512 882 1362 1048" style="list-style-type: none"> - The cost of accommodation is limited to rooms that are available on the Commonwealth booking system and represent value for money. - The cost of incidentals (e.g. meals) incurred while on overnight travel for official business is limited to rates outlined on the Australian Taxation Office website. <p data-bbox="464 1093 1362 1187">The former Governor-General's spouse is provided with the same travel arrangements when accompanying the former Governor-General on official business.</p>

s 37(1)(c), 47E(d)



PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS24-000577

29 JUL 2024

Her Excellency the Hon Ms Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

A handwritten signature in blue ink that reads 'Sam,' with a large, stylized flourish above the name.

Following your appointment as Governor-General earlier this month, I write to recommend that you sign a series of instruments that need to be made. These instruments relate to the appointment of Deputies to assist you with your duties, arrangements for the Executive Council and the swearing in of new Senators or Members of the House of Representatives.

These instruments are modelled on longstanding precedent, largely unchanged from the 1930s. Your office is invited to contact Government Division in the Department of the Prime Minister and Cabinet to organise a briefing for you on these arrangements ahead of signing, if that would be helpful.

Deputies

Under section 126 of the Constitution, and consistent with the Letters Patent relating to the Office of the Governor-General dated 21 August 2008 (Letters Patent), the Governor-General may appoint Deputies to carry out a broad range of powers and functions on the Governor-General's behalf should the need arise.

I have countersigned instruments which would appoint deputies to act on your behalf pursuant to section 126 of the Constitution. These instruments would appoint the Governors of New South Wales, Queensland and South Australia as deputies to ensure that urgent matters can be attended to in situations where you are unavailable whilst you are in Australia.

Executive Council

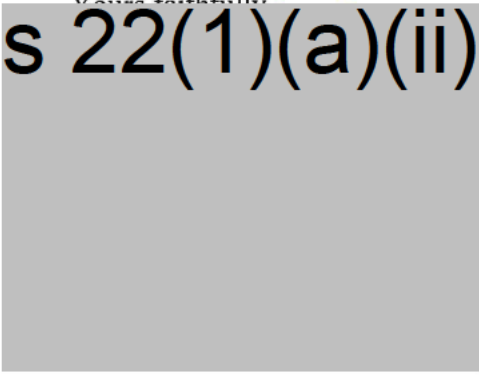
Consistent with past practice, I have also provided you with an instrument that would authorise the Vice-President of the Federal Executive Council, currently Senator the Hon Katy Gallagher, and other members of the Executive Council, to summon and preside over meetings of the Executive Council which the Governor-General is unable to attend. Such meetings would normally only occur in exceptional circumstances and the papers considered by the Council are still submitted to the Governor-General – or a Deputy or Administrator where appropriate – for approval. The Vice-President is not authorised to approve papers considered.

Presiding Officer authorisations

Section 42 of the Constitution requires each new Senator or Member of the House of Representatives to make and subscribe before the Governor-General or some person authorised by the Governor-General, an oath or affirmation of allegiance. It is customary for the Governor-General to authorise the Presiding Officers to undertake this function in respect of the Senators and Members of each House. I have countersigned instruments of authorisation to this effect.

Yours faithfully,

s 22(1)(a)(ii)





**APPOINTMENT OF HER EXCELLENCY
THE HONOURABLE MARGARET BEAZLEY AC KC
AS DEPUTY OF THE GOVERNOR-GENERAL**

I, SAM MOSTYN AC, Governor-General of the Commonwealth of Australia, hereby appoint MARGARET BEAZLEY AC KC, GOVERNOR OF THE STATE OF NEW SOUTH WALES, to be my deputy within any part of the Commonwealth.

In her capacity as my deputy, and upon receipt of a request from me and in accordance with the terms of that request, MARGARET BEAZLEY is authorised to exercise the following powers and perform the following functions of the Governor-General:

- (a) To make recommendations with respect to the appropriation of revenue or moneys by message to a House of the Parliament and to communicate other matters to a House of the Parliament;
- (b) When a proposed law passed by both Houses of the Parliament is presented for The King's assent –
 - (i) to declare, according to her discretion, but subject to the Constitution, that she assents in The King's name, or that she withholds assent or that she reserves the law for The King's pleasure; or
 - (ii) except in the case of a proposed law to alter the Constitution, to return the proposed law to the House in which it originated and to transmit therewith any amendments which she may recommend;
- (c) To make, sign or issue any proclamation, order, regulation, ordinance, appointment, instrument, or document in accordance with the advice of the Federal Executive Council;
- (d) To administer such oaths or affirmations as may be necessary to be taken or made by any person in respect of his or her having been chosen or summoned to be a member of the Federal Executive Council or appointed to administer a Department of State;
- (e) To grant to convicted offenders pardons and to remit fines, penalties (including sentences) and forfeitures;

- (f) In accordance with section 8A of the *Removal of Prisoners (Territories) Act 1923*, to grant to a person a licence to be at large or to vary or revoke a licence granted to a person under that Act;
- (g) To sign any correspondence with which it is necessary to deal urgently.

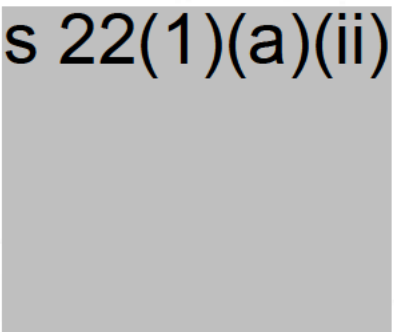
Dated

2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)





**APPOINTMENT OF HER EXCELLENCY
THE HONOURABLE JEANNETTE YOUNG AC PSM
AS DEPUTY OF THE GOVERNOR-GENERAL**

I, SAM MOSTYN AC, Governor-General of the Commonwealth of Australia, hereby appoint JEANNETTE YOUNG AC PSM, GOVERNOR OF THE STATE OF QUEENSLAND, to be my deputy within any part of the Commonwealth.

In her capacity as my deputy, and upon receipt of a request from me and in accordance with the terms of that request, JEANNETTE YOUNG is authorised to exercise the following powers and perform the following functions of the Governor-General:

- (a) To make recommendations with respect to the appropriation of revenue or moneys by message to a House of the Parliament and to communicate other matters to a House of the Parliament;
- (b) When a proposed law passed by both Houses of the Parliament is presented for The King's assent –
 - (i) to declare, according to her discretion, but subject to the Constitution, that she assents in The King's name, or that she withholds assent or that she reserves the law for The King's pleasure; or
 - (ii) except in the case of a proposed law to alter the Constitution, to return the proposed law to the House in which it originated and to transmit therewith any amendments which she may recommend;
- (c) To make, sign or issue any proclamation, order, regulation, ordinance, appointment, instrument, or document in accordance with the advice of the Federal Executive Council;
- (d) To administer such oaths or affirmations as may be necessary to be taken or made by any person in respect of his or her having been chosen or summoned to be a member of the Federal Executive Council or appointed to administer a Department of State;
- (e) To grant to convicted offenders pardons and to remit fines, penalties (including sentences) and forfeitures;

- (f) In accordance with section 8A of the *Removal of Prisoners (Territories) Act 1923*, to grant to a person a licence to be at large or to vary or revoke a licence granted to a person under that Act;
- (g) To sign any correspondence with which it is necessary to deal urgently.

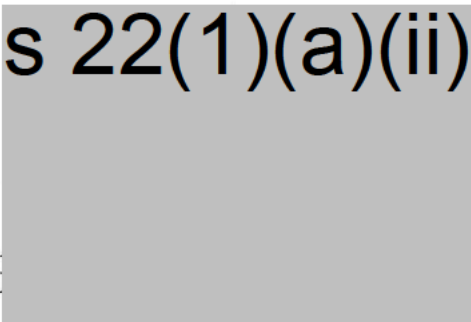
Dated

2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)





**APPOINTMENT OF HER EXCELLENCY
THE HONOURABLE FRANCES ADAMSON AC
AS DEPUTY OF THE GOVERNOR-GENERAL**

I, SAM MOSTYN AC, Governor-General of the Commonwealth of Australia, hereby appoint FRANCES ADAMSON AC, GOVERNOR OF THE STATE OF SOUTH AUSTRALIA, to be my deputy within any part of the Commonwealth.

In her capacity as my deputy, and upon receipt of a request from me and in accordance with the terms of that request, MARGARET BEAZLEY is authorised to exercise the following powers and perform the following functions of the Governor-General:

- (a) To make recommendations with respect to the appropriation of revenue or moneys by message to a House of the Parliament and to communicate other matters to a House of the Parliament;
- (b) When a proposed law passed by both Houses of the Parliament is presented for The King's assent –
 - (i) to declare, according to her discretion, but subject to the Constitution, that she assents in The King's name, or that she withholds assent or that she reserves the law for The King's pleasure; or
 - (ii) except in the case of a proposed law to alter the Constitution, to return the proposed law to the House in which it originated and to transmit therewith any amendments which she may recommend;
- (c) To make, sign or issue any proclamation, order, regulation, ordinance, appointment, instrument, or document in accordance with the advice of the Federal Executive Council;
- (d) To administer such oaths or affirmations as may be necessary to be taken or made by any person in respect of his or her having been chosen or summoned to be a member of the Federal Executive Council or appointed to administer a Department of State;
- (e) To grant to convicted offenders pardons and to remit fines, penalties (including sentences) and forfeitures;

- (f) In accordance with section 8A of the *Removal of Prisoners (Territories) Act 1923*, to grant to a person a licence to be at large or to vary or revoke a licence granted to a person under that Act;
- (g) To sign any correspondence with which it is necessary to deal urgently.

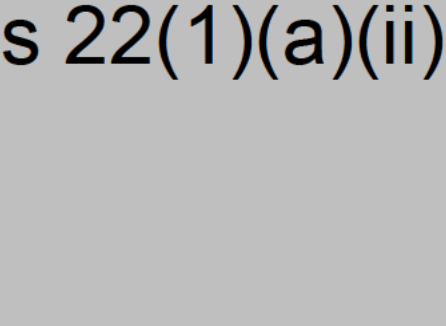
Dated

2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)





APPOINTMENT OF THE VICE-PRESIDENT AND OTHER MEMBERS OF
THE FEDERAL EXECUTIVE COUNCIL
AS DEPUTIES OF THE GOVERNOR-GENERAL

I, SAM MOSTYN AC, Governor-General of the Commonwealth of Australia:

- (a) appoint the Vice-President from time to time of the Federal Executive Council to be my deputy within any part of the Commonwealth:
 - (i) to summon meetings of the Federal Executive Council; and
 - (ii) to preside over any meeting of the Federal Executive Council at which I am unable to be present; and

- (b) in the case of a meeting of the Federal Executive Council at which I am not present, and at which neither the Vice-President nor an acting Vice-President is present, appoint the most senior member of the Federal Executive Council present who is a Minister of State to be my deputy within any part of the Commonwealth to preside at the meeting.

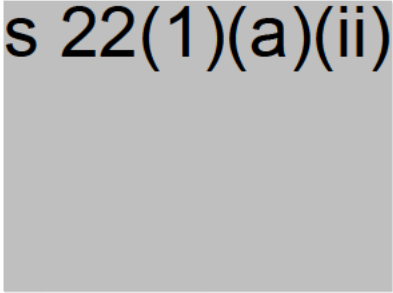
Dated

2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)





**AUTHORISATION TO ADMINISTER THE OATH OR
AFFIRMATION OF ALLEGIANCE TO SENATORS**

I, SAM MOSTYN AC, Governor-General of the Commonwealth of Australia, acting under section 42 of the Constitution, authorise SUSAN LINES, the President of the Senate, to administer the oath or affirmation of allegiance in the form set forth in the schedule to the Constitution to those Senators who have not already made and subscribed that oath or affirmation since being chosen or elected, or since last being chosen or elected, as Senators.

Dated

2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)



**AUTHORISATION TO ADMINISTER THE OATH OR
AFFIRMATION OF ALLEGIANCE TO MEMBERS
OF THE HOUSE OF REPRESENTATIVES**

I, SAM MOSTYN AC, Governor-General of the Commonwealth of Australia, acting under section 42 of the Constitution, authorise DUGALD MILTON DICK, Speaker of the House of Representatives, to administer the oath or affirmation of allegiance in the form set forth in the schedule to the Constitution to those Members who have not already made and subscribed that oath or affirmation since being chosen or elected, or since last being chosen or elected, as Members.

Dated

2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)



PRIME MINISTER
The Hon Anthony Albanese MP

12 AUG 2024

Her Excellency the Honourable Ms Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

A handwritten signature in blue ink that reads 'Sam'.

s 33(a)(iii)

As you may be aware, Queen Elizabeth II initiated The Queen's Personal Flag for Australia in 1963, to be flown in the same manner as the Royal Standard is flown in the United Kingdom, when The Queen visited Australia.

s 33(a)(iii)

s 33(a)(iii)

s 22(1)(a)(ii)



PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS24-000519

21 AUG 2024

Her Excellency the Honourable Ms Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
YARRALUMLA ACT 2600

Your Excellency

The Hon Richard Marles MP, Minister for Defence, has recommended the posthumous award of the *Victoria Cross for Australia* to Private Richard Leslie Norden DCM (Private Norden) of the Australian Army. This award would recognise Private Norden's *most conspicuous acts of gallantry in action in the presence of the enemy in the 'AO Surfers' Area of Operations in the Bien Hoa province, Vietnam on 14 May 1968 during the Battle of Fire Support Base Coral.*

The Minister for Defence's recommendation follows from the Defence Honours and Awards Appeals Tribunal's finding in *Hulse and the Department of Defence re: Norden DHAAT 11 (20 July 2022)*, which recommended that Private Norden be posthumously awarded the *Victoria Cross for Australia* for his actions in 1968.

The Minister for Defence has so recommended. I have enclosed a copy of the Minister's correspondence to me of 30 May 2024, including a proposed citation, synopsis and narrative for the award of the *Victoria Cross for Australia* posthumously to Private Norden.

I endorse this recommendation and would be grateful if you would seek His Majesty The King's approval to the posthumous award of the *Victoria Cross for Australia* to Private Richard Leslie Norden DCM. I note that if the *Victoria Cross for Australia* is approved, the Distinguished Conduct Medal that was awarded to Private Norden, for the same actions in 1968, will be cancelled. Private Norden's next-of-kin has been made aware of this and have not raised any objections.

Yours sincerely,

s 22(1)(a)(ii)



**THE HON RICHARD MARLES MP
DEPUTY PRIME MINISTER
MINISTER FOR DEFENCE**

Ref No: MB22-000610

The Hon Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

Anthony

I write to seek your agreement to recommend the late Private Richard Leslie Norden DCM for the award of the Victoria Cross for Australia following the findings of the Defence Honours and Awards Appeals Tribunal.

The Tribunal considered an appeal of Defence's decision of 24 November 2021, by the Chief of Army, not to recommend Private Norden for a Victoria Cross for his actions at the Battle of Fire Support Base Coral in Vietnam in 1968. The Chair of the Tribunal, Mr Stephen Skehill, submitted the Tribunal's recommendation to award a Victoria Cross for Australia on 20 July 2022. In accordance with the Tribunal's Procedural Rules under the *Defence Act 1903*, the Tribunal's report into the matter was published on their website. I have enclosed a copy of the Tribunal's report.

The Minister for Defence Personnel and for Veterans' Affairs, the Hon Matt Keogh MP, considered the Tribunal's report and endorsed the findings to me in a letter dated 26 August 2022.

In taking this matter forward, I have given careful consideration to the recommendations of the Tribunal and the significance of the award. The Victoria Cross for Australia is the pre-eminent gallantry award in the Australian Honours and Awards system. It is reserved for the most conspicuous gallantry, or a daring or pre-eminent act of valour or self-sacrifice or extreme devotion to duty in the presence of the enemy. Awarding the Victoria Cross for Australia is, rightly, a rare and significant event. Since the introduction of the Victoria Cross for Australia in 1991, it has only been conferred on five occasions – most recently in 2020 for the actions of the late Ordinary Seaman Teddy Sheean VC during the Second World War.

