

NX71902 DRIVER JEFFREY NORMAN SHELLEY

What has led to the consideration of Driver Shelley by this Inquiry?

1. In a submission to the Valour Inquiry Dr Kevin Smith OAM sought recognition for 28 individuals who were Prisoners of War and were said to have been either killed during escape or following recapture. Driver Jeffrey Norman Shelley is one of those 28 individuals brought forward for consideration.

Driver Shelley's service

2. On 25 March 1941, Driver Shelley enlisted at Narrabri, NSW. After basic training, he embarked for overseas service at Sydney on 29 July 1941 and arrived in Singapore on 16 August 1941. Driver Shelley was moved between a number of Australian Army Service Corps (AASC) units between August and December 1941, his final disposition being recorded as No. 1 Company, AASC, on 19 December 1941. Nothing further is known about Driver Shelley from the official records until he was reported missing to date 16 February 1942 following the fall of Singapore.¹

3. His service record then shows Driver Shelley as a Prisoner of War to date 16 February 1942 in an entry sourced from AIF Malaya and dated 23 November 1943.²

4. The Tribunal accepts that Driver Shelley was a Prisoner of War.

Driver Shelley's fate

5. Driver Shelley's service record was amended with a date of 29 October 1944 to state '*Died of Illness whilst P.W. (Malnutrition, Acute Bacillary Dysentery, Broncho Pneumonia)*'. The entry has a date of 9 October 1945 and its authority was notated '*CAS 5442*'.³ This entry aligns with General Headquarters (Australia) 2nd Echelon Casualty Advice, as well as an extract from a schedule supplied by Lieutenant H.G. Wells to 2nd Echelon Headquarters giving details of Australian POWs who were imprisoned in Outram Road Military Prison.

Evidence of escape

6. Driver Shelley appears to have been transferred to Sandakan in British North Borneo with B Force in July 1942.⁴ On or about 30 July 1942, he and three others, who were all now members of No. 1 Company AASC, made their escape from the POW camp at Sandakan.

¹ Service Record, J.N. Shelley. NAA: B883 NX71902.

² Service Record, J.N. Shelley. NAA: B883 NX71902.

³ Service Record, J.N. Shelley. NAA: B883 NX71902.

⁴ Entry for Driver J.N. Shelley, B Force Roll. NAA: B3856, 144/1/372 Part 4.

They remained in the general vicinity for the next few days, seeking local assistance, but their presence was reported to the Japanese and they were recaptured on 8 August 1942.⁵

7. After being returned to the POW camp and confined there for six weeks, the group was taken by sea to Kuching and subjected to continuing close confinement. They were not brought to trial until 25 October 1942, when all four were found guilty and each sentenced to four or five years' solitary confinement, which was to be served in Outram Road Gaol, Singapore.

8. The only official document which was made available to the Tribunal which specifically refers to Driver Shelley and the other members of his group having escaped and being recaptured is a document entitled '*Copy of Information sent by Lt Col A.W. Walsh RAA AIF from Kuching Prisoner of War Camp to Chief Liaison Officer Air Prisoner of War Camp Sandakan*'. This specifically mentions Driver Shelley and his colleagues, together with two other soldiers who separately escaped and were also recaptured in the same period, as "'B" Force Prisoners who escaped and were caught by IJA', their receiving sentences of four or five years' imprisonment, and the death of Private Thomas Harrington, another member of Driver Shelley's escape party. The original document was signed by three AIF witnesses, a Major, a Warrant Officer and a Sergeant.⁶

Conclusion as to escape

9. The Tribunal finds that there is evidence that Driver Shelley attempted, along with three other members of the AIF, to escape from Japanese troops at Sandakan POW Camp on 31 July 1942.

Evidence of Driver Shelley being killed as a consequence of attempting to escape

10. Driver Shelley was recaptured on 8 August 1942 and, was sentenced at a court martial in Kuching on 25 October 1942 to four years' imprisonment in Outram Road Gaol. He and the other survivors were returned to Singapore, where they arrived on 12 January 1943.

11. On 28 September 1943, over a year after his recapture, and some months after his arrival at Outram Road Gaol, Driver Shelley was transferred to the POW Camp Hospital at Changi for treatment. He was returned to Outram Road Gaol on 15 November 1943. Driver Shelley was again sent to the Changi Camp Hospital on 25 October 1944, but died there, reportedly from the combined effects of Malnutrition, Acute Bacillary Dysentery and Left Broncho-Pneumonia.⁷

⁵ Kevin Smith, *Escapes and Incursions: Sabah 1942-45*, K.R. & H. Smith, Armidale, 2006, pp. 29-30.

⁶ The document is held in the papers of Ms Lynette Silver, OAM. In addition to Kevin Smith, *Borneo: Australia's Proud but Tragic Heritage*, KR & H Smith, Armidale, 1999; see: Smith, *Escapes and Incursions: Sabah 1942-45*; Lynette Ramsay Silver, *Sandakan, A Conspiracy of Silence*, Sally Milner Publishing, Binda NSW, 2006.

⁷ Medical Return, Shelley. AWM54 481/8/26. See also, 2 Echelon Casualty Advice, Shelley. NAA: B3856, 144/1/372 Part 1; and Shelley's prison record. NAA: B3856 144/1/358.

Conclusion as to nexus between death and escape

12. The Tribunal is reasonably satisfied that Driver Shelley died as a result of pneumonia, dysentery and malnutrition following his poor treatment after recapture by Japanese forces. However, there was general maltreatment of Allied POWs by the Japanese, with an associated death toll. There is no evidence that Driver Shelley was subjected to additional mistreatment; dysentery and malnutrition, and probably pneumonia, were widespread in the POW camps. The Tribunal observes that Driver Shelley's death was over two years after his recapture. Furthermore, another member⁸ of Driver Shelley's escape group who was similarly imprisoned, survived.

13. The Tribunal is not reasonably satisfied that the poor treatment, while in itself appalling, was sufficiently more harsh than that experienced by other POWs, especially given the lapse of time from recapture to death. Consequently, the Tribunal cannot be reasonably satisfied that Driver Shelley meets the requirements of the Terms of Reference for inclusion.

Tribunal finding

14. The Tribunal finds that while there is evidence that Driver Shelley attempted, with three other members of the AIF, to escape from Japanese troops at Sandakan POW Camp on 31 July 1942, his death, almost two years later, could not be directly linked to this escape attempt. As a result, the Tribunal finds that he cannot be considered for medallic recognition under the Terms of Reference for this Inquiry.

⁸ SX13760, Driver Murray Edgar Jacka.