CHAPTER SIXTEEN
ABLE SEAMAN DALMORTON JOSEPH OWENDALE RUDD

16-1   Dalmorton Joseph Owendale Rudd was born on 14 June 1896 in Sydney and educated at Canterbury Boys High School. He joined the RAN on 30 October 1913 for an initial period of five years.[1] His younger brother Leonard Thomas Rudd was also a member of the RAN, and they both later served in HMAS *Australia* in 1919.

Able Seaman Dalmorton Joseph Owendale Rudd
(Photograph courtesy of Ms Cheryl Langford)

16-2   Rudd's first posting was HMAS *Cerberus* as an Ordinary Seaman II until 26 April 1914, when he was posted to HMAS *Melbourne*. On 11 June 1914 he was posted to HMAS *Australia,* and was promoted to Ordinary Seaman. He was further promoted to Able Seaman on 18 August 1915. Having passed the necessary examinations, Rudd was promoted to Leading Seaman on 12 December 1917.[2]

16-3   At the end of February 1918, Rudd volunteered for special duty with the RN and took part in the shore raid on Zeebrugge on 22–23 April 1918 that led to his participation in one of a number of ballots to select a rating for the award of the Victoria Cross (VC). This ballot selected Able Seaman Albert McKenzie RN. The other three ballots were to select a Royal Marine officer, a Marine other rank and a naval officer from those who participated at Zeebrugge. For his part in the raid, Rudd was awarded the Distinguished Service Medal (DSM).

16-4   After Zeebrugge, Rudd returned to HMAS *Australia* on 24 April 1918. On 12 May 1919, as punishment for committing a breach of discipline, he was deprived of his second Good Conduct badge and was demoted to Able Seaman. He remained in *Australia* for her return to Fremantle, Western Australia, on 28 May 1919.[3]

16-5   Rudd was subsequently involved in a mutiny in *Australia* on 1 June 1919, and on pleading guilty, was sentenced to 18 months in Goulburn Gaol. Following four months of debate in the Australian Parliament about the severity of the sentences, Rudd and four other ratings were released from Goulburn Gaol and discharged from the Navy on 20 December 1919. Rudd died in 1969 aged 73.[4]

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1   Service Record, Dalmorton Joseph Owendale Rudd #3389, NAA: A6670, RUDD D J O.
2   ibid.
3   ibid.
4   New South Wales Death Certificate: 15572/1969.

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Recognition of service

16-6   For his naval service, Able Seaman Rudd was entitled to the following honours and awards:

- Distinguished Service Medal
- 1914–1915 Star
- British War Medal 1914–1920
- Victory Medal.

What has led to the review?

16-7   While no family member has sought reconsideration of the level of award for valour made to Rudd, Able Seaman Rudd was formally nominated for review in the Terms of Reference, after being proposed by the Chief of the Defence Force in a ministerial submission to the government.[5] Defence did not provide any material to the Tribunal to suggest that Rudd's recognition was inadequate and was not able to provide any of the submissions that it claimed had led to his name being included in the Terms of Reference.

16-8   A family member, Ms Cheryl Langford, was present at the Tribunal's public hearing in Sydney in February 2012 but chose not to make a submission. However, Ms Langford provided photographs of Rudd in naval uniform wearing his DSM.

Submissions

16-9   The Tribunal received no submissions in support of a higher level of Defence honour to Rudd. Three of the four written submissions received were against any new Defence honour for Rudd. One provided historical information. The written submissions were:

a.   Submission 99 — Mr Graham Wilson (against)

b.   Submission 123 — Mr Peter Cooke-Russell, National Vice President, The Naval Association of Australia (historical background only)

c.   Submission 124 — Mr Richard Pelvin (against)

d.   Submission 142 — The Navy League of Australia (against).

No oral submissions were made.