If you agree to my recommendation to award the Victoria Cross for Australia to Private Norden, your assistance facilitating approval for the award from the Sovereign through the Governor-General of the Commonwealth of Australia would be appreciated. I have enclosed a draft citation and synopsis outlining Private Norden's actions.

The award of the Victoria Cross for Australia, if approved, will recognise the same actions for which Private Norden was awarded the Distinguished Conduct Medal in 1968. Consistent with a longstanding principle of the Australian Honours and Awards system that actions should only be recognised with one medal, if the award is approved I intend to make arrangements for the cancellation of the Distinguished Conduct Medal. In the case of late Ordinary Seaman Teddy Sheean VC, his award of the Mention in Despatches was cancelled following the award of the Victoria Cross for Australia.

I have asked Defence officials to work with your department in the preparation of documentation required for final approval by the Sovereign. I have also asked Defence to coordinate with your department and the Department of Foreign Affairs and Trade on a communications plan to support an announcement and help manage possible international sensitivities.

Yours sincerely

s 22(1)(a)(ii)

RICHARD MARLES
Encls

30/5/24

AUSTRALIAN ARMY
TO BE AWARDED THE VICTORIA CROSS FOR AUSTRALIA
2024

2412437 PRIVATE RICHARD LESLIE NORDEN DCM

For most conspicuous acts of gallantry and extreme devotion to duty in action in the presence of the enemy in the 'AO Surfers' Area of Operations in the Bien Hoa province, Vietnam, on 14 May 1968 during the Battle of Fire Support Base Coral.

Private Richard Norden enlisted in the Australian Army on 27 April 1966 and discharged in 1969, having completed his three-year period of service. He arrived in Vietnam on 5 December 1967, on posting to 1 Australian Reinforcement Unit. On 31 January 1968, he was posted to the 7th Battalion, the Royal Australian Regiment, and on 10 April 1968 he was posted to the 1st Battalion, the Royal Australian Regiment. He left Vietnam on 13 August 1968 after being wounded in action on 5 August 1968.

On 14 May 1968 during Operation Toan Thang, 5th Platoon, B Company were ambushed and came under heavy fire from an estimated squad of seven to ten North Vietnamese Army regular soldiers in established positions dug into the ground or in trees, each armed with an automatic weapon. In the initial contact both the forward scout and the section commander were wounded some twenty to thirty metres in front of the remainder of the leading section, which was in turn isolated from the remainder of the platoon due to heavy and accurate enemy fire.

Aware that the scout and section commander had been incapacitated and entirely of his own initiative, Private Norden, a member of the leading section, asked for covering fire and ran forward to the wounded section commander across ground that provided him little or no effective cover under heavy enemy fire. He killed one North Vietnamese Army soldier whilst moving forward and, having expended his ammunition, recovered that enemy's automatic weapon which he used against further North Vietnamese Army soldiers. He then half-carried, half-dragged the severely wounded section commander back to the section. Due to this initial action the life of the section commander was saved under intense enemy fire.

Although he was seriously wounded in his initial move forward, Private Norden again advanced to the forward scout. He was fired on by an enemy soldier but pressed forward and reached the scout, killing the North Vietnamese Army soldier who had been using the scout as a shield. Private Norden, having determined that the scout was dead, then returned to the section, collected grenades and, moving forward for a third time, cleared the area so that the body of the scout could be recovered. His three attacks into the enemy position on his own resulted in the enemy position being secured and likely saved the lives of other members of the platoon.

Private Norden showed a complete disregard for his own personal safety, and by his courage, selfless acts and devotion to duty ensured the evacuation and saved the life of a severely wounded man. In spite of his own wounds, his continued actions allowed the recovery of the body of the forward scout and avoided the potential for further deaths of platoon members.

TO BE AWARDED THE VICTORIA CROSS FOR AUSTRALIA

2412437 PRIVATE RICHARD LESLIE NORDEN DCM

For most conspicuous acts of gallantry and extreme devotion to duty in action in the presence of the enemy in the 'AO Surfers' Area of Operations in the Bien Hoa province, Vietnam, on 14 May 1968 during the Battle of Fire Support Base Coral.

Private Norden showed a complete disregard for his own personal safety, and by his courage, selfless acts and devotion to duty ensured the evacuation and saved the life of a severely wounded man. In spite of his own wounds, his continued actions allowed the recovery of the body of the forward scout and avoided the potential for further deaths of platoon members.



Australian Government

Defence Honours and Awards Appeals Tribunal

Hulse and the Department of Defence re: Norden DHAAT 11 (20 July 2022)

File Number	2021/020
Re	Lieutenant Colonel George Hulse OAM (Retd) on behalf of Private Richard Norden DCM (dec.) Applicant
And	The Department of Defence Respondent
Tribunal	Mr Stephen Skehill (Presiding Member) Mr David Ashley AM Ms Karen Fryar AM Major General Mark Kelly AO, DSC (Retd)
Appearances	Lieutenant Colonel George Hulse OAM (Retd) – Applicant Brigadier Mark Bornholt AM (Retd), Army Historical Honours and Awards Reviewing Officer, Directorate of Honours and Awards, Department of Defence
Hearing Date	1 June 2022

DECISION

On 20 July 2022, the Tribunal decided to recommend to the Minister that:

- (a) the decision of the Chief of Army, Lieutenant General Rick Burr AO, DSC, MVO to refuse to recommend the late Private Richard Norden DCM for the Victoria Cross for Australia should be rejected; and
- (b) the Minister should instead recommend to the Governor-General that Private Richard Norden should be awarded the Victoria Cross for Australia.

Further, the Tribunal suggests that the draft citation set out at paragraph 151 of these reasons be considered as appropriate to accompany conferral of such an honour.

CATCHWORDS

DEFENCE HONOUR – Victoria Cross for Australia – Battles of Fire Support Bases Coral and Balmoral – gallantry in action – Imperial Distinguished Conduct Medal

LEGISLATION

Defence Act 1903 – Part VIIC – Sections 110T, 110V(1), 110VB(1), 110VB(6)

Defence Regulation 2016 Section 35

Victoria Cross for Australia

Commonwealth of Australia Gazette No. S25 dated 4 February 1991, *Victoria Cross Regulations*

Introduction

1. The Applicant, Lieutenant Colonel George Hulse OAM (Retd) seeks review of a decision of the Chief of Army, Lieutenant General Rick Burr AO DSC MVO, that the late Private Richard Norden DCM should not be recognised with the Victoria Cross for Australia for service during the Battle of Fire Support Base Coral in Vietnam on 14 May 1968.¹

Decision under review

2. On 7 September 2020, Lieutenant Colonel Hulse wrote to Ms Petrina Cole, Director, Honours and Awards in the Department of Defence, seeking review of the award of the Distinguished Conduct Medal (DCM) that was conferred on Private Norden in 1968.² In his application, Lieutenant Colonel Hulse stated that, on 14 May 1968, Private Norden ‘performed acts that transcend the award of the DCM’ and were, in his opinion, more closely aligned to the Victoria Cross for Australia.³

3. On 24 November 2021, Lieutenant General Burr replied to Lieutenant Colonel Hulse refusing the application for the Victoria Cross for Australia, stating that in his view the award of the DCM was appropriate.⁴

4. On 7 December 2021, Lieutenant Colonel Hulse made application to the Tribunal seeking review of the Chief of Army’s decision, arguing that Private Norden’s actions met the criteria for the Victoria Cross and that, in his view, Lieutenant Colonel Bennett (Private Norden’s Commanding Officer at the time of the action on 14 May 1968) and the Chief of Army had not done justice to Private Norden. Lieutenant Colonel Hulse requested that the decision be reviewed by the Tribunal, ‘using a process that allows an opportunity for witnesses to describe Private Norden’s actions, and that the deliberations of the DHAAT on the adequacy of his decoration be addressed’.⁵

Tribunal jurisdiction

5. Pursuant to s110VB(2) of the *Defence Act 1903* the Tribunal has jurisdiction to review a reviewable decision if an application is properly made to the Tribunal. The term *reviewable decision* is defined in s110V(1) and includes a decision made by a person within the Defence Force to refuse to recommend a person for a defence honour in response to an application. Regulation 35 of the *Defence Regulation 2016* lists the defence honours that may be the subject of a reviewable decision. Included in that list is the Victoria Cross for

¹ Application for review, 4 November 2021.

² The Defence report makes reference to a June 2018 submission by Lieutenant Colonel Hulse to the Chief of Army, however this was not submitted by the applicant to the Tribunal, nor could it be located by Defence (see research report submitted by Major JT Fardell).

³ Letter, Lieutenant Colonel George Hulse to Ms Petrina Cole, 7 September 2020.

⁴ Letter, Lieutenant General Burr to Lieutenant Colonel Hulse, OCA/OUT/2021/BN23813547, 24 November 2021.

⁵ Application for Tribunal review.

Australia. Therefore, the Tribunal has jurisdiction to review decisions in relation to this defence honour.

6. 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 under review, but may make any recommendations to the Minister that it considers appropriate.

7. As required by s110VB(6) of the Act, the Tribunal is bound by the eligibility criteria that governed the making of the reviewable decision.

Conduct of the review

8. In accordance with its Procedural Rules, on 13 December 2021 the Tribunal wrote to the Secretary of the Department of Defence informing him of Lieutenant Colonel Hulse's application for review.⁶ The Tribunal requested a merits-based assessment of Private Norden's actions against the eligibility criteria for the Victoria Cross and a report on the material questions of fact and reasons for the decision to refuse the original application. The Tribunal also requested that the Secretary provide copies of documentation relied upon in reaching the decision and any other relevant documents.

9. On 15 March 2022, the Director of Honours and Awards in the Department of Defence provided a submission on behalf of Defence.⁷ The Defence submission consisted of a report written by the Army Historical Honours and Awards Reviewing Officer, Brigadier Mark Bornholt AM (Retd), covering a further research report written by Major JT Fardell. In conclusion, Brigadier Bornholt's report stated that he did not consider that Private Norden's actions on 14 May 1968 met the eligibility criteria for the Victoria Cross, and that his review of the matter has confirmed that the DCM awarded was appropriate recognition for Private Norden's actions.⁸

10. The Defence submission was forwarded to Lieutenant Colonel Hulse for comment on 16 March 2022. Lieutenant Colonel Hulse responded on 30 March 2022 setting out his disagreement with a number of points in the Defence submission, and seeking continuation of the Tribunal's review.⁹

11. At the Tribunal hearing, the Chair drew attention to the fact that Brigadier Bornholt, who appeared for Defence, had previously been a member of the Tribunal. He noted that the period of Brigadier Bornholt's tenure pre-dated that of three members of the panel assigned to this matter, but did overlap with the tenure of the fourth member. He advised the parties that he had concluded that this fact was not sufficient to give rise to a reasonable

⁶ Letter, Tribunal to Secretary, DHAAT/OUT/2021/545, dated 13 December 2021.

⁷ Directorate of Honours and Awards letter to the Tribunal DH&A OUT/2022/0012 dated 15 March 2022.

⁸ Defence Submission – Actions of Private Richard Norden DCM.

⁹ Letter, Lieutenant Colonel Hulse to the Tribunal, dated 30 March 2022.

claim for that fourth member to stand aside as, to his observation, that member was fiercely independent in his analysis and decision-making and would give to Brigadier Bornholt's submissions no greater weight than they warranted on their merits. Neither party demurred.

12. At the hearing, both Lieutenant Colonel Hulse and Brigadier Bornholt made detailed submissions. Additionally, Lieutenant Colonel Hulse led evidence from three witnesses:

- a) then Second Lieutenant Chris Forde, the Platoon Commander at the time of the events in question;
- b) then Private Rodney Forster, who saw much of those events; and
- c) then Private Stan Barrett, who also saw all of the events.

13. These witnesses provided a deal of detail about those events which was additional to that otherwise documented in the material available to Defence prior to the hearing. The Tribunal takes this opportunity to express its gratitude to each of them for the assistance that their evidence provided, and for doing so when recounting and being questioned would have undoubtedly evoked deeply emotional memories for them.

Private Norden's service

14. Private Norden enlisted in the Australian Army on 27 April 1966 and discharged three years later, having completed his three-year period of service.¹⁰ Relevant to this application, he arrived in Vietnam on 5 December 1967, on posting to 1 Australian Reinforcement Unit. On 31 January 1968, he was posted to the 7th Battalion, the Royal Australian Regiment, and on 10 April 1968 was posted to the 1st Battalion, the Royal Australian Regiment (1 RAR). He left Vietnam on 13 August 1968 after being wounded in action on 5 August 1968. For his service, Private Norden would be eligible for the following:

- a) Distinguished Conduct Medal;
- b) Unit Citation for Gallantry;
- c) Australian Active Service Medal 1945-75 with Clasp 'VIETNAM';
- d) Vietnam Medal;
- e) Australian Defence Medal; and
- f) Republic of Vietnam Campaign Medal.

15. Upon discharge, Private Norden served with the Australian Capital Territory Police when, on 26 October 1972, he was involved in a traffic collision while on duty. Whilst there are conflicting dates (30 and 31 October 1972), Private Norden succumbed to his injuries. The Richard Norden DCM Club within the Duntroon Garrison is named in his honour.¹¹

¹⁰ Report, Review of the Distinguished Conduct Medal awarded to Private Richard Norden – upgrade to the Victoria Cross for Australia, Major JT Fardell.

¹¹ Report, Review of the Distinguished Conduct Medal awarded to Private Richard Norden – upgrade to the Victoria Cross for Australia, Major JT Fardell.

The Battles of Fire Support Bases Coral and Balmoral

16. These battles occurred to the north-east of Saigon in an area important to the North Vietnamese Army offensive operations being conducted and planned against Saigon in 1968. As part of a larger allied operation *Toan Thang* (complete victory), elements of the 1st Australian Task Force (1 ATF) were deployed to an Area of Operations (AO) in the Bien Hoa province defined as 'AO Surfers'. This deployment was an 'all consuming' operation for 1 ATF conducted some 120 kilometres from their base in Nui Dat and outside of their normal operating area in Phuoc Tuy province.

