

1 <MAXWELL CRAMER, sworn:

[11.49am]

2
3 <EXAMINATION BY LCDR KERR:

4
5 LCDR KERR: Q. Could you please tell the Commission your
6 full name, your address and your occupation?

7 A. My name is Maxwell Cramer OAM. [REDACTED]
8 [REDACTED]
9

10 Q. Your occupation?

11 A. I'm a retired builder, and I am also an amateur
12 historian for over 40 years in the Geraldton area.
13

14 Q. Do I understand you to be saying that you've lived in
15 the Geraldton area for over 40 years?

16 A. Yes, all my life.
17

18 Q. Sir, as a result of some contact you made with the
19 Commission of Inquiry, were you served a summons to produce
20 some documents?

21 A. That is true.
22

23 Q. And you responded to that summons by producing a
24 number of documents on 7 January 2009?

25 A. That's right.
26

27 Q. In those documents, you included - if I could ask for
28 COI.005.0217 to be brought up. Do you see that in front of
29 you, sir?

30 A. Yes.
31

32 Q. Do you agree that's a copy of a document that you sent
33 to the Commission?

34 A. It certainly is.
35

36 Q. If I can read to you what you've written on that page,
37 which is an extract from a book written by John Samuels; is
38 that correct?

39 A. That's correct.
40

41 Q. And the top half of the left-hand page is something
42 that you have written?

43 A. Yes.
44

45 Q. You say:

46
47 *These pages are from a book by John Samuels*

1 *of Queensland Somewhere Below printed in*
2 *2005.*

3
4 *They tell of a confession to the daughter*
5 *of an old soldier on his death bed. It*
6 *outlines a mission he was on where he*
7 *helped bury drowned Sailors from the*
8 *HMAS SYDNEY. One very important item in*
9 *the mention of the area is that it was a*
10 *bay with 2 headlands. Directly in from*
11 *[where] the Sydney was lost and it is the*
12 *only bay that meets the description for*
13 *hundreds of miles, and it also fits with*
14 *his story of the journey to the area.*

15
16 *In 2006 a reader of the book wrote to the*
17 *publisher and admitted to being in a*
18 *similar party and did not leave his name.*
19 *His story is submission 3.*

20
21 *It is possible that person is still alive*
22 *today. I can understand him not wanting to*
23 *be identified. However if an amnesty for*
24 *persons involved in the burial party could*
25 *be found by advertising in RSL venues it*
26 *would be a great chance to find the*
27 *answers. No one alive today can be blamed*
28 *for the event.*

29
30 If I could take you through the issues that you have raised
31 there, the first one is that you talk about a confession
32 made to the daughter of an old soldier on his death bed.
33 You refer as a basis for that the second page of the
34 document you have submitted to the Commission of Inquiry.
35 Could we go to the bottom left-hand corner.

36
37 Mr Cramer, without reading the words on the page, it
38 tells of a story of an old soldier, who Mr Samuels says has
39 recounted facts to his daughter and that he kept a dreadful
40 secret for four decades?

41 A. That's right.

42
43 Q. That he had been part of a burial party while he was
44 attached to a unit of Army engineers militia in Fremantle.
45 He says that he was told to go with the party by road
46 transport north and that he was required to sign an
47 official secrecy document. It says that they were taken to

1 an area north of the Zuytdorp Cliffs where they came across
2 bodies - more than 50 bodies - of men who had been *Sydney's*
3 crew and that they were given orders to bury those bodies.
4 What is your position, sir, in respect of that assertion?
5 A. I was given the book. I read the story. It appealed
6 to me. I'm a Geraldton person. I was only seven years of
7 age when the *Sydney* was sunk. I've followed this story and
8 all the problems associated with it.

9
10 As an historian and after the *Sydney* was discovered,
11 the general feeling in Geraldton - as I was a local
12 historian, I was hammered rather heavily about how could it
13 have happened that there were no survivors? And this was a
14 part of it. I took it up with a few friends. I think
15 there were eight of us who were in this, and we decided
16 just to have a look at the situation, and that's about how
17 it stands today.

18
19 Prior to this, I had acquired an air photo taken
20 23 months after the alleged burials, and that's about it.
21 We have had five visits to the area. At this stage, we are
22 still just assessing the situation.

23
24 Q. Can you tell me, sir, firstly who the other seven of
25 you are in the group?

26 A. I can. Two of them are here today - my son and
27 grand-daughter. This was on the very first trip. It was
28 an exploration into the area just to get a feel of what the
29 situation was. I had been to False Entrance before. We
30 had the aerial photo. When we first looked at it, I was
31 almost certain I could see the diggings of the grave. When
32 I got there, it was awesome. The area is just so huge. In
33 actual fact, the area that we thought was graves was the
34 size of a football field. We went home and analysed it.
35 We have been visiting there since, just checking areas. On
36 the first trip, we found out that there was a tank there
37 that we didn't know about with the aerial photo.