Background

16-10   Rudd served for the whole of the First World War (apart from the Zeebrugge raid) in the battle cruiser HMAS *Australia.* From 10 August 1914, command of *Australia* was transferred to the Admiralty[6]. After service in the Pacific, *Australia* joined the British Grand Fleet at Scapa Flow in February 1915. *Australia* was tasked with escort duties until she had proven herself, and missed the Battle of Jutland

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5   Ministerial Submission, 'Defence response to public calls for retrospective awards of the Victoria Cross for Navy personnel', Air Chief Marshal A Houston to Senator D Feeney, 12 February 2011.
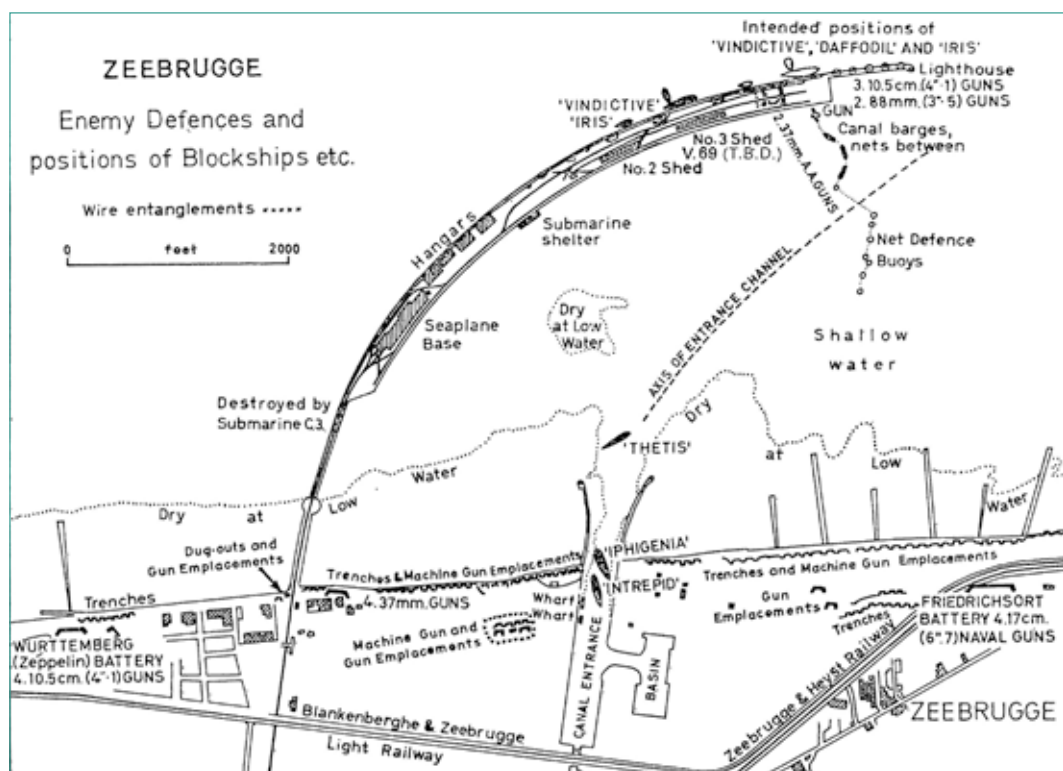
6   Proclamation no. 27/1914 of Governor-General Rt Hon. Sir Ronald Ferguson.

(1916) due to an unfortunate collision with the battle cruiser HMS *New Zealand*. On 23 February 1918, after repairs, and escorting a convoy between Bergen and Aberdeen, *Australia* received a communication requesting eleven volunteers (seamen and stokers) for special service.[7] At the time, Rudd was to have been transferred to the Royal Navy London Depot for further training as a Leading Seaman; however, he volunteered and was selected to train for a raid on the Belgian port town of Zeebrugge, to be conducted in April 1918. Rudd subsequently received orders to report to Chatham Depot where his 'raid' training was to begin.[8] He was to be a member of No. 4 Section, A Company, Seaman Storming Party, one of a number of RN storming parties embarked in HMS *Vindictive.* He and his shipmates trained between 1 March and 21 April 1918.