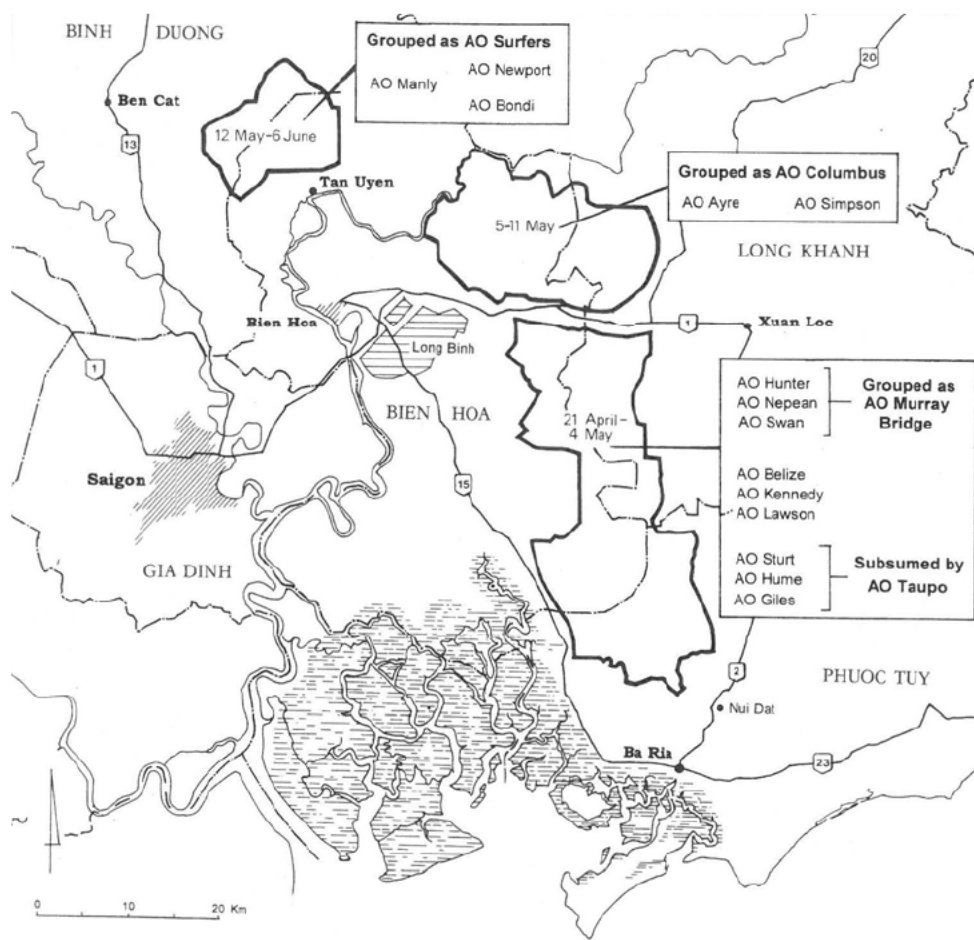


Figure 1. Extract from *On the Offensive* detailing the Areas of operation in Bien Hoa province – note Phuoc Tuy province to the southeast.¹²

17. Planning for Operation *Toan Thang* included the establishment of battalion patrol bases 'Coral, Coogee and Balmoral'. Deployment to AO Surfers commenced on 12 May 1968. Early in the morning of 13 May 1968, Fire Support Base Coral came under heavy and accurate mortar, rocket-propelled grenade and recoilless-rifle fire, followed by a determined infantry attack in estimated battalion strength. This attack was followed by a regimental strength attack on the night of 15/16 May. In the next phase of the battle, the

¹² McNeill & Ekins, *On the Offensive – the Australian Army in the Vietnam War 1967-1968*, Allen & Unwin, Crows Nest, 2000, p351

task force deployed tanks in close support of infantry to conduct company-sized reconnaissance-in-force operations, locating and destroying enemy installations. Fire Support Base Balmoral was attacked with coordinated mortar and ground attacks on the nights of 25/26 May and 27/28 May 1968. A total of 26 Australian soldiers died during the battles and over 100 were wounded.¹³

18. On 14 May, task force patrols had nine contacts with the enemy, the highest for the Australians for any day of patrolling during the operation. Most patrols were platoon strength, defensive in nature and generally not more than three to four kilometres from Fire Support Bases Coral and Coojee. During these contacts, the enemy lost 12 killed and two wounded with another two possibly wounded. The Australians suffered three killed and five wounded with a further two wounded when a rocket-propelled grenade was fired into FSB Coral.¹⁴

Private Norden's actions

19. The action that is the subject of this application is discussed in the official history in the following terms:

One of these patrols was remarkable for the extreme courage and devotion to duty displayed by one of its members. At 5.30pm on 14 May 5 Platoon B Company 1 RAR, was operating about one thousand metres from FSB Coral when it was ambushed by an enemy squad of six men. The forward scout and the section commander of the leading section were hit, twenty metres in front of the remainder of the section. Heavy enemy fire isolated the two wounded men.

Private Richard Norden of the leading section asked for covering fire and dashed forward under heavy enemy fire to the section commander, killing one enemy on the way. Having expended his own ammunition, he grabbed the automatic weapon of the dead Viet Cong soldier and fought off other enemy as he assisted the section commander back to the section. Although wounded, Norden again went forward under enemy fire and reached the forward scout, killing the Viet Cong who had been using the scout as a shield. Seeing that the scout was dead, Norden returned to the section, collected grenades, and cleared the area, enabling the scout's body to be recovered. His three attacks into the enemy position resulted in the position being secured. Norden was personally responsible for killing three of the enemy. For his outstanding example in saving the life of his section commander, recovering the body of the scout, and at the same time reversing the enemy's advantage, Private Norden was awarded the Distinguished Conduct Medal.¹⁵

¹⁴ Ibid, p374.

¹⁵ Ibid.

20. The action is briefly mentioned in the 1 RAR Commander's Diary Narrative. The diary records:

1730 5 PL B Coy were ambushed by 4-6 VC when in open ground. Sect APCs sent to reinforce 5 Pl which was split into two groups.

1800 5 Pl contact was broken with the results: KIA:-1201338 Pte C.R. Nisbet and WIA:-2412437 Pte R.L. Norden frag wound to buttocks. VC cas were 4 KIA(BC).¹⁶

21. The action is also set out in the citation supporting the award of the DCM to Private Norden, which was signed by the Commanding Officer of 1 RAR, Lieutenant Colonel P. H. Bennett, on 25 May 1968. It states:

... On 14 May 1968 during Operation Toan Thang, 5th Platoon, B Company came under heavy fire from an estimated squad of Viet Cong. In the initial contact both the forward scout and the section commander were wounded some twenty to thirty metres in front of the remainder of the leading section, which was isolated from the remainder of the platoon due to heavy and accurate enemy fire.

Private Norden, a member of the leading section, asked for covering fire and ran forward under heavy enemy fire to the wounded section commander. He killed one Viet Cong whilst moving forward, and having expended his ammunition recovered the enemy's automatic weapon which he used against further Viet Cong while assisting the wounded section commander back to the section. Due to this initial action the life of the section commander was saved under intense enemy fire.

Although wounded in his initial move forward Private Norden again advanced to the forward scout. He was fired on by an enemy soldier, but pressed forward and reached the scout killing the Viet Cong who had been using the scout as a shield. Private Norden having determined that the scout was dead, returned to the section, collected grenades and cleared the area so that the body of the scout could be recovered. His three attacks into the enemy position on his own resulted in the enemy position being secured.

Private Norden showed a complete disregard for his own personal safety, and by his courage and devotion to duty ensured the evacuation of a wounded man and the recovery of the body of the forward scout. Private Norden personally killed at least three Viet Cong in this action.¹⁷

22. Private Norden was recommended for the DCM by Lieutenant Colonel Bennett. This recommendation was endorsed by the Commander of the 1st Australian Task Force, Brigadier R.L. Hughes, and the Commander of Australian Forces in Vietnam, Major General A.L. MacDonald.¹⁸ Along with a number of other gallantry awards for service at

¹⁶ AWM95: 7/1/78 Part 1, 1 RAR Commander's diary, 14 May 1968.

¹⁷ AF-W3121 – Recommendation for Honours or Awards – Private Richard Norden.

¹⁸ Ibid.

Coral/Balmoral, Private Norden's DCM was gazetted in the 1968 mid-year list,¹⁹ with a number of others being picked up in the 1969 New Year's list.

Lieutenant Colonel Hulse's submissions

23. In his submission of 7 September 2020, Lieutenant Colonel Hulse provided his own description of the action of 14 May 1968:

On 14 May 1968, Private Richard Norden was a rifleman in 5 Platoon, B Company 1RAR as it patrolled an area near FSPB 'Coral'. The forward section of the platoon entered an enemy position with the result that the forward scout and the section commander behind him were shot and fell to the ground. The Australian platoon reacted quickly with the forward section extricating itself from the battle-space. This left the two leading Australian felled diggers isolated in the enemy position.

Private Norden realising that speed of retaliation was essential to the extraction of his wounded mates, rushed forward, singlehandedly, and killed one of the enemy soldiers. He was wounded doing this. He ran out of ammunition, but taking up the dead enemy soldier's weapon, he continued to fight the remainder of the enemy in the ambush. He rescued the section commander and brought him back alive to the patrol. Private Norden thought that his mate in the lead of the section might still be alive and surged forward again. He ignored any medical treatment for his own wound and with no regard to his own safety or his life, continued to attack the enemy position. He killed a second enemy soldier and was able to see at close quarter that the forward scout was dead. He went back to the section and taking as many grenades and as much ammunition as he could carry, charged the enemy position for the third time. So intensive was Private Norden's attack that the remaining enemy abandoned their position and quickly withdrew. Private Norden then brought back his dead mate to the platoon and had his own wound treated.²⁰

24. Lieutenant Colonel Hulse also provided a revised draft citation which states:

"In the afternoon of 14 May 1968, an Australian infantry platoon from B Company 1st Battalion of The Royal Australian Regiment was attacked by a group of enemy soldiers. The two leading Australian diggers were shot and fell to the ground. The Australian platoon extricated from the danger area and regrouped. Private Richard Norden, as a rifleman in the forward section, realised that if his felled mates were to be saved, speed and initiative were required. He attacked the enemy position on his own and after being shot and wounded himself, killed an enemy soldier. Running out of ammunition, he took up the dead enemy soldier's weapon and continued to fight the enemy in their position. He rescued the section commander and brought him back to the platoon thereby saving his life. He attacked forward for a second time in the hope of rescuing the leading scout. He did this with an untreated wounded but ignoring his own condition and with no regard for his own life, attacked the ambush

¹⁹ NAA: A2880, 5/5/50, Letter, the Hon. J.G. Gorton to the Governor-General, 5 August 1968.

²⁰ Application to Defence – 7 September 2020.

*killing a second enemy soldier. At this point, Private Norden could see that the forward scout was dead. He returned to his section and arming himself with grenades and more ammunition, singlehandedly attacked the enemy ambush for the third time. In a combination of grenade and rifle fire he forced the enemy to abandon their position and withdraw. He brought his dead mate back to the platoon. He then accepted medical aid for his own wound”.*²¹

25. Lieutenant Colonel Hulse submitted that the award of the DCM was not appropriate, arguing that Private Norden’s actions met what he believed were the criteria for the Imperial Victoria Cross.²² However, his submission actually referenced criteria close to the Victoria Cross for Australia (listed later in these reasons). Lieutenant Colonel Hulse then argued that Private Norden’s actions met the criteria for this award in that, in Lieutenant Colonel Hulse’s view, Private Norden:

- a) was in the presence of the enemy;
- b) performed acts of the most conspicuous gallantry;
- c) was daring;
- d) performed pre-eminent acts of valour;
- e) performed acts of self-sacrifice; and
- f) displayed extreme devotion to duty.

Defence’s position

26. Lieutenant General Burr’s refusal of Lieutenant Colonel Hulse’s application in respect of Private Norden appears to have been made following consideration of the report written by Major Fardell, and a decision brief also written by Major Fardell. In his report, Major Fardell stated that he reviewed the circumstances surrounding the award of the DCM to Private Norden to ascertain if there was any new evidence provided by Lieutenant Colonel Hulse, or if there was any evidence of maladministration that would warrant consideration of awarding a Victoria Cross to Private Norden.

27. Major Fardell concluded that Private Norden was ‘subject to due process’ with ‘the chain of command having access to all of the required information regarding the awarding of the DCM, or if it was assessed as appropriate or warranted, the VC.’ Major Fardell also concluded that Lieutenant Colonel Hulse had not presented any new evidence that was not available to the chain of command at the time of the action that would support the retrospective award of the Victoria Cross, and that Lieutenant Colonel Hulse had not identified any evidence of maladministration.²³

28. The decision brief was not provided to the Tribunal with the Defence Report, but was sourced by the Tribunal Secretariat in its own research phase.

²¹ Ibid.

²² Application to Defence – 7 September 2020.

²³ Report, Review of the Distinguished Conduct Medal awarded to Private Richard Norden – upgrade to the Victoria Cross for Australia, Major JT Fardell.

29. In his response to Lieutenant Colonel Hulse's application however, Lieutenant General Burr referred to the eligibility criteria for the Victoria Cross, noting that the Victoria Cross shall only be awarded 'for the most conspicuous gallantry, or a daring or pre-eminent act of valour or self-sacrifice or extreme devotion to duty in the presence of the enemy'. Lieutenant General Burr stated that he was not satisfied that Private Norden performed acts of conspicuous gallantry, or a daring or pre-eminent act of valour or self-sacrifice or extreme devotion to duty.

30. Lieutenant General Burr went on to state that Private Norden was doing what was expected of him as a rifleman, albeit in hazardous conditions, that his actions were undeniably gallant and that he responded bravely and decisively in a perilous combat situation.

31. Lieutenant General Burr also noted that Private Norden was nominated for recognition by his Commanding Officer for 'courage and devotion to duty' and offered the opinion that, had his commanding officer sought a Victoria Cross, he would have written the nomination to reflect that. Lieutenant General Burr concluded that Private Norden had been appropriately recognised by the award of the DCM.²⁴

32. In its report, Defence drew the Tribunal's attention to a number of 'anomalies and assumptions' in Lieutenant Colonel Hulse's submissions, contending that Private Norden was not shot, as submitted by Lieutenant Colonel Hulse, and that some of the reasons he attributed for Private Norden's actions were speculative. Defence also introduced some doubt as to whether Private Norden 'saved the life of his wounded section commander' as submitted by Lieutenant Colonel Hulse.

33. Defence submitted that the citation for the DCM, written by the Commanding Officer and endorsed by the chain of command, was preferable to that submitted by Lieutenant Colonel Hulse. Defence also submitted that the official history and the commander's diary were reliable sources of evidence.

34. The Defence report includes an assessment of Private Norden's actions, based on the eligibility criteria and the above evidence. In making its assessment, Defence relied heavily on the assessment of the professional head of the Australian Army, Lieutenant General Burr, and the decisions taken by the chain of command in 1968 to recommend Private Norden for the DCM, and not the Victoria Cross, including through the wording of the citation that supported the recommendation.

35. The Defence report concluded that Private Norden's actions did not meet the eligibility criteria for the Victoria Cross, and that the DCM was appropriate recognition for those actions. In arriving at this latter point, Brigadier Bornholt offered the opinion that if

²⁴ Letter, Lieutenant General Burr to Lieutenant Colonel Hulse, dated 24 November 2021.

Private Norden was being considered for a contemporary decoration, he would meet the criteria for the Star of Gallantry ‘which is considered the equivalent of the DCM’.²⁵ In this assessment, and somewhat contrary to Lieutenant General Burr’s opinion, Brigadier Bornholt stated that in his view, it could be seen that Private Norden’s actions were conspicuous.

36. In its submission, Defence also cautioned against any progression of the matter without family consent. [In this respect, Lieutenant Colonel Hulse advised at the hearing that he had spoken to Private Norden’s brother who was keen to see a resolution of the present application, but that he had been unable to locate Private Norden’s widow who had remarried and whose current name and whereabouts were unknown to him.]

Imperial and Australian honours

37. Until February 1975, when the Government introduced the Australian honours and awards system, Australian service personnel received honours and awards under the Imperial system.

38. The two systems – the Imperial and the Australian - operated in parallel until October 1992 when the Government announced that Australia would no longer make recommendations for Imperial awards.²⁶ This means that only contemporary decorations may now be recommended by the Tribunal.

The Distinguished Conduct Medal and the Victoria Cross

39. Private Norden was awarded the DCM in 1968, before the creation of the Australian suite of defence honours. Under the Imperial military honours system for which Australian military were then recommended, the DCM ranked immediately below the Victoria Cross as the second highest gallantry honour that could be awarded to an enlisted soldier for gallantry in the presence of the enemy. It was thus an honour of major significance, and remains so today.

40. The eligibility criteria for award of the Imperial Victoria Cross were as follows:

It is ordained that the Cross shall only be awarded for most conspicuous bravery, or some daring or pre-eminent act of valour or self-sacrifice or extreme devotion to duty in the presence of the enemy.

41. The eligibility criteria for the DCM were set out in a Royal Warrant of 1931 as follows:

It is ordained that The Distinguished Conduct Medal may be awarded on the recommendation of a Commander-in-Chief in the Field to Warrant Officers, Classes

²⁵ Defence Submission – Actions of Private Richard Norden DCM.

²⁶ Prime Minister of Australia Media Release 111/92 dated 5 October 1992.

I and II, non-commissioned officers and men serving in any of Our Military Forces for distinguished conduct in action in the Field.

42. By comparison, these DCM eligibility criteria are remarkably sparse – they offer no definition of “distinguished conduct” and it is not clear whether a high or a low bar is set or how it relates to the bar that had to be met for the Imperial Victoria Cross.

