



Australian Government

Defence Honours and Awards Appeals Tribunal

INQUIRY INTO RECOGNITION FOR FAR EAST PRISONERS OF WAR WHO WERE KILLED WHILE ESCAPING OR FOLLOWING RECAPTURE

Terms of Reference

The Defence Honours and Awards Appeals Tribunal (the Tribunal) is directed to inquire into and report on the eligibility for recognition of Australian personnel who served during the Second World War, were Far East Prisoners of War, and were killed while escaping or following recapture.

In conducting this Inquiry the Tribunal is to take into account the policy, adopted by Australia in 1944, and outlined in the previous Inquiries conducted by the Tribunal:

- *Inquiry into recognition for Far East Prisoners of War who were killed while escaping*, completed by the Tribunal in 2010 and the findings accepted by Government; and
- *Inquiry into unresolved recognition of past acts of naval and military gallantry and valour*, completed by the Tribunal in 2013 and the findings accepted by Government.

The policy, as adopted, is attached to these Terms of Reference.

The Tribunal is directed to inquire into and report on appropriate recognition for the Australian military personnel listed at **Attachment A**. The Tribunal is to examine relevant evidence, and consider the nature and context of the members' actions in order to arrive at a fair and sustainable response to claims for appropriate recognition.

Further, the Tribunal is also directed to receive submissions supporting the recognition of other Far East Prisoners of War who were killed while escaping or following recapture. Submissions should only be made if they are supported by appropriate evidence, and are in line with the policy outlined in these Terms of Reference.

During the course of the Inquiry, these additional submissions will be forwarded to the Department of Defence for consideration. Should the Department of Defence refuse to recommend those persons for a defence honour, then the Tribunal is to present Government with recommendations as to their eligibility for a defence honour.

Should the Tribunal, during the course of the Inquiry, discover evidence which identifies other Far East Prisoners of War who were killed while escaping or following recapture, the Tribunal is to forward that evidence to the Department of Defence for consideration. Should the Department of Defence refuse to recommend

those persons for a defence honour, then the Tribunal is to present Government with recommendations as to their eligibility for a defence honour.

The Tribunal is to determine its own procedures, in accordance with the general principles of procedural fairness, when conducting its inquiry as set out in these Terms of Reference.

The Tribunal is to report, in writing, to the Assistant Minister for Defence on the findings and recommendations that arise from the Inquiry.

In making its findings and formulating its recommendations the Tribunal is required to maintain the integrity of the Australian honours and awards system and identify any consequential impact that any finding or recommendation may have on that system.

Submissions to the Tribunal close on **Friday 18 December 2015**.

Attachment A

NX72445	Private Edward Ambrose Allen
QX6866	Gunner Francis Douglas Anderson
NX40693	Private Vernon Robert Boston
SX2600	Sergeant Rex Nelson Butler
QX15720	Private Keith Hamilton Costin
NX38584	Gunner Wally Crease
NX44987	Corporal Leigh Kevin Dawson (aka NX78229 - Kenneth Clifton Molde)
NX51899	Corporal Edward Victor Emmett
WX9230	Private Walter Cyril Evans
VX48685	Lance Corporal William Frederick Fairy
VX47892	Private John Scott Fletcher
NX67705	Private Charles Henry Forrester
NX55454	Private Charles Thomas Foster
NX34384	Gunner Eric John Fuller
WX14407	Private Standish O'Grady Haly
VX23670	Private Thomas Ignatius Harrington
NX36469	Private Frank Bartle Ledwidge
NX57952 (also N272492)	Private Gordon Radnedge
VX48478	Driver Herman Reither
NX71902	Private Jeffrey Norman Shelley
VX54067	Corporal Henry John Simpson
NX41647	Private Edward Kenneth Skinner
QX17430	Lance Bombadier Harry Ayrshire Treseder
NX53987	Private Charlie Urquhart
NX29683	Lieutenant Charles Arthur Wagner
NX40901	Private James D'Arcy Waygood
NX53777	Private Sidney Arthur Webber
NX78032	Private Alexander John Wilmott (aka NX32019 - John Allan Willmoth)

Attachment B

The Policy in respect of awards for Prisoners of War killed while attempting to escape

The policy, adopted by Australia in 1944, and outlined in the previous Inquiries conducted by the Tribunal, is described as follows:

In a British Army Order, published on 5 May 1919, the Army Council indicated that awards to prisoners of war:

may be considered appropriate provided that no blame has been attached to the individual in respect of original capture where:

- a. exceptional service had been rendered by officers and soldiers whilst prisoners of war or interned; or
- b. exceptionally gallant conduct and/or determination displayed by officers and soldiers in escaping or attempting to escape from captivity.¹

In October 1942, a revised policy provided for those servicemen who showed outstanding performance, e.g., by escaping from prisoners of war camps, to be eligible for 'the same gallantry distinctions as are normally reserved for service under fire'. Whether or not an award was made and at what level was to be determined on the basis of post escape interviews with the individual concerned and others who had intimate knowledge of the actions.

Additional grounds for consideration for higher honours were given to those who:

- escaped after previous unsuccessful attempts;
- escaped when wounded;
- escaped alone;
- persisted in the attempt to escape when companions had thrown in their hands;
- acted as the leader of an escape party;
- brought back valuable information, etc.²

On 10 November 1943, the Imperial Prisoners of War Committee determined that prisoners of war who were killed while trying to escape should be regarded as eligible for consideration for the award of posthumous mentions in Despatches. The relevant Defence Honours and Awards Committees in the United Kingdom confirmed this change in policy. To ensure a uniform system was adopted for dealing with such cases across all Imperial Forces it was decided that the following should be the procedures:

- (1) the directorate of Prisoners of War [UK] to collect information from all sources concerning all prisoners of war killed while attempting to escape.

¹ Defence Submission to the Tribunal's FEPOW Inquiry, received under cover of VCDF/OUT/2009/470 dated 23 July 2009, Attachment A to Enclosure 1

² Defence Submission to the Tribunal's FEPOW Inquiry, received under cover of VCDF/OUT/2009/470 dated 23 July 2009, Attachment D to Enclosure 1.

- (2) this information would be passed on in the case of Dominion, Indian or Colonial personnel to the Dominion representative concerned or to the India or Colonial Office for confirmation or for further information.
- (3) the Directorate of Prisoners of War would then decide in the light of all the evidence available whether the escape should be considered as genuine and if it is considered genuine should submit the facts to the Honours and Awards Branch of the Service concerned or to the Dominions, Colonial or Indian representative for consideration for an award. The decision whether or not a recommendation for an award should be made will be in the sole discretion of the Honours and Awards Branch of the Service concerned or of the Dominions, Colonial or Indian Forces.³

This change in Imperial policy was considered by the Australian Defence Committee which on 16 February 1944 noted that ‘the same consideration should be given to prisoners of war belonging to the Royal Australian Navy, Australian Military Forces and Royal Australian Air Force who are killed while trying to escape’.⁴ The United Kingdom authorities were informed of this decision on 25 March 1944.⁵

³ War Office Paper No PWCA/P(43)67, 10 November 1943, attached to letter, R. D. Wheeler, Australia House London, to Secretary, Department of the Army, NAA: A816, 66/301/60.

⁴ Defence Committee Minute, 16 February 1944. NAA: A816, 66/301/60.

⁵ Cable, Prime Minister’s Department to High Commissioner, London, 25 March 1944, NAA: A816, 66/301/60.