Description of the action

The Zeebrugge raid — 22–23 April 1918

16-11   Zeebrugge, a small town on the Belgian coast at the mouth of the inland port of Bruges, was a major German U-boat base. It was home to the 18 U-boats and 25 destroyers that accounted for over a third of all the Allied tonnage sunk in the First World War.[9] A solid stone breakwater, over a mile long and sixty feet high

Source: Paul Halpern (ed), *The Keyes Papers: selections from the private and official correspondence of Admiral of the Fleet Baron Keyes of Zeebrugge*, vol. 1, Navy Records Society, London, 1972, p. 462

Map 3   Zeebrugge showing ship location

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7   Peter Burness, 'Australians at Zeebrugge', *Naval historical review,* December 1975, p. 39.
8   Stoker NJ McCrory, RAN, 'Account of the raid on Zeebrugge by Ships of the RN', AWM: 12/11/4812, Private Records 1DRL/0429.
9   Max Arthur, *Symbol of courage — the men behind the medal*, Pan Books, London, 2005, p. 363.

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at low tide, curved out from the shore in a quarter-circle to form an artificial harbour that protected the Zeebrugge Canal entrance. The concrete battlements on top of the breakwater were named 'The Mole' and were heavily defended by several gun emplacements. The Mole was connected by a small wooden bridge to the mainland. A raid on Zeebrugge (and sister coastal town Ostend) was first proposed in 1917 by Commander-in-Chief of the British Grand Fleet, Admiral Sir John Jellicoe, which if successful, would cripple the German U-boat base.

Objectives of the raid

16-12   The report of the Vice-Admiral Dover Patrol, Vice Admiral Roger Keyes, RN, said that the objectives of the proposed Zeebrugge and Ostend raids were to:[10]

   a. block the Bruges ship canal at its entrance into the harbour at Zeebrugge;

   b. block the entrance to Ostend harbour from the sea; and

   c. inflict as much damage as possible upon the ports of Zeebrugge and Ostend.

16-13   As part of the plan, three 'blocking ships' HM Ships *Thetis, Intrepid* and *Iphigenia* and also the submarine HMS *C3* were to be sunk across the entrance of the harbour, trapping any German submarines and shipping in the port. Map 3 shows the enemy defences and positions of block ships at Zeebrugge. The raid was formally approved by the British Admiralty in February 1918, and consisted of 129 ships, including blocking ships, submarines, monitors, minesweepers, light cruisers, and a total of 7,445 officers and men. Throughout February and March 1918, a volunteer force of 82 officers and 1,698 men, was raised and given specialist training at either Chatham Depot or the Royal Marine Barracks at Deal. The volunteers who were to be embarked in the blocking ships were drawn from various corners of the British Empire, including Royal Marines and the RN.

The Australians who took part in the Zeebrugge raid

16-14   The Australian contingent was made up of 10 men and one Warrant Officer from the RAN. Warrant Officer Artificer Engineer William Henry Vaughan Edgar was selected as engineer-officer and put in charge of the engine room in HMS *Iris II,* while five Australian seamen would serve on *Vindictive,* and five Australian stokers would serve on the block ship HMS *Thetis*.[11] Table 16-1 lists the Australian participants.

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10 'Naval Despatches from the Vice-Admiral, Dover Patrol on Zeebrugge and Ostend Raids', *Second supplement to the London Gazette* no. 31189, 18 February 1919. p. 2519.

11 Confirmation report of Australian volunteers at Zeebrugge Raid — Extract from 104th Report of the Naval Representative, 30 April 1918, Docket No Confl. 18/013, pp. 4–6, NAA: MP 124/6, 528/201/79.

Table 16-1 Australians who took part in the Zeebrugge raid

Name	Rank	Seconded to ship
Edgar, William Henry Vaughan	WO Artificer Engineer	*Iris II*
Gillard, Henry John (Harry)	Able Seaman	*Vindictive*
Newland, Leopold Thomas	Able Seaman	*Vindictive*
Staples, George Edward	Able Seaman	*Vindictive*
Bush, George John	Leading Seaman	*Vindictive*
Rudd, Dalmorton Joseph Owendale	Leading Seaman	*Vindictive*
Bourke, William John	Stoker	*Thetis*
Hopkins, Reginald	Stoker	*Thetis*
Lockard, Godfrey J	Stoker	*Thetis*
McCrory, Norbert James	Stoker	*Thetis*
Strong, James	Stoker	*Thetis*