43. Accordingly, understanding the nature of the difference between conduct warranting an Imperial Victoria Cross and a DCM is impossible to discern from the Warrants themselves.

44. This situation may be contrasted with the equivalent awards under the Australian defence honours system.

45. The Victoria Cross for Australia may be awarded:

... for the most conspicuous gallantry, or a daring or pre-eminent act of valour or self-sacrifice or extreme devotion to duty in the presence of the enemy.

46. The defence honour immediately below the Victoria Cross for Australia is the Star of Gallantry which may be awarded for:

acts of great heroism or conspicuous gallantry in action in circumstances of great peril.

47. It is thus far less difficult to discern a degree of difference between circumstances that warrant award of the Victoria Cross for Australia and those that merit the Star of Gallantry. To qualify for the Victoria Cross for Australia, an ADF member must perform something in excess of an act of great heroism or conspicuous gallantry in action in circumstances of great peril.

48. Nevertheless, it is evident that assessing that difference in any particular case requires a considerable degree of subjective judgement.

49. The decision to award gallantry decorations lies with the Governor-General on the recommendation of the Minister. However, in relation to the Victoria Cross for Australia, the award can only be made by the Governor-General with the approval of Her Majesty Queen Elizabeth, Queen of Australia.²⁷

²⁷ Commonwealth of Australia Gazette No. S25 dated 4 February 1991, *Victoria Cross Regulations*.

Judgement of prior decision-makers

50. In this regard, Brigadier Bornholt urged that the Tribunal should find persuasive the judgements of:

- a) Lieutenant Colonel P H Bennett, Commanding Officer, 1 RAR;
- b) Brigadier R L Hughes, Commander, 1st Australian Task Force;
- c) Major General A L MacDonald, Commander, Australian Force Vietnam; and
- d) Lieutenant General R M Burr, Chief of Army.

51. Messrs Bennett, Hughes and MacDonald each recommended the award of the DCM to Private Norden in 1968. Lieutenant General Burr of course took the decision now under review in 2021, confirming that the DCM was in his view the appropriate honour.

52. We acknowledge that these are each senior military officers of great experience. Their judgement should not, and will not, be lightly dismissed by the Tribunal. But no one in their position is infallible and it is our statutory duty to exercise our own judgement in forming a view of what is the correct or preferable decision that should now be made. In doing so, however, we must clearly take their judgement into account and afford to it the full weight that we believe is warranted.

53. In assessing that weight, it is relevant to consider what information and evidence each had available to them in forming their judgement in relation to the level of the honour that should be conferred on Private Norden. Their capacity to form a sound judgement on that matter is intrinsically related to the quality and comprehensiveness of the relevant information placed before them.

54. In the case of Messrs Bennett, Hughes and MacDonald the evidence before us suggests that they formed their view that the DCM was warranted solely on the basis of the AF-W3121 Recommendation Form (the recommendation form) that was placed before them. It is important to emphasise that none was an eye-witness to the actions of Private Norden and there is no evidence that any of them made any enquiry of any eye-witness or anyone else who had a more detailed knowledge of what transpired on 14 May 1968. The accuracy and adequacy of the Citation set out in that form are thus key to ascertaining the weight that should be afforded to the judgement of each of them.

55. In the case of Lieutenant General Burr, it seems that he had before him:

- a) a Decision Brief which had been drafted by Major Fardell and cleared by Colonel C Kitchin after consultation with Brigadier Bornholt;
- b) a Research Report prepared by Major Fardell; and
- c) a draft letter, which he signed and which evidences the decision under review.

56. To assess the weight to be afforded to Lieutenant General Burr's judgement, it is thus necessary to consider the accuracy and adequacy of the Decision Brief, Research Report and draft letter.

57. So far as the citation is concerned, Mr Forde gave evidence at the hearing that the essence of the wording describing the action of 14 May 1968 which appeared on the recommendation form was prepared by himself when ordered by a more senior officer to "write someone up for a decoration". He said that he scribbled some notes to describe the actions of Private Norden on pages of his field message note book in the bottom of his weapon pit under his "hootchie" in a physically and mentally exhausted state. He said that, of all his soldiers, the actions of Private Norden stood out for him. However, as he had not personally seen all that Private Norden did, he sought clarification from those of his soldiers who had been eye-witnesses. He said that he had no knowledge of what honours or awards might relevantly be considered, or what their eligibility criteria might have been. He said that he had no prior experience or training in preparing such a document, or any knowledge of quite how what he wrote would be used or processed. While he remained of the view that what he wrote was factually accurate, he did not know whether it adequately captured all relevant facts or was expressed in the most appropriate language. He said that, after submitting his document, he heard nothing more about it and was not given any opportunity to provide a fuller report or to justify what he had written.

58. Importantly, Mr Forde had never seen the completed recommendation form until the present proceedings and it was not he who had inserted the DCM recommendation that was, after the form was prepared, made by Lieutenant Colonel Bennett and subsequently endorsed by Messrs Hughes and MacDonald.

59. And significantly, in preparing the citation, Mr Forde did not have access to the Pamphlet on Military Honours and Awards 1960²⁸ which was the guidance in place for the Vietnam War. Guidance for the award of the Victoria Cross in that pamphlet stated that it could be awarded "For most conspicuous gallantry of the highest order in the presence of the enemy. (A guide as to the standard required may be taken as a 90% possibility of being killed in performing the deed)."²⁹

60. Accordingly, both the accuracy and the adequacy of the citation text were matters that the Tribunal sought to test with witnesses at the hearing, as discussed below.

61. The Decision Brief and the Research Report are each extremely limited in their scope. They address only the questions of whether or not Lieutenant Colonel Hulse had adduced any compelling new evidence that was not available to prior decision makers, or whether any previous decision had been tainted by maladministration. In so doing, they

²⁸ *Pamphlet on Military Honours and Awards 1960*, War Office (MS3), July 1960.

²⁹ *Ibid*, Section F.

each failed to address the merits of previous decision-making and recommended that the previous decision be affirmed without regard to a re-consideration of its merits.

62. The fact that no new evidence is presented does not mean that a prior decision should be assumed to have been the correct or preferable decision. And the occurrence of maladministration does not necessarily mean that a prior decision so made will be incorrect or not preferable. “Compelling new evidence” and “maladministration” may be thresholds that Defence might, if it so wishes, choose to adopt in deciding whether or not to vary a prior decision in an administrative process of internal review. But they are concepts that are inconsistent with the statutory task of review with which the Tribunal is charged. Ascertaining what decision should be made on the merits is of course the task now before the Tribunal, and those documents do not advance us in that task in any way. The Tribunal must have regard to all relevant considerations and no irrelevant considerations, and must consider all evidence, whether or not it was previously available.

63. The letter signed by Lieutenant General Burr does address (albeit briefly) the eligibility criteria and relevant facts. However, and very significantly, it suggests that the author did not fully (or perhaps at all) consider the merits of the matter because it states that:

Your application contains no new evidence that would cause me to review Private Norden’s action ...

64. More fundamentally, it asserts that:

Private Norden was doing what was expected of him as a rifleman, albeit in hazardous circumstances

while at the same time, and it seems to us inconsistently, stating that:

His actions were undeniably gallant and he responded bravely and decisively in a perilous combat situation.

65. In our view, these statements made in the context of an application for a defence honour exhibit a confusion between the expectations of a rifleman and gallant performance (which we believe clearly exceeds expectations) and between perilous and hazardous circumstances (which the Gallantry Regulations distinguish from each other).

66. Accordingly, and notwithstanding the significant respect warranted by the office of Chief of Army as the professional head of the Army, we cannot give any compelling weight to the reasons provided in the letter setting out the decision under review. The Tribunal must assess all available evidence and reach our own view of whether or not Private Norden’s actions meet the eligibility criteria for the Victoria Cross for Australia.

Eligibility criteria for the Victoria Cross for Australia

67. Before turning to the evidence before us, however, it is necessary to record our view on the meaning to be afforded to those eligibility criteria.

68. As noted above, the eligibility criteria set out in the Victoria Cross Regulations are as follows:

... for the most conspicuous gallantry, or a daring or pre-eminent act of valour or self-sacrifice or extreme devotion to duty in the presence of the enemy.

69. Looking only at these words, it is not immediately clear whether it is only devotion to duty that needs to be in the presence of the enemy or whether the same requirement relates to gallantry, valour and self-sacrifice. Similarly, it is not immediately clear whether it is only an act of valour that needs to be daring or pre-eminent or whether that is also required of an act of self-sacrifice.

70. That potential confusion seems to be largely resolved, however, by the Letters Patent under which the Regulations were made, which explain that the Victoria Cross for Australia is to be:

The highest decoration for according recognition to persons who, in the presence of the enemy, perform acts of the most conspicuous gallantry, or daring or pre-eminent acts of valour or self-sacrifice or display extreme devotion to duty.

71. Read in the context of the Letters Patent, we consider that the eligibility criteria set out in the Regulations therefore require at least one of the following:

- a) an act of the most conspicuous gallantry in the presence of the enemy; or
- b) a daring act of valour in the presence of the enemy; or
- c) a pre-eminent act of valour in the presence of the enemy; or
- d) a daring act of self-sacrifice in the presence of the enemy; or
- e) a pre-eminent act of self-sacrifice in the presence of the enemy; or
- f) extreme devotion to duty in the presence of the enemy.

72. This then requires considerations of what these words and phrases actually mean. They appear to have no technical or “trade” meaning and thus should be afforded their ordinary meaning in English usage. But they also need to be read and interpreted in the context in which they appear, and as they interact and correlate with one another.

73. Dictionary definitions of “gallantry” include “courageous behaviour, especially in battle” (Concise Oxford Dictionary), “the quality of being brave when something is difficult or dangerous” (Cambridge Dictionary), “bravery shown by someone who is in danger, for

example when they are fighting in a war” (Collins Dictionary) and “spirited and conspicuous bravery” (Merriam Webster).

74. In *Hanuszewicz and the Department of Defence re: Cameron [2019] DHAAT 08* (confirmed and adopted in *Barnett and the Department of Defence re: Sheean [2019] DHAAT 09* and *Hulse and the Department of Defence re: Jensen [2020] DHAAT 15*) the Tribunal considered the meaning of the word ‘gallantry’. It said:

The Tribunal considered that there is an expectation that all soldiers in battle conducting themselves in accordance with their training, will be acting bravely. The Tribunal considered that gallantry requires a higher standard of conduct than bravery and usually a special and additional element of courage, fearlessness, daring or heroism will have been demonstrated. What amounts to an ‘act of gallantry’, necessarily varies according to the individual circumstances of each action, and depending on many factors, including the level of threat, the person’s training, role and responsibility, the risk to the individual and/or the group, and the consequences of undertaking, or not undertaking, the particular act.

The Tribunal considered that the concept of gallantry is greater than collective or individual acts of bravery and above and beyond what was expected of an individual or group who were bravely doing what they were trained to do or expected to do as part of a role, rank or responsibility.

75. We consider that those words remain apposite and we adopt them for the present purposes.

76. To qualify for the Victoria Cross for Australia, an act of gallantry must be “most conspicuous”. Dictionary definitions of “conspicuous” include “clearly visible; attracting notice or attention” (Concise Oxford Dictionary), “very noticeable or attracting attention” (Cambridge Dictionary), “clearly visible, obvious, discernible” (Collins Dictionary) and “obvious to the eye or mind; attracting attention” (Merriam Webster).

77. As to the concept of “most conspicuous”, the Tribunal said in *Hanuszewicz and the Department of Defence re: Cameron [2019] DHAAT 08* that:

The Tribunal considered that to be ‘most conspicuous’, in the circumstances, his actions would have needed to have directly drawn the attention of the enemy in which case there would have been no question that he was under direct fire from them.

78. The present Tribunal considers that, in saying that, the then-constituted Tribunal was not attempting to define the concept but rather to simply point out a factor that, in the circumstances of that case, indicated that the concept had not been met.

79. In a similar vein, in *Sheean* the Tribunal said:

the Tribunal considers that the enemy's intentions and direct actions would be relevant to a consideration as to whether an act of 'the most conspicuous gallantry' had been performed.

80. Clearly, the Tribunal was not intending in that case to lay out a comprehensive statement of all the various considerations that might be relevant.

81. Whatever considerations are relevant in ascertaining whether an act is conspicuous, it is inherent in the concept of “most conspicuous” that it must be compared to other acts that are conspicuous to ascertain whether it is “most conspicuous”. However, it seems clear to us that the concept does not require that each successive nominee for the Victoria Cross for Australia needs to have performed an act of gallantry that was more conspicuous than that of the last-awarded nominee. That is, we believe the Regulations do not embody an escalating eligibility criterion. Instead, we consider that they set out a constant criterion under which a nominee’s act of gallantry must be comparable to, or rank *pari passu* with, the acts of gallantry of other nominees who have been found to meet the criterion.

82. As to “valour”, dictionary definitions include “great courage” (Cambridge English Dictionary), “great bravery, especially in battle” (Collins English Dictionary) and “strength of mind or spirit that enables a person to encounter danger with firmness: personal bravery” (Merriam Webster).

83. Dictionary definitions of “daring” include “brave and taking risks” (Cambridge English Dictionary), “the courage to do things which might be dangerous or which might shock or anger other people” (Collins English Dictionary) and “venturesomely bold in action or thought” (Merriam Webster).

84. For an act of “valour” to be “daring” as required by the eligibility criteria, it seems to us to be necessary to not simply combine the dictionary meanings of those words. To do so would lead, for example, to a circuitous combined definition of “a brave act of great bravery”. Rather, it seems to us that the combination of “daring” and “act of valour” must, when read in context, necessitate that the act of valour must have some exceptional quality amongst other acts of valour.

85. That this is so seems to be confirmed by the alternative criterion of a “pre-eminent act of valour”. Dictionary definitions of “pre-eminent” include “surpassing all others” (Concise Oxford Dictionary), “more important or better than others” (Cambridge English Dictionary), “If someone or something is pre-eminent in a group, they are more important, powerful, or capable than other people or things in the group” (Collins English Dictionary) and “having paramount rank, dignity, or importance : outstanding, supreme” (Merriam Webster). Notably, there is some apparent conflict amongst these

definitions – must a pre-eminent act be superior to all others, or only superior to others with which it is compared.

86. In *Hanuszewicz* the Tribunal said:

The Tribunal considered that to be ‘pre-eminent’, the act should surpass other comparable acts of valour and to be daring in these circumstances, his actions should be bold and have an element of audacity.

87. To the extent that that comment may be thought to suggest that each successive act of valour must surpass every other previous act of valour, the present Tribunal takes a different view.

88. Consistently with our view of the phrase “most conspicuous”, we consider (as the Tribunal did in *Sheean*), that “pre-eminent” does not require that each successive nominee for the Victoria Cross for Australia needs to have performed an act of valour that was more eminent than that of the last-awarded nominee. We believe the Regulations do not embody an escalating eligibility criterion, but rather a constant criterion under which a nominee’s act of valour must be comparable to, or rank *pari passu* with, the acts of valour of other nominees who have been found to meet the criterion.

89. So far as “self-sacrifice” is concerned, in our view this does not require the ultimate sacrifice. At the same time, death in action of itself is not sufficient to meet this criterion for the Victoria Cross. Self-sacrifice must be either daring or pre-eminent. It must therefore involve a greater risk of death than that inherently involved in any service in the presence of the enemy. The degree of risk must thus be exceptionally beyond that. Consistently with other criteria discussed above, the Tribunal considers that the nominee’s actions must have involved a risk of death comparable to, or ranking *pari passu*, with that displayed by other nominees who have been awarded against this criterion.

