

25 Conspiracy: bodies buried on the beach

25.1 I am satisfied beyond any doubt that SS CAPE OTWAY did not find any bodies of Australian (or German) sailors floating in the water, either off 'N.W. Cape' or at the Zuytdorp Cliffs. Since these are the only bodies that have been alleged to be found, it follows that there were no bodies to be buried.

Speculation

25.2 If, however, contrary to my finding, one were to accept that CAPE OTWAY found bodies floating in the sea in an indeterminate location and further accept that CAPE OTWAY received an order to do nothing and to leave the area immediately, that would leave the bodies still floating at sea. If the assertion that bodies were buried on the beach is to have any credence at all, three things would have had to occur:

- The bodies would need to have been washed ashore.
- The bodies would need to have been found by someone.
- The bodies would need to have been buried by someone.

25.3 There is no evidence to support any of those three essential requirements.

25.4 It is useful to trace the emergence of this burial allegation. It is, in a somewhat confused way, associated with but separate from the two other allegations—CAPE OTWAY having found floating bodies somewhere at sea and CAPE OTWAY's log having been interfered with in order to hide the asserted fact of the finding of bodies and the direction from Naval authorities to do nothing other than leave the area. Those matters are two aspects of a conspiracy theory that there was a 'cover-up' by 'authorities', presumably the Navy, so as to transfer blame from those authorities, presumably for not engaging in a timely search that would result or might have resulted in rescuing surviving sailors from SYDNEY. The third aspect of this cover-up theory is that 'authorities' arranged for the burial of the bodies on the beach so as to sustain the cover-up.

25.5 This conspiracy theory involves very convoluted thinking. I must, however, examine the third aspect of the theory—that bodies were buried on 'a beach'.

25.6 In the books published by researchers such as Professor Tom Frame, Mr Wesley Olsen, Mr John Montagu, Ms Barbara Winter and Ms Glenys McDonald there are no references to the bodies of SYDNEY's sailors being buried in the dunes adjacent to Shark Bay or in any other place along the Western Australian coast. Nor are there references to bodies of SYDNEY sailors or anyone else being buried on the Western Australian coast in the submissions to or the report of the Parliamentary Inquiry.

25.7 The first recorded reference to buried bodies appears in Mr John Samuels' book *Somewhere Below: the Sydney scandal exposed*, published in 2007 but copyrighted in 2005. In his book Mr Samuels refers to what he calls a 'confession' an ex-Army member made to his daughter shortly before his death. Mr Samuels says he had spoken to the soldier's daughter, who said her father told her that while attached to an Army engineers militia unit in Fremantle he had been part of a small unit raised to go north by road transport on a job that required every man to sign an official secrecy document. It was asserted that when they arrived at a spot north of the Zuytdorp Cliffs they were directed to bury more than 50 grotesquely distorted cadavers of men who had been SYDNEY's crew.¹

25.8 Regarding the names of this man and his daughter, Mr Samuels wrote in his book:

His name can't be recorded at this point (although his daughter is prepared to reveal it to a Royal Commissioner). She dictated the old digger's story about the burial to me in October 2003. The same story has been told to members of the Sydney Research Group and to Lt. Commander Vic Jeffery, who believes that the army burial party is factual.²

25.9 In evidence, Mr Samuels said the daughter's name was 'Enid' and she came from South Australia. He said he had been unable to contact her but would make every effort to do so.³ Despite a letter from the Inquiry, reminding him of this undertaking and sent on 30 January 2009, no further information was forthcoming.

25.10 Mr Phillip Shepherd wrote:

Consequent to the SS Cape Otway incident, there is evidence of bodies being washed ashore at Dulverton Bay, (False Entrance) in early December 1941.

¹ PUB.001.0001 at 0141

² PUB.001.0001 at 0141

³ TRAN.022.0001_R at 0123_R to 0124_R

There is further evidence that an Army party travelled through Carrarang Station in December 1941 and buried badly decomposed bodies in near proximity to the beach at Dulverton Bay, (False Entrance).⁴

25.11 Mr Jeffery gave evidence. He did not advance the name of the woman concerned. He was asked:

Q: Can I ask you what your opinion is about whether or not there were bodies buried on the beach?

A: Going back to newspaper days, many, many years ago, the information that has been conveyed to me over the years, I would lean that way, but like previous people who have been before this Commission, I cannot verify people's letters, confirm them.

Q: Do you have any independent evidence about whether or not there were bodies buried in Carrarang Station in particular?

A: I had never heard Carrarang Station mentioned up until this chap came along.

Q: What about any other place?

A: Most of them are pretty wild stories. During a Coastwatch trip as a Naval Reserve Officer and trips up north, 30 or 40 years in the media and public relations, it certainly has arisen, and from reliable people. But the other side of that is my concern that if we did find graves, what would it actually do to the families? Unidentified graves? It's a can of worms.⁵

And later:

Q: If you take Carrarang Station out of the equation.