The raid

16-15 Rudd was a member of No. 4 Section, A Company, Seaman Storming Party, part of an RN storming party from HMS *Vindictive* that was tasked with landing on The Mole and silencing the guns. Two groups of coastal motor boats were to attack the western end of The Mole to distract the enemy's attention while *Vindictive* approached. At one minute past midnight on 23 April 1918 (St George's Day), *Vindictive* came under heavy fire as it approached The Mole and overshot its assigned berthing position, throwing the planned operations into some confusion. *Vindictive* continued its approach under a hail of fire that inflicted heavy casualties on the crew and killed most of the officers in charge of the landing parties. A few minutes later *Iris II* was brought alongside The Mole ahead of *Vindictive*.[12] The mission of the RN storming parties now turned to diversionary action while other ships and parties went about achieving their objectives. The five Australian seamen from *Vindictive* had all gone ashore and managed to avoid injury. The first of the RN storming parties, which included the five Australians, then made its way along the narrow swaying gangways to begin the assault. Able Seamen Rudd and Gillard were among those who clambered down an iron ladder onto The Mole and killed several of the enemy. They both returned to *Vindictive* uninjured.[13]

16-16 The attack on Zeebrugge had only limited success. Although the harbour and canal were blocked for several weeks, the Germans soon dredged a channel around the sunken block ships allowing the destroyers and submarines to pass by, albeit with extreme difficulty. Of the 1,780 from the RN Storming Parties,

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12 Confirmation report of Australian volunteers at Zeebrugge Raid.
13 Admiralty, Historical Section: Records used for Official History, First World War: Reports on Zeebrugge and Ostend Operations, 1918 Apr–May,. TNA: ADM 137/3894.

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214 British personnel were killed and 383 were wounded. The 11 Australians emerged relatively unscathed.[14]

Chain of command for awards

16-17   With the exception of two immediate awards for seriously wounded seamen not expected to live, all awards for the Zeebrugge raid went through the usual RN channels. In the case of Rudd and the others, a list of nominees, appropriate recommendations and a full report of the action was dispatched from the Captain of *Vindictive* (Acting Captain Alfred Carpenter, RN), to Vice Admiral Keyes, who was in charge of the entire operation, and then to the British Admiralty.

Honours and awards made for the action

16-18   As noted in paragraph 4-22, the recipients of four of the VCs for the Zeebrugge raid were determined by a ballot conducted among the participants. After the ballots, correspondence from the Honours Committee at the Admiralty dated 29 June 1918 discussed the use of promotion of officers versus the conferring of awards as recognition of their actions and efforts during the raid. The Admiralty sought to decide which option would provide the greatest benefit to the recipient. The committee decided that an immediate special promotion would be of the greatest benefit to an officer and his family; the next officer on the recommendation list for an award would then be noted for early promotion. forty officers received special promotions; 22 of these officers were also awarded honours. Another 15 officers received early promotion, of which 9 also received honours. The Zeebrugge recommendations list was therefore altered to reflect this. Some names for promotion were deleted from the honours list, as were the deceased, and some names from other lists were upgraded. This had a flow-on effect for the other ranks. One such amendment affected Rudd, whose name was transferred from the Mention in Despatches (MID) list to the DSM list. One person on the DSM list was promoted to the VC list after the ballot. Three others were awarded bars to their DSMs.[15]

16-19   The outcome of the Admiralty's deliberations was the following awards:
- 6 VCs (including 4 as a result of the ballots)[16]
- 4 Companions of the Order of the Bath (CB)
- 2 Companions of the Order of Saint Michael and Saint George (CMG)
- 39 Distinguished Service Orders (DSO)
- 50 Distinguished Service Crosses (DSC)
- 21 Conspicuous Gallantry Medals (CGM)
- 202 DSMs
- 180 MIDs.[17]

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14 Reports of Zeebrugge and Ostend Operations 22–23 April 1918, Vice Admiral, Dover. Admiralty Library: M.05907/18, M. 05881/18 (OU 6170).
15 Honours Committee Minute no. CW 27984, 17 June 1918, TNA: ADM 116/1811.
16 Two posthumous VCs were awarded in February 1919 and are not included in these figures.
17 Zeebrugge & Ostend Honours Awards, TNA: ADM 116/1811; also *Fourth Supplement to the London Gazette* no. 30807, 23 July 1918.