90. As to “extreme devotion to duty”, in *Hanuszewicz* the Tribunal said:

As to whether his actions were in the nature of ‘extreme devotion to duty’, the Tribunal was satisfied that Second Lieutenant Cameron was bravely doing his duty as a Troop and Crew Commander. The Tribunal noted that Second Lieutenant Cameron’s evidence suggested that his course of action was well considered and he had thought through the risks to his personal safety and the risk to the group and to Trooper Cadge of him not taking action. Second Lieutenant Cameron was trained to lead the Troop and reacted bravely after weighing his options, deciding on a course of action and mitigating the risk. In the Tribunal’s view, Second Lieutenant Cameron was doing his duty. He did not go above and beyond what was expected of him as a leader and commander, so the performance of his duty in the view of the Tribunal could not reasonably be considered as extreme devotion to duty.

91. Consistently with that, the Tribunal considers that the devotion to duty displayed by a nominee must, to be “extreme”, be exceptionally beyond performance of what could reasonably be expected of a member in the course of their duty in the circumstances in question.

What did Private Norden do?

92. Lieutenant Colonel Hulse put forward a proposed citation of Private Norden in advancing his claim for conferral of the Victoria Cross which set out his summary of the asserted actions of Private Norden. Brigadier Bornholt rightly criticised aspects of this proposed citation – for example, because it asserted that Private Norden had been shot when in fact he had suffered a fragmentation wound, and because it sought to speculate about Private Norden’s state of mind and motivation when he took relevant actions.

93. The Tribunal considers that a far preferable starting point for ascertaining what Private Norden did is to be found in the description of his actions as set out in the recommendation form on the basis of which he was awarded the DCM. This is a contemporaneous record which, as already noted, was written soon after the event by his platoon commander who in turn had consulted eye-witnesses.

94. That description was as follows:

... On 14 May 1968 during Operation Toan Thang, 5th Platoon, B Company came under heavy fire from an estimated squad of Viet Cong. In the initial contact both the forward scout and the section commander were wounded some twenty to thirty metres in front of the remainder of the leading section, which was isolated from the remainder of the platoon due to heavy and accurate enemy fire.

Private Norden, a member of the leading section, asked for covering fire and ran forward under heavy enemy fire to the wounded section commander. He killed one Viet Cong whilst moving forward, and having expended his ammunition recovered the enemy’s automatic weapon which he used against further Viet Cong while assisting the wounded section commander back to the section. Due to this initial action the life of the section commander was saved under intense enemy fire.

Although wounded in his initial move forward Private Norden again advanced to the forward scout. He was fired on by an enemy soldier, but pressed forward and reached the scout killing the Viet Cong who had been using the scout as a shield. Private Norden having determined that the scout was dead, returned to the section, collected grenades and cleared the area so that the body of the scout could be recovered. His three attacks into the enemy position on his own resulted in the enemy position being secured.

Private Norden showed a complete disregard for his own personal safety, and by his courage and devotion to duty ensured the evacuation of a wounded man and the

*recovery of the body of the forward scout. Private Norden personally killed at least three Viet Cong in this action.*³⁰

95. At the hearing the Tribunal sought to test the accuracy of each assertion of fact made in this text by questioning the witnesses called by Lieutenant Colonel Hulse – Messrs Forde, Forster and Barrett.

96. These witnesses confirmed each such assertion with one exception – the references to “Viet Cong” should have been references to soldiers of the North Vietnamese Army. That difference is not without significance, as the latter were generally better trained, better disciplined and better armed than the former, and thereby a more formidable enemy.

97. The Tribunal was thus satisfied that the above description of events was, with that qualification, accurate as far as it went.

98. It then sought to test its adequacy in recording all relevant matters, particularly in respect to those aspects which Brigadier Bornholt argued did not warrant conferral of a Victoria Cross rather than a DCM.

99. Evidence provided by the witnesses was to the effect that:

- a) the ambushing enemy, estimated to be around 7 to 10 in number, attacked from established positions, dug into the ground or in the trees. They had the element of surprise and were all armed with automatic weapons;
- b) the enemy fire that ensued was the most intense that Mr Forde experienced throughout his service;
- c) Private Norden took his actions entirely of his own initiative – he did so without the suggestion of his comrades, and certainly without being ordered to do so;
- d) the ground traversed by Private Norden comprised low shrubs, grass and some trees but provided little cover for him;
- e) Private Norden suffered a shrapnel wound on the first occasion on which he went forward; he lost sufficient blood through this wound for his uniform to be noticeably stained; and the wound was sufficiently severe that it could not be adequately treated in the field and required hospitalisation for two or three days before he was fit to return to duty;
- f) although not mentioned in the 1 RAR Commander’s Diary Narrative, the section commander was so severely wounded that he could not make his own way back to

³⁰ AF-W3121 – Recommendation for Honours or Awards – Private Richard Norden.

the remainder of the section but had to be half carried, half dragged by Private Norden; he was evacuated in-country and then to Australia and never returned to Vietnam;

- g) each of the platoon members to whom Mr Forde spoke at the time and subsequently was of the view that it was almost impossible for Private Norden to survive and that it was a miracle that he did so;
- h) Mr Forde himself assessed the danger of the situation as so severe that, had he been aware of what Private Norden intended to do and had he been physically close enough to Private Norden, he would have ordered him not to do what he did; and
- i) Mr Forde considered that, had Private Norden not cleared the enemy position, there was a very real possibility that, while his entire platoon would likely not have been annihilated, a further 10 or 12 members of it would have been killed.

100. When this further detail is considered, we suggest (without any criticism of Mr Forde's text whatsoever) that a more adequate description might have been as follows:

... On 14 May 1968 during Operation Toan Thang, 5th Platoon, B Company were ambushed and came under heavy fire from an estimated squad of 7-10 North Vietnamese Army regular soldiers in established positions dug into the ground or in trees, each armed with an automatic weapon. In the initial contact both the forward scout and the section commander were wounded some twenty to thirty metres in front of the remainder of the leading section, which was in turn isolated from the remainder of the platoon due to heavy and accurate enemy fire.

Aware that the scout and section commander had been incapacitated and entirely of his own initiative Private Norden, a member of the leading section, asked for covering fire and ran forward to the wounded section commander across ground that provided him little or no effective cover under heavy enemy fire. He killed one NVA soldier whilst moving forward and, having expended his ammunition, recovered that enemy's automatic weapon which he used against further NVA soldiers. He then half-carried, half-dragged the severely wounded section commander back to the section. Due to this initial action the life of the section commander was saved under intense enemy fire.

Although himself relatively seriously wounded in his initial move forward, Private Norden again advanced to the forward scout. He was fired on by an enemy soldier but pressed forward and reached the scout, killing the NVA soldier who had been using the scout as a shield. Private Norden, having determined that the scout was dead, then returned to the section, collected grenades and, moving forward for a third time, cleared the area so that the body of the scout could be recovered. His three attacks into the enemy position on his own resulted in the enemy position being secured and likely saved the lives of other members of the platoon.

Private Norden showed a complete disregard for his own personal safety, and by his selfless acts of courage and devotion to duty ensured the evacuation and saved the life of a severely wounded man, allowed the recovery of the body of the forward scout, and avoided the potential for further deaths of platoon members. Private Norden personally killed at least three NVA soldiers in this action.

Assessing Private Norden's actions against the eligibility criteria

101. There is no doubt that what Private Norden relevantly did was done “in the presence of the enemy”.

102. Private Norden's actions were undoubtedly “gallant” by reference to the test propounded by the Tribunal in *Hanuszewicz*, quoted previously. That this was the case was accepted by the Chief of Army in the decision under review.

103. The Tribunal considers that the evidence establishes that Private Norden performed four separate acts of gallantry:

- a) He ran forward across open ground and under heavy enemy fire, having become aware that the scout and section commander had been incapacitated by wounds inflicted in the initial stage of the enemy ambush;
- b) Having reached the wounded section commander, he engaged with the enemy, killing one, until his ammunition was expended, at which point he used that enemy's weapon to continue to engage and, largely through his own efforts, brought the severely wounded commander back to the remainder of the section;
- c) Although wounded on this first advance, he then returned under enemy fire to where the scout lay and killed the NVA soldier who was using the scout's body as a shield, before again returning to the section;
- d) Having collected grenades, he advanced for a third time and cleared the enemy position, thus allowing the body of the scout to be retrieved and avoiding the risk of further deaths within the platoon.

104. In the view of the Tribunal, each of these acts of gallantry was “conspicuous” and performed in perilous circumstances. They were each visible, obvious, discernible and warranting attention. They were performed in circumstances of great peril. So much was accepted by the Chief of Army in his letter of 24 November 2021, and by Brigadier Bornholt at the hearing. They each thereby met the eligibility criteria for award of the Star of Gallantry to which the DCM is regarded by Defence as an equivalent.

105. As discussed above, whether any of his acts of gallantry should be rated more highly than this and were “most conspicuous” necessarily requires us to consider how they compare

or rank with those of other nominees who have been awarded the Victoria Cross for Australia. While Brigadier Bornholt argued that prior cases were irrelevant and should be ignored, we believe that contention was wrong. Other than by undertaking such comparisons, it is not possible to consider whether the present acts of conspicuous gallantry met the criterion of “most conspicuous”. To seek to assess the degree of conspicuousness in a subjective vacuum would run an extreme risk of generating inconsistent decisions that would undermine the integrity of the honours and awards system and the high respect in which the Victoria Cross is and must continue to be held. The very use of the word “most” demands comparison.

106. Lieutenant Colonel Hulse drew the attention of the Tribunal to the citations for a number of previous grants of the Victoria Cross, being those for:

- a) Trooper Mark Donaldson VC;
- b) Corporal Benjamin Roberts-Smith VC, MG ;
- c) Corporal Cameron Baird VC, MG;
- d) Corporal Daniel Keighran VC;
- e) Major Peter Badcoe VC;
- f) Warrant Officer Class 2 Keith Payne VC;
- g) Warrant Officer Class 2 Kevin Wheatley VC;
- h) Warrant Officer Class 2 Ray Simpson VC; and
- i) Lance Corporal Walter Peeler VC.

107. In doing so, he argued that various words and phrases used in those citations were equally applicable to Private Norden. However, we do not think that is the relevant basis for comparison. Rather, it is the acts attested to in previous citations that need to be compared with the acts of Private Norden, and not simply the words that were used to describe them.

108. In looking at these precedents, the Tribunal acknowledges immediately that no two cases are the same and that each case must be assessed on its merits. In assessing comparability due allowance needs to be made for such differences.

109. The Tribunal considers that the acts attested to in some of these citations are so materially different to the acts of Private Norden that they do not assist in assessing whether Private Norden’s actions were “most conspicuous”. For this reason, we have not given further consideration to the citations for Messrs Roberts-Smith, Keighran, Payne, Wheatley and Peeler.

110. However, other citations do attest to actions of the recipient that bear a far closer similarity to the acts of Private Norden.

111. The citation for Trooper Donaldson attested that, when his patrol was ambushed by a numerically superior, entrenched and coordinated enemy and suffered numerous casualties, completely lost the initiative and became immediately suppressed, he reacted spontaneously to regain the initiative and exposed himself to enemy fire in order to draw attention to himself and away from the wounded, thus buying enough time for the wounded to be moved to relative safety. Additionally, at a later stage of the action, he moved alone across around 80 metres of exposed ground and under intense and accurate enemy machine gun fire from entrenched positions to reach a severely wounded coalition force interpreter who had been inadvertently left behind, picked up the interpreter, carried him back to relative safety and provided immediate first aid (which he also did for other wounded soldiers while continually engaging the enemy). Trooper Donaldson received the Victoria Cross for “exceptional gallantry”.

112. The citation for Corporal Baird attested that, after his team was engaged by small arms fire from several enemy positions, he seized the initiative, leading his team to neutralise the positions, killing six enemy combatants. Soon after, when an adjacent team came under heavy enemy fire and its commander was seriously wounded, Corporal Baird led his team to provide support during which they were engaged by rifle and machine gun fire from prepared enemy positions. With complete disregard for his own safety, Corporal Baird charged toward the enemy positions, supported by his team. When they were engaged by additional enemy on their flank, Corporal Baird instinctively neutralised the new threat with grenades and rifle fire. With that enemy position now isolated, Corporal Baird manoeuvred and was engaged by enemy machine gun fire, the bullets striking the ground around him. Displaying great valour, he drew the fire, moved to cover, and suppressed the enemy machine gun position, enabling his team to close on the entrance to the prepared position and regain the initiative. On three occasions Corporal Baird charged an enemy-held building within the prepared compound. On the first he was totally exposed and engaged by enemy fire but pushed forward until forced to withdraw when his rifle ceased to function. On rectifying his rifle, he advanced again, once more under heavy fire, until he had to take cover to reload. On the third occasion, he selflessly drew enemy fire away from his team and assaulted the doorway, when the enemy was neutralised and the advantage regained. Corporal Baird was killed in the effort. He received the Victoria Cross of “acts of valour and self-sacrifice”.

113. The citation for Major Badcoe attested that his award was for his action on three occasions, on one of which he moved alone across 600 metres of fire swept ground to reach a sector advisor who had been killed and a medical advisor who had been wounded and was in immediate danger from the enemy in a machine gun position within 50 metres. He attended to the wounded officer and ensured his future safety, then organised and led a platoon towards the enemy post which they successfully assaulted and captured, during which attack he personally killed the machine gunners directly in front of him. He then picked up the body of the dead officer and ran back to the command post over open ground still covered by enemy fire. Major Badcoe received the Victoria Cross for “conspicuous gallantry and ... valour”.

114. The citation for Warrant Officer Class 2 Simpson attested that, when one of his platoons became heavily engaged with the enemy, he led the remainder of his company to its assistance and, disregarding the dangers involved, placed himself at the front of his troops and personally led the assault on the left flank of the enemy. As the enemy moved forward, an Australian warrant officer commanding one of the platoons was seriously wounded and began to falter. Warrant Officer Simpson, at great personal risk and under heavy enemy fire, moved across open ground, reached the wounded officer and carried him to a position of safety. He then returned to his company where he crawled forward to within ten metres of the enemy and threw grenades into their positions. Being unable to break their position, he threw smoke grenades and, carrying a wounded platoon leader, covered the withdrawal of the company. On a second occasion, five days later, Warrant Officer Simpson moved forward in the face of accurate enemy machine gun fire to cover the initial evacuation of casualties, which he directed. Then, at the risk of almost certain death, he made several attempts to move forward towards the body of his battalion commander, but on each occasion was stopped by heavy fire and so, alone and still under enemy fire, covered the withdrawal of the wounded by personally placing himself between the wounded and the enemy. Warrant Officer Simpson received the Victoria Cross for “conspicuous gallantry”.

115. In the view of the Tribunal, while clearly not identical, there is a high degree of comparability in the citations of Messrs Donaldson, Baird, Badcoe and Simpson with the facts as set out above about what was done by Private Norden.

116. The Tribunal identified at paragraph 103 above four acts of Private Norden that it considered to be acts of conspicuous gallantry performed in perilous circumstances. As such, each of these individual acts would have qualified Private Norden for the Star of Gallantry (the equivalent of the DCM he was awarded).

117. However, the Tribunal further considers that the second, third and fourth of those acts also meet the higher criterion of being “most conspicuous” by reason of their comparability with those previous grants of the Victoria Cross.

118. On his first advance, Private Norden reached the wounded commander. Having ascertained that he was so seriously wounded that he needed strenuous assistance to get him back to the section, during which he would be either unable or at least heavily disadvantaged in protecting himself, Private Norden could have left him there and returned to the section to secure additional assistance in subduing the enemy in order to effect a rescue. Instead, he engaged proactively with the enemy. Then, having exhausted his own ammunition, he could have sought to retreat to the remainder of the section and stayed there. Instead, he stood his ground and fought on using the weapon of the enemy soldier he had killed, and then exposed himself to further enemy fire while bringing the severely wounded section commander back.

119. Having reached the comparative safety of the remainder of the section, he then made two further forays notwithstanding that he must have then known of the extreme danger that doing so entailed.

120. On the second advance he reached the scout and found that he had died. Knowing that he could not be saved, Private Norden could have returned to the remainder of the section and stayed then until the enemy was overcome by the combined efforts of himself and his comrades. Instead, he advanced for the third time and overcame the enemy single-handedly.