A: Yes, I do believe that bodies are buried.

Q: On what basis do you believe that?

A: The biggest problem we have today—maybe it's opportune, or maybe it's not—is that the people who had this information are no longer with us. We are looking at something that happened more than 60 years ago. I have dealt with these people over many years. They were men of credibility, gentlemen. They are all gone. It now just becomes hearsay.

Q: Have you spoken directly to any of these people you referred to?

A: Several.

⁴ CORR.002.0215_R at 0216_R

⁵ TRAN.027.0001_R at 0115_R Line 14

Q: Who are they?

A: I wouldn't remember their names now. As I said, some of this goes back to newspaper days. They were predominantly ex-Army.⁶

And later again:

Q: Do you know the name of anyone who asserts that they were part of a burial party?

A: No, I don't, sir.

...

Q: Have you seen, or are you aware of any letters purportedly written by members of an alleged burial party who went to Geraldton or Carnarvon, or somewhere in between, to bury bodies? Have you seen any?

A: I certainly know of them. I honestly don't recall whether I've seen them. I've had letters read to me.

Q: By whom?

A: People who allege these people were involved. I'm going back a long way. It was always Army; it wasn't Navy.

Q: How far are you going back when you say, "I'm going back a long way"?

A: In the 1980s, early 1990s.⁷

25.12 Mr M Cramer OAM also gave evidence. He is an associate of Mr V Jeffery OAM. He said he did not have the slightest idea whether or not the stories about the alleged burying of bodies were true.⁸ Nonetheless, he was continuing to search for bodies, without success.

25.13 Mr Shepherd also submitted to the Inquiry:

It is my submission that the remains of an unspecified number of the crew of HMAS Sydney II were buried by an Army party near Dulverton Bay on Carrarang Station in Western Australia in December 1941.⁹

⁶ TRAN.027.0001_R at 0116_R Line 8

⁷ TRAN.027.0001_R at 0118_R Line 19

⁸ TRAN.026.0001_R at 0051_R Line 22

⁹ CORR.002.0215_R

Having referred to CAPE OTWAY sailing through 'bodies floating in the water', he wrote:

There is further evidence that an Army party travelled through Carrarang Station in December 1941 and buried badly decomposed bodies in near proximity to the beach at Dulverton Bay, (False Entrance).

Given the timing of these events and the fact that at least one member of the Sydney crew got away from his sinking ship, (the Christmas Island man) and the fact that only five of Sydney's nine lifeboats and two of her six Carley floats have been accounted for, it is not unreasonable that the bodies sighted by the Cape Otway and those buried at Dulverton Bay were the remains of HMAS Sydney II crewmen who got away from their sinking vessel and later perished attempting to make landfall at the aptly named treacherous, False Entrance, adjacent to Zuytdorp Point at latitude 26.24S on the coast of Western Australia, 115 n/miles east of the wreck of HMAS Sydney II, which sank in the evening of the 19th of November 1941.¹⁰

- 25.14 In evidence before the Inquiry Mr Shepherd accepted that, although the CAPE OTWAY log might have had some 'casual errors' that had nothing to do with the loss of SYDNEY, it had not been 'tampered with'.¹¹ He also accepted that the supposed bodies buried did not come from SYDNEY or KORMORAN. He advanced, for the first time, a suggestion that they might have been the bodies of SYDNEY sailors who had escaped in one of the four ship's boats unaccounted for by the wreck photographs.¹² He thought that was 'logically possible'.¹³

In relation to the allegation that members of SYDNEY's crew were buried by an Army party 'near Dulverton Bay on Carrarang Station', the only material Mr Shepherd advanced was that of 'Ivy Mallard's relatives'. Ivy Mallard had said she sat on the veranda at Carrarang Station and, looking out to sea, had seen and heard 'bang, boom and smoke' allegedly from the sea battle. Her written recollection made no mention of any Army party on Carrarang Station or at any other place.¹⁴

- 25.15 Many of those who support the 'burying bodies on the beach' speculation refer to an allegation that a convoy of trucks drove to Carnarvon. Mr Shepherd wrote, 'An Army party travelled through Carrarang Station in December 1941 and buried badly decomposed

¹⁰ CORR.002.0215_R at 0216_R

¹¹ TRAN.026.0001_R at 0075_R

¹² TRAN.026.0001_R at 0079_R

¹³ TRAN.026.0001_R at 0080_R Line 23

¹⁴ TRAN.026.0001_R at 0087_R to 0088_R

bodies in near proximity to the beach at Dulverton Bay (False Entrance)'.¹⁵

Ms McDonald was less direct:

I also wondered, after the air search was called off suddenly, why an army convoy of twenty trucks left Fremantle on 29 November and arrived at Carnarvon at 10 p.m. the next day. By that time the search was over, so no aviation fuel was required for searching aircraft, and the German prisoners were safely in Perth.¹⁶

25.16 The following is known of Army truck movements.

On 25 November 1941 Western Command arranged for a convoy of 12 vehicles containing a guard of three officers and 43 men, together with provisions for 250 men for three days, to proceed to Carnarvon, to arrive there after midday on 27 November 1941.¹⁷ It appears, in fact, that the number of trucks was increased to 20 and that they arrived at No. 4 Service Flying Training School in Geraldton on 29 November 1941, en route to Carnarvon.¹⁸ The No. 4 Service Flying Training School operations record book records that 18 trucks from the Army convoy arrived in Carnarvon at 0400 hours on 30 November 1941, with the fuel from a truck that had broken down in Northampton to be returned to Geraldton.¹⁹

There is no written record of the date these trucks left Fremantle, but it is unlikely to have been 29 November 1941, as is asserted by Ms McDonald: the trucks are recorded as having arrived in Geraldton on that date.²⁰ Ms McDonald's further assertion that 'the German prisoners were safely in Perth' must also be incorrect.

25.17 There are a number of possible and credible reasons why Army trucks would have been seen in or around Carnarvon:

- AIRCDRE HF De La Rue DFC, Air Officer Commanding Western Area, reported that the Army had despatched 40 men by road to assume custody of the German prisoners.²¹
- CAPT Detmers and LCDR Foerster were transported from Carnarvon to Perth by road in an Army truck. Their convoy, which

¹⁵ CORR.002.0215_R at 0216_R

¹⁶ EXH.167.0001 at 0013

¹⁷ AWM.008.0002; AWM.008.0188

¹⁸ RAAF.001.0001 at 0010

¹⁹ RAAF.001.0001 at 0009 to 0010

²⁰ RAAF.001.0001 at 0009

²¹ NAA.018.0251 at 0253

included a second vehicle with eight guards, stopped at a number of places during the long journey south, including Geraldton.²²

- At 2000H on 25 November 1941 more than 40 personnel in 12 Army vehicles left Swanbourne Barracks in Perth for Carnarvon.²³
- On 28 November 1941, 10,000 gallons of aircraft fuel arrived in Carnarvon. It is not known how that fuel was transported, but it could well have been moved in Army trucks. ²⁴
- The records of No. 4 Service Flying Training School show that on 29 November 1941 an Army convoy of 20 trucks arrived in Geraldton en route to Carnarvon.²⁵

25.18 There is no evidence to support an assertion that an Army party travelled through Carrarang Station in December 1941, nor did Mr Shepherd provide any evidence at all to support his assertions that such an Army party was present for the purpose of burying bodies or that they did so.

25.19 It is clear that there was an Army presence in Carnarvon in November and December 1941. The documentary evidence, however, supports a finding that the Army was dispatched to provide security for the custody and transportation of the German prisoners, as well as for administrative and logistic purposes. There is no evidence of any other Army presence in the area at that time.

Conclusion

25.20 Once the CAPE OTWAY story of seeing bodies in the water is dismissed as ungrounded speculation, as it must be, those advancing the notion of the burial of bodies on the beach have the difficulty that there are no bodies to bury. Mr Shepherd recognised this and therefore advanced, for the first time on 3 February 2009, the 'logical possibility' that there might have been bodies of SYDNEY sailors who had drowned, those sailors having somehow escaped from SYDNEY in one of the four ship's boats unaccounted for by photographs of the wreckage. This was another attempt at adapting known facts to a speculative assertion.

25.21 There remain, however, insuperable difficulties for the theorists. First, there is no evidence that any bodies were found or buried. There is

²² CORR.007.0034 at 0142; PINQ.SUBS.008.0066 at 0105

²³ AWM.008.0002; AWM.008.0188

²⁴ NAA.016.0001 at 0061; RAAF.001.0017 at 0020

²⁵ RAAF.001.0001 at 0009; BATT.001.0032

simply hypothesising. Second, who found the bodies? Third, why was the find not reported? Fourth, who buried the bodies? Fifth, why would military authorities hide the finding of the bodies?

- 25.22 The extent to which military authorities have gone to recover deceased servicemen is well known. Deceased servicemen are buried with honour. The idea that on this occasion, having conducted an unsuccessful search for relics of SYDNEY, the authorities found the bodies and decided to hide the fact and secretly bury them defies common sense. So does the notion that it would be possible to hide for more than 60 years such a decision, bearing in mind the number of people who would have been involved in both the decision making and the implementation of such an endeavour.
- 25.23 The reality is that no bodies of either Australian or German survivors were found floating in the water off the coast of Western Australia or were subsequently buried.