This total of 504 awards from among 7,445 officers and men amounted to approximately one honour for each 14.77 participants in the raid (6.76 per cent), which was well above the operational scale (quota) for the Admiralty. The Belgian Government later also gave a number of awards for bravery, but only two went to Australians and none to Rudd.

16-20   Despite an extensive search, the Tribunal has not been able to find the citation for Rudd's DSM. It appears that only VC citations and those for conspicuous gallantry were raised at the time.

The ballot for a Victoria Cross

16-21   Pursuant to the Royal Warrant for the VC of January 1856, Rule (sometimes called Clause) 13 provides:

> It is ordained that in the event of a gallant and daring act having been performed by a squadron, ship's company, or detached body of seamen and marines not under fifty in number ... in which an Admiral, General or other officer commanding may deem that all are equally brave and distinguished and that no special selection can be made by them, then in such case the Admiral, General or other officer commanding may direct that for any such body ... one officer shall be selected by the officers engaged for the Decoration; and in like manner one petty officer or non-commissioned officer shall be selected by the petty officers and non-commissioned officers engaged; and two seamen or private soldiers or marines shall be selected by seamen or private soldiers, or marines engaged respectively, for the Decoration ...[18]

In this case, two separate ballots were held, which resulted in four VCs being awarded. Two VCs went to the Royal Marines (one to an officer and one to an other rank) chosen from among the Marines who participated in the raid. The other two VCs were chosen when the naval officers and men forming the crews of *Vindictive, Iris II, Daffodil* and the Naval Assaulting Force chose one officer and one other rank in accordance with Rule 13 to the VC Regulations.

16-22   The Zeebrugge raid ballots were conducted on the afternoon of 26 April by giving each voter a slip of paper and pencil to write down their vote. The slips were then tallied and the results recorded. An illustration of this for the Royal Marines can be found in Adjutant Captain Arthur Chater's diary, in which he states:

> I explained what was to be done, slips of paper were issued, the troops were then told to break off for a few minutes to consult each other before writing a name on their paper and handing it in. While this was being done, the CO and I went to the office to complete the report, leaving Captain Bamford in charge to collect the voting slips and add up the results. Half an hour later he arrived at the office looking rather sheepish. He handed the CO a list showing himself as having recorded the greatest number of votes.[19]

16-23   Five Australians (Rudd, Bush, Staples, Gillard and Newland), participated in the ballot as part of the crews of *Vindictive, Daffodil, Iris II* and the Naval Assaulting Force, to select one from the other ranks to receive the VC. Their participation in

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18   *London Gazette* No. 21846, 5 February 1856, p 411.
19   Imperial War Museum Department of Documents, Capt. AR Chater RMLI 74/1101/1.

the ballot was duly noted on their service records.[20] The RAN service card for Rudd states that: 'he participated in the ballot for the award of VC granted for services during the operations against Zeebrugge and Ostend on the night of 22/23 April 1918'.[21] The Tribunal was unable to find a copy of the sailors' ballot results, so could only confirm that Rudd participated in the ballot. Edgar, who was on board *Iris II*, did not participate in the VC ballots. His service record showed no notation.[22]

16-24   Participation in the ballot was also noted on the service records of the Royal Marines. One such illustration is the service record for Lieutenant Charles RW Lamplough, Royal Marines Light Infantry (RMLI), 4th Royal Marine Battalion, Commanding Officer of No. 9 Marines Storming Party. The service record shows that 'Lieutenant Charles RW Lamplough RMLI participated in the ballot for award of Victoria Cross presented for operations against Zeebrugge and Ostend on the night of 22nd to 23rd April 1918 (*London Gazette*)'.[23] Lieutenant Lamplough was awarded the DSC and was promoted to Captain for his participation in the attack on Zeebrugge.