121. On the basis of the above analysis, we consider that it is fully justifiable to conclude that Private Norden by these three acts met the eligibility criterion of the most conspicuous gallantry in the presence of the enemy.

122. While that would of itself be sufficient for the Tribunal to recommend that the Minister recommend the grant of the Victoria Cross for Australia to Private Norden, the Tribunal has additionally considered the remaining eligibility criteria.

123. The Tribunal considers that each of the four acts of gallantry identified above was also an act of valour in that they demonstrated “great courage”, “great bravery in battle” and a “strength of mind or spirit that enabled him to confront danger with fairness”.

124. In the view of the Tribunal, each of second, third and fourth of these acts of valour was “daring” as they demonstrated, to an exceptional degree, bravery and taking risks, the courage to do dangerous things and being venturously bold in action. On this basis also, Private Norden’s actions met a second eligibility criterion for the Victoria Cross for Australia.

125. Whether those acts of valour were also “pre-eminent” is, in our view, to be judged by ascertaining whether they were sufficiently comparable to acts of valour by other nominees who have been awarded the Victoria Cross for Australia. In the view of the Tribunal, there is again a high degree of comparability in the actions attested to in the citations of Messrs Donaldson, Baird, Badcoe and Simpson with the facts as set out above of what was done by Private Norden. On this basis also, the Tribunal considers that Private Norden’s actions met the third eligibility criterion for the Victoria Cross for Australia.

126. So far as “self-sacrifice” is concerned, it is clear that Private Norden put his life at great risk in doing what he did. Whether that risk should be “taken as a 90% possibility of being killed in performing the deed” as set out in the Pamphlet on Military Honours and Awards 1960 which was the guidance in place for the Vietnam War is a question that is probably impossible to answer. In our view, that test proposes a level of arithmetic accuracy that is unattainable.

127. More relevantly, perhaps, the Tribunal considers that his actions must have involved a risk of death comparable to, or ranking *pari passu*, with that assumed by other nominees who have been awarded the Victoria Cross, and in particular as evidenced by the citations for Messrs Donaldson, Baird, Badcoe and Simpson. The extremely high risk of death that he assumed was in our view both daring and pre-eminent. On this basis also, in the Tribunal's view Private Norden's actions met the fourth and fifth eligibility criteria for the Victoria Cross for Australia.

128. The final eligibility criterion relates to extreme devotion to duty. As previously indicated, in our view this requires a degree of devotion that is exceptionally beyond performance of what could reasonably be expected of a member in the course of their duty in the circumstances in question.

129. On learning that the scout and section commander had been wounded by heavy fire from an entrenched enemy position, Private Norden could have taken cover and sought to engage with the enemy in a reactive manner. Had he done so, we consider he would have been doing his duty and could have been subject to no criticism whatsoever. As noted above, Mr Forde gave evidence at the hearing that, had he been close enough to Private Norden to be advised what he intended to do, he would have given him a direct order not to do what he in fact did. This in our opinion is evidence that Private Norden's actions could not reasonably have been expected of him. Instead, Private Norden, at great personal risk, chose to engage proactively with the enemy and, in so doing, saved at least one life and possibly more. He clearly did more than his duty demanded.

130. Given the nature of his second, third and fourth acts of gallantry and valour and the attendant risk, it is our view that what he did was "exceptionally beyond" reasonable expectations and that accordingly he also met the sixth and final eligibility criterion of extreme devotion to duty.

Exercise of the prerogative power

131. A finding that Private Norden met the eligibility criteria for the Victoria Cross for Australia does not necessarily mean that that honour should be conferred.

132. Letters Patent and accompanying Regulations do not confer a right or entitlement on a person who meets the eligibility criteria set out therein to have conferred a defence honour or award.

133. The Victoria Cross Regulations, after setting out the eligibility criteria, then specify the categories of persons to whom that honour "may" be awarded.

134. Defence honours and awards are conferred in exercise of the prerogative power of the Commonwealth and there may be valid countervailing reasons why, in exercise of that prerogative, an honour or award should not be conferred on a person who otherwise meets the eligibility criteria.

135. In its oral and written submissions to the Tribunal, Defence did not argue that there were countervailing reasons why the Victoria Cross for Australia should not be awarded to Private Norden if the Tribunal found that he had met the eligibility criteria. Rather, it simply argued that he did not meet those criteria and that the DCM was the appropriate recognition for his acts of gallantry.

136. Nevertheless, having rejected that argument, the Tribunal considers it appropriate to address the issue of countervailing reasons as this will need to be considered by the Minister in deciding whether or not to recommend to the Governor-General that the Victoria Cross for Australia should be awarded to Private Norden.

137. Sound countervailing reasons may exist, for example, where a person, in addition to performing acts that meet relevant eligibility criteria, has also committed a separate act that is so reprehensible that awarding a defence honour would undermine the very integrity of the defence honours and awards system.

138. The Tribunal has thus examined the entirety of Private Norden's service file. There is nothing in that file that would reasonably sustain any claim of a countervailing reason. While the file does disclose three infractions by him, these were relatively trivial:

- a) between enlistment on 27 April 1966 and the events of 14 May 1968, one infraction is recorded – as a very recent recruit, on 7 July 1966 he took drill cartridges on a rifle range, in contravention of standing orders, and was confined to barracks for 7 days;
- b) on 18 July 1968, relatively soon after the events of 14 May, he violated curfew at Vung Tau and was fined \$10; and
- c) on 26 April 1969, he was absent without leave for 10 hours, fined \$10 and forfeited 1 day's pay and allowances.

139. The first two of these events were obviously not considered sufficient to preclude the award of the DCM in August 1968 and the third was of a similar nature. Thus, none should now be considered any reason for withholding the award of the Victoria Cross for Australia.

140. After returning to duty following treatment for the wound he suffered on 14 May 1968, Private Norden was again wounded in action on 5 August 1968. This wound was of sufficient severity that he was hospitalised and, following release from hospital, he was medevaced from theatre and left Vietnam on 13 August 1968.

141. Following discharge from the Army after completion of his term of enlistment on 12 April 1969, Private Norden served with the Australian Capital Territory Police when, on 26 October 1972, he was involved in a traffic collision while on duty and succumbed to his injuries a few days later. So far as the Tribunal is aware, his police service was unblemished.

142. The fact that the Richard Norden DCM Club within the Duntroon Garrison was posthumously named in his honour stands as further evidence that there is nothing in Private Norden's personal conduct that could reasonably be regarded as sustaining a countervailing reason for denying the award of the Victoria Cross for Australia.

143. The Tribunal has also considered whether the opinions formed by Messrs Bennett, Hughes and MacDonald in 1968 or the reasons and decision of Lieutenant General Burr might ground a sufficient countervailing reason. As we have already stated, these are each senior military officers of great experience and their judgement should not be lightly dismissed.

144. However, as detailed above, each of them formed their views on the basis of limited factual evidence and, in the case of Lieutenant General Burr, by reference to advice based on considerations that are incompatible with the requirement that the Tribunal must ascertain the correct or preferable decision after assessing all relevant evidence.

145. The Tribunal, through its hearing process, has ascertained additional factual eye-witness evidence that was unavailable to any of these previous decision-makers. While they each had access to the description of the events of 14 May 1968 that was in essence written by Mr Forde and this was generally accurate as far as it went, it is now apparent that, through no fault of Mr Forde, it was not an adequate record of all relevant facts. As a result of the review process, the Tribunal now has the added advantage of access to further evidentiary detail which, taken in conjunction with the evidence previously available, compels in its view a conclusion that Private Norden's actions fully met the rigorous eligibility criteria of the Victoria Cross for Australia.

146. Further, the administrative process by which the honours recommendation was placed before Messrs Bennett, Hughes and MacDonald may be viewed as deficient in various respects:

- a) the wording describing the action of 14 May 1968 which appeared on the recommendation form was largely prepared by Mr Forde when ordered by a more senior officer to "write someone up for a decoration";

- b) he did so shortly after the battle, when he was physically and mentally exhausted and was not further consulted about what he wrote;
- c) he had no training or background in preparing such a document and was given no guidance as to relevant considerations – in particular, he had no knowledge of what honours or awards might relevantly be considered or what their eligibility criteria might have been, and he did not have access to the Pamphlet on Military Honours and Awards 1960 which was the guidance in place during the Vietnam War; and
- d) the decision to recommend the DCM was made without seeking any eye-witness corroboration or elaboration of what Mr Forde wrote.

147. Similarly, the administrative process by which Lieutenant General Burr reached the decision under review may also be regarded as deficient:

- a) the submission put to him for that purpose, and its accompanying report, considered only the questions of whether Lieutenant Colonel Hulse had adduced any compelling new evidence that had not been before Messrs Bennett, Hughes and MacDonald;
- b) those limited questions are inconsistent with a merits review process designed to identify the correct or preferable decision; and
- c) he was not provided with, and did not undertake, any analysis of the merits (or otherwise) of the decisions previously taken by Messrs Bennett, Hughes and MacDonald.

148. Accordingly, the Tribunal considers that the fact that Messrs Bennett, Hughes, MacDonald and Burr had each come to a conclusion different to that now reached by the Tribunal does not provide a reasonable basis for a countervailing reason when it is realised that none of these distinguished officers had the benefit of awareness of all relevant facts.

149. The Tribunal has also considered whether or not the fact that the application for a Victoria Cross for Australia was not made until some 52 years after the event provides any countervailing reason why that honour should not now be conferred. It may in some circumstances be extremely difficult to deal with an application for such retrospective recognition where the passage of time means that reliable evidence is no longer available to be adduced or tested. However, this is not such a case. Eye-witness evidence was brought before the Tribunal and carefully tested by it, leading the Tribunal to deem it fully reliable and accurate. In those circumstances, the mere fact that 54 years have now passed since the original decision to award Private Norden a DCM rather than a Victoria Cross does not constitute a countervailing reason why that decision should not now be retrospectively varied.

150. Finally, the Tribunal has been unable to identify any other factor that may give rise to a sound countervailing reason why, having fully met the eligibility criteria, Private Norden should nevertheless not now be awarded the Victoria Cross for Australia.

Draft citation

151. Having concluded that Private Norden met the eligibility criteria for the Victoria Cross for Australia and that there is no countervailing reason to not award that honour, the Tribunal suggests that the following draft citation would be appropriate to accompany the conferral of that honour:

For most conspicuous acts of gallantry, for pre-eminent acts of valour and self-sacrifice, and for extreme devotion to duty in the 'AO Surfers' Area of Operations in the Bien Hoa province, Vietnam, on 14 May 1968 during the Battle of Fire Support Base Coral.

Private Richard Norden enlisted in the Australian Army on 27 April 1966 and discharged three years later, having completed his three-year period of service. He arrived in Vietnam on 5 December 1967, on posting to 1 Australian Reinforcement Unit. On 31 January 1968, he was posted to the 7th Battalion, the Royal Australian Regiment, and on 10 April 1968 was posted to the 1st Battalion, the Royal Australian Regiment. He left Vietnam on 13 August 1968 after being wounded in action on 5 August 1968.

On 14 May 1968 during Operation Toan Thang, 5th Platoon, B Company were ambushed and came under heavy fire from an estimated squad of 7-10 North Vietnamese Army regular soldiers in established positions dug into the ground or in trees, each armed with an automatic weapon. In the initial contact both the forward scout and the section commander were wounded some twenty to thirty metres in front of the remainder of the leading section, which was in turn isolated from the remainder of the platoon due to heavy and accurate enemy fire.

Aware that the scout and section commander had been incapacitated and entirely of his own initiative Private Norden, a member of the leading section, asked for covering fire and ran forward to the wounded section commander across ground that provided him little or no effective cover under heavy enemy fire. He killed one NVA soldier whilst moving forward and, having expended his ammunition, recovered that enemy's automatic weapon which he used against further NVA soldiers. He then half-carried, half-dragged the severely wounded section commander back to the section. Due to this initial action the life of the section commander was saved under intense enemy fire.

Although himself relatively seriously wounded in his initial move forward, Private Norden again advanced to the forward scout. He was fired on by an enemy soldier but pressed forward and reached the scout, killing the NVA soldier who had been

using the scout as a shield. Private Norden, having determined that the scout was dead, then returned to the section, collected grenades and, moving forward for a third time, cleared the area so that the body of the scout could be recovered. His three attacks into the enemy position on his own resulted in the enemy position being secured and likely saved the lives of other members of the platoon.

Private Norden showed a complete disregard for his own personal safety, and by his courage, selfless acts and devotion to duty ensured the evacuation and saved the life of a severely wounded man, allowed the recovery of the body of the forward scout, and avoided the potential for further deaths of platoon members. Private Norden personally killed at least three NVA soldiers in this action.

Tribunal decision

152. In light of all of the above, the Tribunal has decided to recommend to the Minister that:

- (a) the decision of the Chief of Army, Lieutenant General Rick Burr AO, DSC, MVO to refuse to recommend the late Private Richard Norden DCM for the Victoria Cross for Australia should be rejected; and
- (b) the Minister should instead recommend to the Governor-General that Private Richard Norden should be awarded the Victoria Cross for Australia.

Further, the Tribunal suggests that the draft citation set out in the preceding paragraph of these reasons be considered as appropriate to accompany conferral of such an honour.



PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS24-000551

10 SEP 2024

Her Excellency the Honourable Ms Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
YARRALUMLA ACT 2600

Your Excellency

s 33(a)(iii)

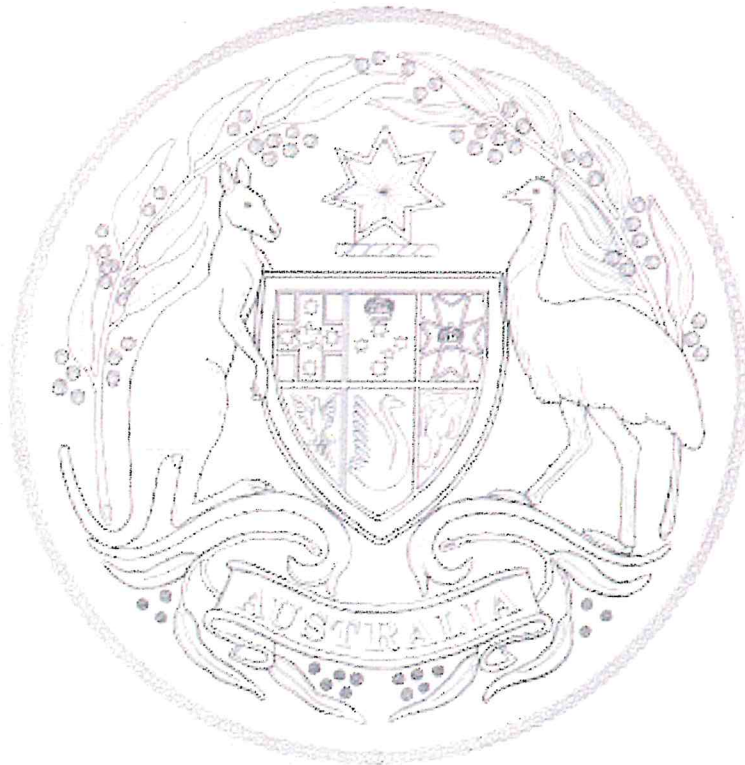
As you may be aware, on 9 October 2022, General the Honourable David Hurley AC CVO DSC (Retd), former Governor-General, agreed to the continued use of the current Great Seal to authenticate and validate official documents, pending the supply and authorisation by The King of a new Great Seal.

s 33(a)(iii)

Yours faithfully

s 22(1)(a)(ii)

Great Seal of Australia





PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS25-000038

16 JAN 2025

Her Excellency the Honourable Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

I write to recommend changes to the Ministry and to provide the documents necessary to implement the changes, for your consideration.

As you would be aware, the Hon Bill Shorten MP, Minister for the National Disability Insurance Scheme (NDIS) and Minister for Government Services, has announced his intention to leave the Parliament in order to commence as Vice-Chancellor of the University of Canberra. Accordingly, I recommend that you revoke his appointment, and the appointments of current Ministers impacted by my recommended changes to the Ministry. The list of proposed revocations is at [Attachment A](#).

The list of three recommended ministerial appointments is at [Attachment B](#). Instruments to give effect to these recommendations are attached for your signature.

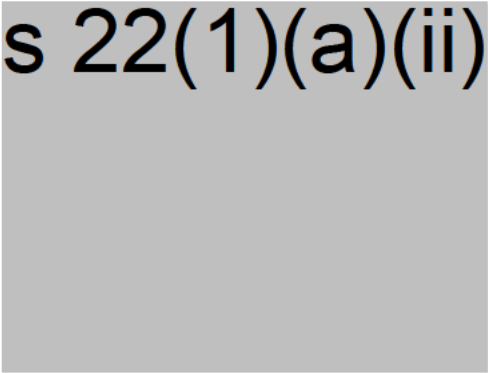
As part of my proposed changes to the Ministry, I have determined that the Hon Dr Anne Aly MP will hold the title Minister Assisting the Minister for the NDIS. This is in addition to her being the Minister for Early Childhood Education and Minister for Youth.

It has been the practice of successive governments to not include the Minister Assisting title on the instrument of appointment on the basis that such Ministers have been asked to assist a relevant Minister in undertaking their role. In this case, Dr Aly will assist the Hon Amanda Rishworth MP in her role as Minister for the NDIS. To enable Dr Aly undertake this role, I recommend that she be appointed to administer the Department of Social Services.

I understand you have agreed to schedule the swearing-in ceremony at Government House at 9:30 am on Monday, 20 January 2025, and I would like to thank you and your staff for your ongoing assistance.

Yours faithfully

s 22(1)(a)(ii)



Attachment A

Appointments to be revoked

1. Senator the Hon Katy Gallagher as the Minister for Finance, Minister for the Public Service and Minister for Women
2. The Hon Amanda Rishworth MP as Minister for Social Services
3. The Hon Bill Shorten MP as Minister for the National Disability Insurance Scheme and Minister for Government Services, and
4. The Hon Dr Anne Aly MP as Minister for Early Childhood Education and Minister for Youth

Attachment B

Appointments to be made

1. Senator the Hon Katy Gallagher as the Minister for Finance, Minister for the Public Service, Minister for Women and Minister for Government Services
2. The Hon Amanda Rishworth MP as Minister for Social Services and Minister for the National Disability Insurance Scheme
3. The Hon Dr Anne Aly MP as Minister for Early Childhood Education and Minister for Youth



Her Excellency the Honourable Sam Mostyn AC
Governor-General of the Commonwealth of Australia

28 March 2025

The Hon Anthony Albanese MP
Prime Minister
Parliament House
Canberra ACT 2600

Dear Prime Minister

When you called on me today, you handed me your letter of today's date advising me to prorogue the Parliament, dissolve the House of Representatives as set out in section 5 of the Constitution, and take the necessary action for a half-Senate election to enable the elections for both Houses of Parliament to be held on Saturday, 3 May 2025.

I confirm my acceptance of that advice. I shall today invite State Governors to take the necessary action for the holding of Senate elections. In accordance with your recommendation, I shall issue a proclamation proroguing Parliament and dissolving the House of Representatives.

I have noted your assurances that Parliament has appropriated sufficient funds to enable the work of the administration to be carried on through the election period.

I have no objection to the public release of your letter and this reply at an appropriate time.

Yours sincerely

s 22(1)(a)(ii)



PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS25-000144

28 March 2025

Her Excellency the Hon Ms Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
Dunrossil Drive
YARRALUMLA ACT 2600

s 22(1)(a)(ii)

20/03/25
7.26 am

Noted +
Agreed

Your Excellency

I write to recommend you prorogue the Parliament and dissolve the House of Representatives, as set out in section 5 of the Constitution, and take the necessary action for a half-Senate election in time for the elections for both houses of the Parliament to be held on Saturday, 3 May 2025.

Noted

The current term of the House of Representatives expires at midnight on Friday, 25 July 2025. Section 28 of the Constitution provides you with the discretion to dissolve the House of Representatives before that date. An election for the House of Representatives must be held by 27 September 2025.

Noted

A half-Senate election must be held by 17 May 2025 before the terms of half the senators expire on 30 June 2025. Holding the House of Representatives election at the same time as a half-Senate election will spare the Australian community the additional expense and disruption that would result from holding two separate national elections within months.

Noted

The details of the election timetable I propose are:

issue of the writs	:	31 March 2025
close of the rolls	:	7 April 2025
close of nominations	:	10 April 2025
polling day	:	3 May 2025
return of the writs (latest date)	:	9 July 2025

Noted

Under section 12 of the Constitution, the Governor of a State may cause writs to be issued for elections of senators for the State. Accordingly, I invite you to propose to each of the Governors of the States that the dates proposed above be adopted for the purpose of the election of State senators.

Noted

Enclosed for your approval and signature is a proclamation, based on the practice in recent years, which will prorogue the Parliament from 8:29 am on Friday, 28 March 2025, to Saturday, 3 May 2025, and dissolve the House of Representatives at 8:30 am on Friday, 28 March 2025.

Noted

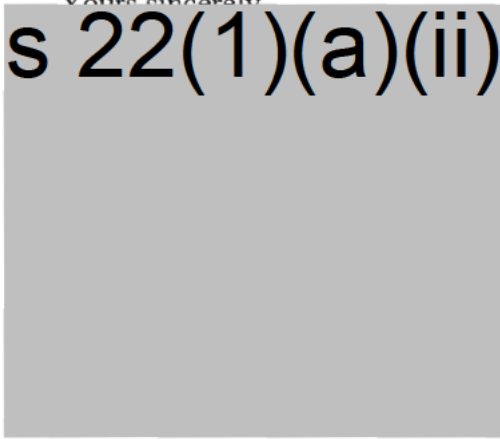
Finally, I can assure Your Excellency that there are sufficient funds available to enable the administration and ordinary services of government during the election period, following the recent passage of the *Supply Act (No. 1) 2025-2026*, *Supply Act (No. 2) 2025-2026* and the *Supply (Parliamentary Departments) Act (No. 1) 2025-2026*. These Acts have provided interim Supply for a sufficient period to allow the election to take place, and for the 2025-2026 Budget Bills to be considered and passed by the new Parliament.

Noted

I would appreciate your confirmation, in accordance with established practice, that you have no objection to the public release of this letter and your reply, at an appropriate time.

Yours sincerely,

s 22(1)(a)(ii)





PROCLAMATION

I, the Honourable Ms Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting under section 5 of the Constitution:

- a. prorogue the Parliament from 8:29am on 28 March 2025, until Saturday, 3 May 2025; and
- b. dissolve the House of Representatives at 8:30am on 28 March 2025.

Signed and sealed with
the Great Seal of Australia
on 28 March 2025



s 22(1)(a)(ii)

Sam Mostyn AC
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)



PRIME MINISTER
The Hon Anthony Albanese MP

13 May 2025

Her Excellency the Honourable Ms Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
YARRALUMLA ACT 2600

s 22(1)(a)(ii)

13/05

Your Excellency

Following the outcome of the general election held on 3 May 2025 the Australian Labor Party will form a majority government with the confidence of the House of Representatives. I write to recommend a number of changes to my Ministry and to provide the documents necessary to implement those changes for your consideration.

Noted

As I shall be recommending to you a number of changes to the Ministry, I begin by tendering my resignation as Prime Minister, with the intention that your acceptance of it will terminate all the appointments in the present Ministry. I recommend that you appoint me again to be Prime Minister.

Noted + Accepted

The other ministerial appointments I recommend to you, in order, are at Attachment A.

There are a number of people I am recommending for appointment to the Ministry who are not currently members of the Federal Executive Council. I recommend that you administer the Executive Councillor's Oath or Affirmation to them.

I also recommend you re-appoint Senator the Hon Katy Gallagher to the office of Vice-President of the Federal Executive Council.

Agreed

Instruments to give effect to these recommendations are provided at Attachment B for your signature. A copy of my proposed Ministry List, showing Cabinet membership and other ministerial appointments, is at Attachment C for your information.

I have been advised that you have agreed to hold an Executive Council meeting at 9.30 am on Tuesday, 13 May 2025 at Government House, Canberra, which will be held after you re-appoint me as Prime Minister.

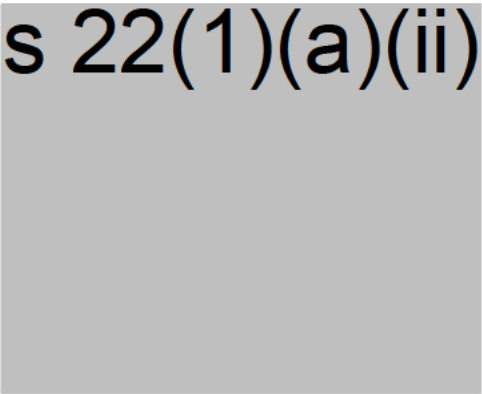
✓

At the Federal Executive Council meeting, I will be proposing a number of matters to you relating to the structure and machinery of Government.

I understand that following the Executive Council meeting, the swearing-in ceremony for the remainder of the Ministry will be held at 10.00 am.

Yours sincerely

s 22(1)(a)(ii)



Attachment A – List of Proposed Appointments

- The Honourable Richard Marles MP as Minister for Defence and also to be known as Deputy Prime Minister
- Senator the Honourable Penny Wong as Minister for Foreign Affairs
- The Honourable Dr Jim Chalmers MP as Treasurer
- Senator the Honourable Katy Gallagher as Minister for Finance, Minister for the Public Service, Minister for Women and Minister for Government Services
- Senator the Honourable Don Farrell as Minister for Trade and Tourism and Special Minister of State
- The Honourable Tony Burke MP as Minister for Home Affairs, Minister for Immigration and Citizenship, Minister for Cyber Security and Minister for the Arts
- The Honourable Mark Butler MP as Minister for Health and Ageing and Minister for Disability and the National Disability Insurance Scheme
- The Honourable Chris Bowen MP as Minister for Climate Change and Energy
- The Honourable Catherine King MP as Minister for Infrastructure, Transport, Regional Development and Local Government
- The Honourable Amanda Rishworth MP as Minister for Employment and Workplace Relations
- The Honourable Jason Clare MP as Minister for Education
- The Honourable Michelle Rowland MP as Attorney-General
- The Honourable Tanya Plibersek MP as Minister for Social Services
- The Honourable Julie Collins MP as Minister for Agriculture, Fisheries and Forestry
- The Honourable Clare O’Neil MP as Minister for Housing, Minister for Homelessness and Minister for Cities
- The Honourable Madeleine King MP as Minister for Resources and Minister for Northern Australia
- Senator the Honourable Murray Watt as Minister for the Environment and Water
- Senator the Honourable Malarndirri McCarthy as Minister for Indigenous Australians
- The Honourable Anika Wells MP as Minister for Communications and Minister for Sport
- The Honourable Pat Conroy MP as Minister for Defence Industry and Minister for Pacific Island Affairs
- The Honourable Dr Anne Aly MP as Minister for Small Business, Minister for International Development and Minister for Multicultural Affairs
- Senator the Honourable Tim Ayres as Minister for Industry and Innovation and Minister for Science
- The Honourable Matt Keogh MP as Minister for Veterans' Affairs and Minister for Defence Personnel

- The Honourable Kristy McBain MP as Minister for Regional Development, Local Government and Territories and Minister for Emergency Management
- The Honourable Andrew Giles MP as Minister for Skills and Training
- Senator the Honourable Jenny McAllister as Minister for the National Disability Insurance Scheme
- Dr Daniel Mulino MP* as Assistant Treasurer and Minister for Financial Services
- Senator Dr Jess Walsh* as Minister for Early Childhood Education and Minister for Youth
- Mr Sam Rae MP* as Minister for Aged Care and Seniors
- The Honourable Patrick Gorman MP as Assistant Minister to the Prime Minister, Assistant Minister for the Public Service and Assistant Minister for Employment and Workplace Relations
- The Honourable Matt Thistlethwaite MP as Assistant Minister for Immigration and Assistant Minister for Foreign Affairs and Trade
- The Honourable Dr Andrew Leigh MP as Assistant Minister for Productivity, Competition, Charities and Treasury
- The Honourable Ged Kearney MP as Assistant Minister for Social Services and Assistant Minister for the Prevention of Family Violence
- The Honourable Emma McBride MP as Assistant Minister for Mental Health and Suicide Prevention and Assistant Minister for Rural and Regional Health
- Senator the Honourable Anthony Chisholm as Assistant Minister for Resources, Assistant Minister for Regional Development and Assistant Minister for Agriculture, Fisheries and Forestry
- The Honourable Josh Wilson MP as Assistant Minister for Climate Change and Energy and Assistant Minister for Emergency Management
- The Honourable Julian Hill MP as Assistant Minister for Citizenship, Customs and Multicultural Affairs and Assistant Minister for International Education
- Ms Rebecca White MP* as Assistant Minister for Health and Aged Care, Assistant Minister for Indigenous Health and Assistant Minister for Women
- Dr Andrew Charlton MP* as Cabinet Secretary and Assistant Minister for Science, Technology and the Digital Economy
- Senator Nita Green* as Assistant Minister for Northern Australia, Assistant Minister for Tourism and Assistant Minister for Pacific Island Affairs
- Mr Peter Khalil MP* as Assistant Minister for Defence

** To be appointed as Executive Councillors*

OFFICIAL: Sensitive Personal privacy

PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS25-000345

21 JUL 2025

Her Excellency the Honourable Ms Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

I am writing to seek your approval of the Government's recommendation to appoint Mr Lee Hsien Loong, a citizen of the Republic of Singapore, as an honorary Companion of the Order of Australia (AC).

As Prime Minister of the Republic of Singapore from 2004 to 2024, Mr Lee made a significant contribution to advancing Australia-Singapore relations and to deepening cooperation between our two countries in key areas including trade, defence and security. Mr Lee is currently Senior Minister of the Republic of Singapore.

A summary of Mr Lee's contribution, including the proposed citation in the form of media notes, are attached to this correspondence.

Subject to your approval, the Department of the Prime Minister and Cabinet will follow established protocols to seek the Government of Singapore's agreement to this honour being bestowed upon Mr Lee. He would then be contacted to ascertain his willingness to accept the honour.

The Department of the Prime Minister and Cabinet will advise your officials once the necessary procedures have been completed. At that time, I would be grateful if formal announcements could be made and the media advised.

s 22(1)(a)(ii)

OFFICIAL: Sensitive Personal privacy

NOTE: Proposed text for the Governor-General to release to the media on announcement of the honour (without classification on release)

ORDER OF AUSTRALIA**Appointed an Honorary Companion in the General Division
of the Order of Australia (AC)**

NAME :	Mr Lee Hsien Loong
ADDRESS :	Singapore
CITATION :	For eminent service to the Australia-Singapore bilateral relationship.

Throughout his 40 year political career, and particularly as Prime Minister of Singapore from 2004 to 2024, Mr Lee has made significant contributions to advancing Australia-Singapore relations. He has been a strong and influential advocate for closer ties between our two countries and has consistently driven agreements and initiatives which encourage stronger and mutually beneficial relationships.

During his term as Prime Minister, our economic relationship grew enormously and Singapore is now our largest trade partner and investor in Southeast Asia. He oversaw and was a key driver behind six revisions of the Free Trade Agreement to keep it not just up to date, but to anticipate change through new technologies and supply chain vulnerabilities. He also oversaw development of the 2015 Australia-Singapore Comprehensive Strategic Partnership (CSP) which was a breakthrough for Australia's partnership with Singapore and a foundation for the next phase of the partnership.

Mr Lee actively welcomed and supported defence and security partnerships between our two countries which have contributed to regional peace and security. He has advocated strongly for Australia's and our inclusion in key regional forums and has been a consistent and strong supporter of Australian involvement.