16-25   Table 16-2 lists the honours awarded to all eleven Australians, and also whether they participated in any of the VC ballots.[24]

Table 16-2 Honours awarded to Australians who took part in the Zeebrugge raid

Name	Rank	Seconded to ship	Honour	Participated in VC ballot
Edgar, William Henry Vaughan	WO Artificer Engineer	*Iris II*	DSC and immediate promotion to Lieutenant	No
Gillard, Henry John (Harry)	Able Seaman	*Vindictive*	MID & Belgian Croix de Guerre	Yes
Newland, Leopold Thomas	Able Seaman	*Vindictive*	MID	Yes
Staples, George Edward	Able Seaman	*Vindictive*	DSM	Yes
Bush, George John	Leading Seaman	*Vindictive*	DSM	Yes
Rudd, Dalmorton Joseph Owendale	Leading Seaman	*Vindictive*	DSM	Yes
Bourke, William John	Stoker	*Thetis*	Nil	No
Hopkins, Reginald	Stoker	*Thetis*	Nil	No
Lockard, Godfrey J	Stoker	*Thetis*	Nil	No
McCrory, Norbert James	Stoker	*Thetis*	MID & Belgian Croix de Guerre	No
Strong, James	Stoker	*Thetis*	Nil	No

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20 Service Record, Dalmorton Joseph Owendale Rudd #3389, NAA: A6670, RUDD D J O
    Service Record, George John Bush #8517, NAA: A6770, BUSH G J; and Service Record George, Edward Staples #2858, NAA: A6770, STAPLES G E; Service Record, Henry John Gillard #8517, NAA: A6770, GILLARD H J; Service Record, Leopold Thomas Newland #1937, NAA: A6670, NEWLAND L T.
21 Service Record, Dalmorton Joseph Owendale Rudd #3389, NAA: A6670, RUDD D J O.
22 Service Record, William Henry Edgar #7423 NAA: A6770, EDGAR W H.
23 'Lamplough, Charles Robert Wharram 10 June 1896 Major General — Admiralty Officer's Service Record (Series III)', TNA: ADM 196/64/117
24 Paul Kendall, *The Zeebrugge Raid — the finest feat of arms,* Spellmount, Brimscombe Port, 2009, passim.

Rudd and the HMAS *Australia* mutiny

16-26   After the Zeebrugge raid, Rudd returned to duty in HMAS *Australia,* which, at the end of hostilities, sailed for Australia. In May 1919, although the Peace Treaty had not been signed at Versailles, the war was considered over and the Admiralty's control of the ships of the Australian Navy was about to end.[25]

16-27   HMAS *Australia* sailed from Portsmouth on 17 April 1919 and arrived in Fremantle, Western Australia, on 28 May. *Australia* was commanded at the time by Captain Claude Cumberlege, RN, and Commodore Commanding the Fleet, Rear Admiral John Dumaresq, RN, was also embarked.

16-28   Five sailors, later to be accused of mutiny, wrote in a joint statement:

> Upon arrival at Fremantle, we were the recipients of a great welcome by the people of Western Australia, and many kindnesses were shown to us. On the last day of our stay, a rumour went around that the vessel would not leave until Monday, it being then Saturday, and also that the people would be admitted on board on the Sunday. This gave great satisfaction to the crew, as we felt we would be able to show, in some small degree, our appreciation of all the good things that had been done for us. When we returned on board Sunday morning and learnt for the first time that the ship was sailing in an hour or two, a great deal of resentment was evident among the crew.[26]

At 1030 on 1 June 1919, when Cumberlege ordered *Australia* to sail for Sydney, a group of between 80 to 100 men assembled on the quarterdeck and, through a spokesman, asked the Captain to delay the sailing of the ship. The Captain did not agree and told the sailors to disband. The Captain recorded that certain ship's company 'were fomenting trouble and their names were taken'. At this time the ship was standing by to proceed to sea.[27]

16-29   Subsequently, those reported refused to perform their duties and the ship's departure was as a consequence delayed. The mutiny lasted only a short time, but Rudd and four other ratings (one of whom was his younger brother Stoker Leonard Rudd) did not disperse, despite being warned that they would be court-martialled if they disobeyed the order.

16-30   The five ratings were charged with 'having, while belonging to HMAS *Australia* and then being persons subject to the Sect. 11 *Naval Discipline Act 1866,* joined in a mutiny not accompanied by violence on board *Australia* on 1 June 1919'.[28] Captain Cumberlege summarily sentenced 12 other men to 90 days imprisonment for their part in the mutiny, sentences which required and received the approval of Commodore Dumaresq.[29]

16-31   HMAS *Australia* then sailed for Sydney, and arrived there on 19 June 1919. For Rudd and the other four, all aged between 18 and 23, the court martial was held on 20 June 1919 on board HMAS *Encounter,* with Commodore John Glossop, RN,

25   Arthur W Jose, *The Royal Australian Navy 1914-18, the official history of Australia in the War 1914–1918,* vol. 9, Angus & Robertson, Sydney, 1938, Chapter 10.