Mr Lee's eminent service to the Australia-Singapore bilateral relationship is thoroughly worthy of formal national recognition with an appointment as an Honorary Companion in the General Division of the Order of Australia (AC).



PRIME MINISTER
The Hon Anthony Albanese MP

MS25-000402

22 JUL 2025

Her Excellency the Honourable Ms Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

Following the opening of the 48th Parliament earlier today, Senator the Honourable Sue Lines has been elected President of the Senate and the Honourable Milton Dick MP has been elected Speaker of the House of Representatives.

I recommend for your approval and signature the attached instruments authorising Senator Lines and Mr Dick to administer the oath or affirmation of allegiance to senators and members respectively.

s 22(1)(a)(ii)



THE CONSTITUTION

**AUTHORITY TO ADMINISTER THE OATH OR AFFIRMATION
OF ALLEGIANCE TO MEMBERS OF THE
HOUSE OF REPRESENTATIVES**

I, the Honourable Ms Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting under section 42 of the Constitution, authorise DUGALD MILTON DICK, Speaker of the House of Representatives, to administer the oath or affirmation of allegiance to those Members of the House of Representatives who have not already made and subscribed that oath or affirmation since their election or last election to the House of Representatives.

Dated

2025

Sam Mostyn
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)



THE CONSTITUTION

**AUTHORITY TO ADMINISTER THE OATH OR AFFIRMATION
OF ALLEGIANCE TO SENATORS**

I, the Honourable Ms Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting under section 42 of the Constitution, authorise SUSAN LINES, President of the Senate, to administer the oath or affirmation of allegiance to those Senators who have not already made and subscribed that oath or affirmation since being chosen, elected or appointed, or since last being chosen, elected or appointed, as Senators.

Dated

2025

Sam Mostyn
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)



PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS25-000652

28 NOV 2025

Her Excellency the Honourable Ms Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
Dunrossil Drive
YARRALUMLA ACT 2600

Your Excellency

I am writing to seek your approval of the Government's recommendation to appoint Dr Ng Eng Hen, a citizen of the Republic of Singapore, as an honorary Officer of the Order of Australia.

As Defence Minister of the Republic of Singapore from 2011 to 2025, Dr Ng made a significant contribution to deepening the defence and bi-lateral relationship between Australia and Singapore.

A summary of Dr Ng's contribution, including the proposed citation in the form of media notes, are attached to this correspondence.

Subject to your approval, the Department of the Prime Minister and Cabinet will follow established protocols to seek the Government of Singapore's agreement to this honour being bestowed upon Dr Ng. He would then be contacted to ascertain his willingness to accept the honour.

The Department of the Prime Minister and Cabinet will advise your officials once the necessary procedures have been completed. At that time, I would be grateful if formal announcements could be made and the media advised.

Yours sincerely,

s 22(1)(a)(ii)

Encl.

NOTE: Proposed text for the Governor-General to release to the media on announcement of the honour (without classification on release)

ORDER OF AUSTRALIA

Appointed an Honorary Officer in the General Division of the Order of Australia (AO)

NAME :	Dr Ng Eng Hen
ADDRESS :	Singapore
CITATION :	For distinguished service to the Australia-Singapore bilateral relationship, particularly to the field of defence cooperation

Over the last 20 years, and particularly as Minister for Defence of the Republic of Singapore from 2011 to 2025, Dr Ng has made a very significant contribution to deepening the defence and broader bi-lateral relationship between Australia and Singapore. His commitment to strengthening the Australia-Singapore defence relationship has laid very strong foundations in advancing Australia's continuing strategic interests and the Australian Defence Force's operational objectives and presence in the Indo-Pacific region.

Dr Ng was instrumental in elevating the defence pillar of the Comprehensive Strategic Partnership between Australia and Singapore in 2015. This pillar remains the foundation for enhanced defence cooperation. During Dr Ng's stewardship, Australia and Singapore have delivered a series of landmark Defence treaties that have not only strengthened our defence ties, but have also contributed to regional stability and mutual trust.

Dr Ng's contributions have left a lasting legacy on the Australia-Singapore defence relationship and have advanced Australia's strategic interests in the Indo-Pacific region.

Dr Ng's distinguished service to the Australia-Singapore bilateral relationship and particularly to our defence partnership, is thoroughly worthy of formal national recognition with an appointment as an Honorary Officer in the General Division of the Order of Australia (AO).



Her Excellency the Honourable Ms Sam Mostyn AC
Governor-General of the Commonwealth of Australia

24 December 2025

The Hon Anthony Albanese MP
Prime Minister
Parliament House
Canberra ACT 2600

Dear Prime Minister *Anthony*

Thank you for your letter seeking the establishment of a Special Honours List following the tragic attack at Bondi Beach on 14 December 2025.

The Honours and Awards Secretariat has confirmed a significant number of nominations have already been received seeking to recognise the extraordinary and heroic efforts of those who responded during the attack and in its immediate aftermath.

s 47C

Noting the precedence of special honours lists declared to recognise significant disasters in Australia and the efforts of those who acted in response to this horrific attack, I agree with your request to create a Special Honours List in response to the events at Bondi Beach.

I will ask the Secretariat to work closely with your department to facilitate these arrangements.

Yours sincerely

s 22(1)(a)(ii)



PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS25-000852

24 DEC 2025

Her Excellency the Honourable Ms Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency *Sam,*

I seek your agreement to the creation of a Special Honours List in response to the horrific terrorist attack at Bondi Beach on 14 December 2025, for awards in the Australian Honours and Awards system.

As you would be aware, a number of special honours lists have been previously declared to recognise significant disasters in Australia, including in relation to Australians responding to the 2002 Bali Bombings, MH17, and COVID-19.

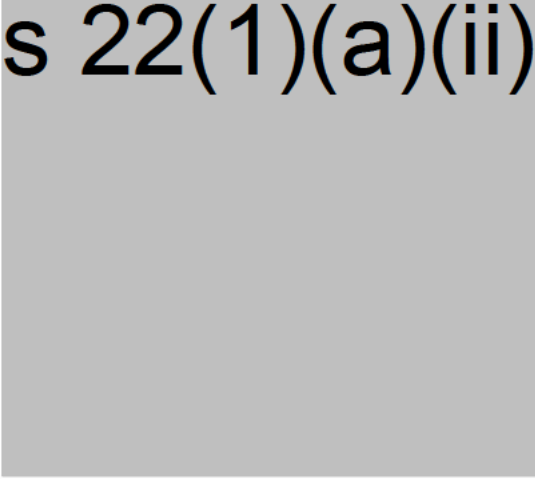
When considering how Australia may honour those who have responded so bravely to the horrific events at Bondi Beach, it is also prudent to consider all those who have played vital response roles to this tragic event, and for whom details are still coming to light.

It is therefore the Government's view that a Special Honours List should be established, and under the umbrella of which, nominations will be considered.

s 47C

Should you agree with this proposal, the Department of the Prime Minister and Cabinet will work with the Australian Honours and Awards Secretariat to clarify administrative arrangements, and to bring forward recommendations for updating the regulations, if required.

s 22(1)(a)(ii)





PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS24-000652

Her Excellency the Honourable Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

A handwritten signature in blue ink that reads 'Sam' with a stylized flourish.

I write to recommend changes to the Ministry and to provide the documents necessary to implement the changes, for your consideration.

In order to facilitate the proposed appointments, I first recommend you revoke the current appointments of 16 Ministers and Assistant Ministers. The list of proposed revocations is at Attachment A.

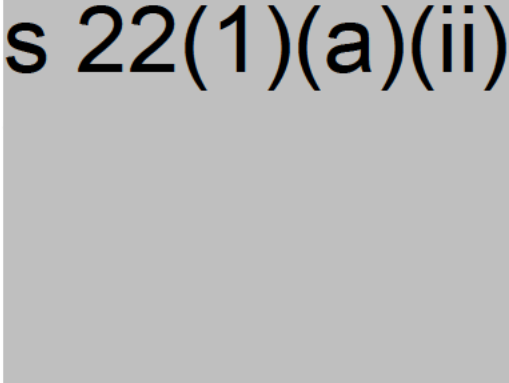
The list of 16 recommended ministerial appointments is at Attachment B. Instruments to give effect to these recommendations are attached for your signature.

I have also enclosed documents for your consideration on a recommendation to amend the Administrative Arrangements Order to transfer responsibility for the Australian Security Intelligence Organisation and associated legislation from the Home Affairs portfolio to the Attorney-General's portfolio.

To consider the Administrative Arrangements Order, I respectfully request your approval to hold a short special meeting of the Federal Executive Council immediately before the swearing-in ceremony. Should Your Excellency approve, the Minister for Employment and Workplace Relations, is available to attend the Federal Executive Council meeting with me ahead of the swearing-in ceremony.

I understand you have agreed to schedule the swearing-in ceremony at Government House at 9:00 am on Monday 29 July 2024, and I would like to thank you and your staff for your ongoing assistance.

s 22(1)(a)(ii)



Attachment A

Appointments to be revoked:

1. the Hon Linda Burney MP as the Minister For Indigenous Australians
2. the Hon Julie Collins MP as Minister for Housing, Minister for Homelessness and Minister for Small Business
3. the Hon Tony Burke MP as Minister for Employment and Workplace Relations and Minister for the Arts
4. the Hon Brendan O'Connor MP as the Minister for Skills and Training
5. Senator the Hon Murray Watt as the Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management
6. the Hon Clare O'Neil MP as Minister for Home Affairs and Minister for Cyber Security
7. the Hon Pat Conroy MP as Minister for Defence Industry and Minister for International Development and the Pacific
8. the Hon Andrew Giles MP as Minister for Immigration, Citizenship and Multicultural Affairs
9. the Hon Patrick Gorman MP as the Assistant Minister to the Prime Minister and the Assistant Minister for the Public Service
10. Senator the Hon Malarndirri McCarthy as Assistant Minister for Indigenous Health and Assistant Minister for Indigenous Australians
11. the Hon Tim Ayres MP as Assistant Minister for Trade and Assistant Minister for Manufacturing
12. the Hon Matt Thistlethwaite MP as Assistant Minister for Veterans' Affairs, Assistant Minister for Defence and Assistant Minister for the Republic
13. Senator the Hon Anthony Chisholm as Assistant Minister for Education and Assistant Minister for Regional Development
14. the Hon Ged Kearney MP as Assistant Minister for Health and Aged Care
15. Senator the Hon Jenny McAllister as Assistant Minister for Climate Change and Energy
16. Senator the Hon Carol Brown as Assistant Minister for Infrastructure and Transport

Attachment B

Appoint to be made:

1. the Hon Tony Burke MP as Minister for Home Affairs, Minister for Immigration and Multicultural Affairs, Minister for Cyber Security and Minister for the Arts
2. the Hon Julie Collins MP as Minister for Agriculture, Fisheries and Forestry and Minister for Small Business
3. Senator the Hon Murray Watt as the Minister for Employment and Workplace Relations
4. the Hon Clare O'Neil MP as Minister for Housing and Minister for Homelessness
5. Senator the Hon Malarndirri McCarthy as Minister for Indigenous Australians
6. the Hon Pat Conroy MP as Minister for Defence Industry and Capability Delivery and Minister for International Development and the Pacific
7. the Hon Andrew Giles MP as Minister for Skills and Training
8. Senator the Hon Jenny McAllister as Minister for Cities and Minister for Emergency Management
9. the Hon Matt Thistlethwaite MP as Assistant Minister for Immigration
10. the Hon Patrick Gorman MP as the Assistant Minister to the Prime Minister, the Assistant Minister for the Public Service, the Assistant Minister to the Attorney-General
11. the Hon Ged Kearney MP as Assistant Minister for Health and Aged Care and Assistant Minister for Indigenous Health
12. the Hon Tim Ayres MP as Assistant Minister for a Future Made in Australia and Assistant Minister for Trade
13. Senator the Hon Anthony Chisholm as Assistant Minister for Education, Assistant Minister for Regional Development and Assistant Minister for Agriculture, Fisheries and Forestry
14. Kate Thwaites MP as Assistant Minister for Social Security, Assistant Minister for Ageing and Assistant Minister for Women
15. Josh Wilson MP as the Assistant Minister for Climate Change and Energy
16. Julian Hill MP as the Assistant Minister for Citizenship and Multicultural Affairs.



PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MS25-000210

Her Excellency the Honourable Ms Sam Mostyn AC
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

I write in relation to the opening of the 48th Parliament.

I recommend for your signature the attached Proclamation summoning the Parliament and appointing 10.30am on Tuesday, 22 July 2025, as the time and day for the Parliament to assemble.

Consistent with previous practice, I also recommend you appoint the Chief Justice of the High Court of Australia, the Hon Stephen Gageler AC, as your deputy to declare the Parliament open, and to authorise him to then administer the oath or affirmation of allegiance to Senators.

On this occasion, it is proposed that Members of the House of Representatives to be sworn in at the same time as Senators in their respective chambers. Accordingly, I also recommend that Justice Michelle Gordon AC be authorised to administer the oath or affirmation of allegiance to Members of the House of Representatives.

The necessary instruments are attached for your consideration and, if you agree, signature.

In accordance with established tradition, I propose that you deliver the opening speech at 3.00pm on the opening day of Parliament. I will provide a draft of the speech for your approval as soon as possible.

s 22(1)(a)(ii)



**THE CONSTITUTION
PROCLAMATION**

I, the Honourable Ms Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting under section 5 of the Constitution:

- a) appoint Tuesday, 22 July 2025, at 10.30am as the day and time for the Parliament to meet at Parliament House, Canberra, to hold a session of the Parliament; and
- b) summon all Senators and Members of the House of Representatives to meet at that day, time and place.

Signed and sealed with
the Great Seal of Australia on
22 July 2025



s 22(1)(a)(ii)

Sam Mostyn
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)



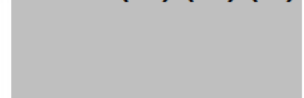
THE CONSTITUTION

**APPOINTMENT OF A DEPUTY OF
THE GOVERNOR-GENERAL
TO DECLARE OPEN THE PARLIAMENT**

I, the Honourable Ms Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting under section 126 of the Constitution and Clause IV of the Letters Patent dated 21 August 2008 relating to the office of Governor-General, appoint The Honourable Stephen Gageler AC, Chief Justice of the High Court of Australia, to be my deputy to declare open the Parliament at the time and place appointed by the Proclamation published in the *Commonwealth of Australia Gazette* on 2025.

Dated 22 May 2025

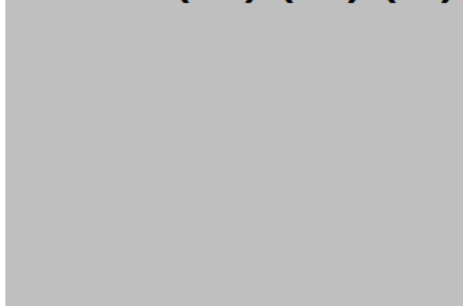
s 22(1)(a)(ii)



Sam Mostyn
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)





THE CONSTITUTION

**AUTHORITY TO ADMINISTER THE OATH OR AFFIRMATION
OF ALLEGIANCE TO SENATORS**

I, the Honourable Ms Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting under section 42 of the Constitution, authorise The Honourable Stephen Gageler AC, Chief Justice of the High Court of Australia, to administer the oath or affirmation of allegiance to Senators.

Dated

22 May

2025

s 22(1)(a)(ii)

Sam Mostyn
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)



THE CONSTITUTION

**AUTHORITY TO ADMINISTER THE OATH OR AFFIRMATION
OF ALLEGIANCE TO MEMBERS OF THE
HOUSE OF REPRESENTATIVES**

I, the Honourable Ms Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting under section 42 of the Constitution, authorise The Honourable Michelle Gordon AC, a Justice of the High Court of Australia, to administer the oath or affirmation of allegiance to Members of the House of Representatives.

Dated *22 May* 2025

s 22(1)(a)(ii)

Sam Mostyn
Governor-General

By Her Excellency's Command

s 22(1)(a)(ii)