26   Letter from the accused men, read to the court martial on 20 June 1919. NAA: SP339/1, C14 Part 4.

27   Captain CL Cumberlege, 'circumstantial letter' read at the court martial, from personal memoirs of Captain CL Cumberlege, RN, Commodore Commanding HMAS *Australia,.* NAA: SP339/1, C14 Part 4.

28   ibid.

29   ibid.

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as President of the Court. All pleaded guilty. All, except Ordinary Seaman Patterson, were defended by prominent lawyers retained by the Australian Labor Party. Patterson instead chose Lieutenant Philip Bowyer-Smyth, RN, as 'Prisoner's Friend' and, due to his young age and previous good naval service, he received a sentence six months shorter than the rest and was not to be dismissed from the Navy upon the completion of his sentence.[30]

16-32   Able Seaman Rudd was originally sentenced to 18 months' imprisonment on 20 June 1919 and, upon completion of the sentence, to be dismissed from the RAN. On 21 June 1919, he and the other four ratings were transferred to Goulburn Gaol to begin their sentences.[31]

Australian Government and public agitation for the release of the prisoners

16-33   On 28 June 1919, the Treaty of Versailles was signed in Paris. As part of the conditions of the Treaty, various governments were giving amnesty to some prisoners who were under civil, military and naval sentences, as an act of good faith. Australian newspapers were already reporting 'brutal imperial naval officers' after incidents in Aden earlier in 1919, where the RN had overruled RAN officers. Once again, the newspapers attacked the RN for holding the court martial. Within a week of the court martial, the Australian Labor Party's Senator Herbert Pratten, one of the most vocal of the government's opponents in the Senate, was referring to the 'so-called mutiny' and expressing his sorrow that such heavy sentences had been imposed.[32] In the House of Representatives, Cornelius Wallace, MP, considered that the sailors had been 'brutally and savagely sentenced' and his colleague James Fenton, MP, called for the tabling of the court martial papers.[33]

16-34   Six weeks later, on 1 August 1919, the RAN ships reverted to Australian command.[34] For the next four months, debate raged in the Australian Parliament about the severity of the sentences and on the unacceptability of the Admiralty's having retained control of the ships until 1919. The court martial sentences and process were debated no less than 25 times. With a general election due at the end of the year the opposition debated the issue and used the public disquiet created to harry the government.[35] On 20 December 1919, all five ratings were released from gaol. They were given their service documents, paid their wages up to that date (which included naval prize money payments) and were given rail passes to return home to their various states. It should be noted that Rudd remained at his rating level of Able Seaman until discharged from gaol and the RAN on 20 December 1919.[36]

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30   Correspondence relating to: Courts of Inquiry between 1915–1920: Correspondence re: Court martial of Stoker Thomas L Rudd, Stoker William G McIntosh, Able Seaman Dalmorton J O Rudd, Ordinary Seaman Wilfred Thomson, Ordinary Seaman Kenneth H Patterson, NAA: SP339/1, C14 Part 4.
31   'The mutiny in HMAS *Australia* in 1919', *The Naval Review*, October 1972, no. 4 vol. 60 pp. 388–389.
32   *CPD*, Senate, 26 June 1919, p. 10115 (Herbert Pratten).
33   HMAS *Australia* — reduction in sentence or release. *CPD*, H of R, 27 June 1919.
34   R Hyslop, 'Mutiny in "HMAS *Australia*" — a forgotten episode of 1919 in political–Naval relations', *Journal of the Australian Regional Groups of the Institute of Public Administration*, vol. 24, no. 3, September 1970, p. 286.
35   *CPD*, Senate, 18 September 1919, pp. 12503–12504.
36   Letter, Glossop to Lt Smith, RN, 13 December 1919, NAA: SP339/1 C14 & CNO no. 260 of 1919.

16-35   On 29 November 1920 Rudd completed his Application for War Gratuity stating that he had recently married on 20 November 1920. He stated in his application that he had been discharged from the Navy on 20 December 1919 with a rating of Able Seaman. Rudd's application was approved on 20 December 1920 and he was paid A£134.5s.1d.[37] Rudd married a third time in 1945 and died in 1969.

Did Rudd forfeit his Distinguished Service Medal?

16-36   It has been alleged that Rudd had his DSM forfeited, in which case, consideration might have been given to restoration. The official RAN website states that Rudd had: 'his DSM stripped'.[38] However, the Tribunal's research has revealed that the court martial that sentenced Rudd did not order the forfeiture and Rudd's RAN Service Card clearly shows the awarding of the DSM, and its gazettal. All honours and awards must be published in the *London Gazette*. A common requirement of legal/government procedures is that where a notice must be gazetted to validate an award, then a notice must also be gazetted to validate the relinquishing or forfeiture of an award (*Acts Interpretation Act 1901* [Cwlth]). The Tribunal found neither forfeiture documents nor gazettal of Rudd's DSM having been forfeited.

16-37   The release-from-gaol letter signed by Commodore Glossop to the Naval Accounts Officer dated 13 December 1919 refers to Rudd as still having his DSM, as does other correspondence, including official Navy letters, applications and references on file.[39] In Rudd's subsequent letters to the government, his application for several naval gratuities, and his veteran's pension application, together with the respective replies from these institutions, all refer to Rudd as having retained his DSM.[40]

16-38   The Tribunal doubts that the statement on the RAN website is correct and accepts that Rudd's DSM was never officially forfeited or revoked by the relevant authority.

Arguments put forward in submissions for and against the award of the Victoria Cross or other recognition for Rudd

Arguments put forward in submissions for the award

16-39   There were no arguments advanced to support the award of the VC for Australia or any other honour to Able Seaman Rudd.

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37   Application for War Gratuity by DJO Rudd. NAA: CP979/2, 6321.
38   Royal Australian Navy 2012, www.navy.gov.au/Dalmorton_Joseph_Owendale_Rudd, viewed 30 April 2012.
39   Dalmorton Joseph Owendale Rudd (Able Seaman): Service Number 3389; Wilfred Thompson (Ordinary Seaman), N/A; Kenneth Henry Patterson (Ordinary Seaman), 55590; Leonard Thomas Rudd (Stoker), 3493; William George Mcintosh (Stoker), 3511: Unit — HMAS Australia: Date of Court Martial — 20 June 1919. NAA: A471/2113.
40   ibid.

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Arguments against the award of the Victoria Cross

16-40   The arguments contained in the three submissions received against the award, provided the following views:

- Every Australian member of the Storming Parties on the Zeebrugge raid received a fair and just 'award', including Rudd (Submissions 99, 124 and 142).
- Rudd was not personally nominated for consideration for the VC. Rudd was one of the voters, not a candidate. The ballot award went to the most suitable candidate in accordance with the VC regulations (Submission 99).
- Rudd participated in a mutiny on HMAS *Australia* in 1919, was dismissed from the service and imprisoned. He should not now be considered for a VC (Submission 142).

Tribunal consideration of the award's process

16-41   The Tribunal first conducted a process review in accordance with the approach set out in paragraph 8-44 of this Report.

16-42   The Tribunal concluded that the processes followed, including the VC ballots, were fair, just and correct at the time, and there was no maladministration, bias, missing documentation or procedural flaws.

Tribunal review of the merits of the case

16-43   The Tribunal also considered, from all the material available to it, the merits of the case for elevating the recognition of Rudd for his actions at Zeebrugge. This merits review was carried out in accordance with the Tribunal's approach set out in paragraph 8-46 of this Report.

16-44   No previously missing, new or compelling evidence was produced by submitters. The Tribunal therefore concluded that there was no basis to question the judgement of the Admiralty in 1918, and recommends that no action be taken to award Rudd the VC for Australia or any other honour.

Tribunal recommendation

16-45   The Tribunal recommends no action be taken to award Able Seaman Dalmorton Joseph Owendale Rudd a VC for Australia or other further form of recognition for his gallantry or valour.