38
39 Q. A water tank, sir?

40 A. A very old stock tank, which, in actual fact, is in
41 the original photograph. We had the idea that the water
42 tank would have attracted these people, because they did
43 the digging in the middle of probably December/January -
44 probably December. It was extremely hot. I would have
45 thought they would have bathed, and there was no mention of
46 this. This gave us another idea, that we may be looking
47 somewhere else. We have since just looked in the area. We

1 search around and make an assumption. I point out that it
2 is a very long trip. The second and third trips were just
3 one-day trips. It only gave us a few hours to check out
4 what we wanted. We are progressing slowly through, with
5 nothing more than work in progress at this stage.
6

7 I think I could honestly say here that I don't know
8 whether to believe these what I'm calling confessions or
9 not. There were three of them, in actual fact.
10

11 We're going to keep looking. It's very difficult to
12 look without digging, and we don't intend to dig. We are
13 in an early stage of negotiating with people with
14 magnetometers and with ground radar.
15

16 We were initially working with people who had had very
17 big experience in metal detector work. Because they spoke
18 of throwing the stretchers on top of the graves, on top of
19 the bodies, we actually examined the wartime stretchers,
20 found they had metalwork on them and couldn't believe that
21 we weren't getting readings. We then tested the metal
22 detectors to find that they weren't really bringing up
23 anything that could have been buried over 3 to 4 feet.
24

25 We haven't really progressed any further at this
26 stage. It is a very, very desolate area. It is very hot,
27 and at this stage we're not doing any more until it cools
28 down.
29

30 Q. You mentioned eight people. You've told me about two.
31 A. I have a very good friend - he's the metal detector,
32 Dominic Lamera; Tony Horn, a South African-Canadian, who is
33 a very, very brilliant guy; Bob Urquhart, Airport Manager
34 of Geraldton Airport. Most of us are members of the
35 Maritime Heritage Association in Geraldton. We have since
36 brought in --
37

38 Q. You have given me six, including yourself.

39 A. My son is Kim Cramer, and my grand-daughter Liberty
40 Cramer. We have another man now, who is a South African.
41 I'm 74. I'll have to think about that, but I'll give you
42 his name afterwards.
43

44 Q. That's seven.

45 A. I'm just trying to think. I'll give you the eight
46 afterwards.
47

1 Q. Are you sure about the number?

2 A. Yes.

3

4 THE PRESIDENT: Q. Mr Cramer, was your interest in this
5 stimulated by Mr Samuels' book?

6 A. I beg yours?

7

8 Q. Was your interest in this suggestion that there might
9 be bodies buried on the beach stimulated by Mr Samuels'
10 book?

11 A. Not necessarily. I had heard this before. Over
12 40 years, I've certainly heard a lot of stuff on the story.
13 This was probably the first written account. I have never
14 met Mr Samuels, although I have talked to him on the phone.
15 I have mixed opinions on that. It was just a basis for the
16 story, and I then followed it up. His partner, George
17 Karlov, was the person who forwarded me the other two under
18 copyright.

19

20 Q. Have you read the questions that were put to
21 Mr Samuels about the views expressed in his book?

22 A. Yes, I have.

23

24 Q. He recanted in relation to every one of them, on the
25 basis that he had no evidence whatsoever to support
26 anything he had written.

27 A. I'm fully aware of that. I have made an extensive
28 study of the actual confessions, and I find it difficult to
29 believe that anybody could write those confessions without
30 a visit to the site, which is in an extremely remote area.
31 Apart from the first one, which was - I am an associate of
32 Vic Jeffery's, and I spoke to Vic as to what he thought
33 about it. He made two comments that are not in that
34 particular book.

35

36 LCDR KERR: Q. Before you go on, sir, you referred to
37 "the first one". Are you referring to one of the letters?

38 A. Yes, CMDR Vic Jeffery, I believe.

39

40 Q. I understand that, but while you were giving your
41 evidence, you said "the first one". The first letter that
42 you received - is that what you mean?

43 A. No, that would be just the story in the book by
44 John Samuels. I spoke to confirm that with Vic Jeffery.
45 Allegedly he was at the meeting when a woman came forward.
46 He spoke of two things that are not in the booklet. One of
47 them was that the girl said that her mother stated that her

1 husband was never the same man after he returned - I could
2 not get any more out of it, whether that meant returned
3 from the trip or returned from the Army - and that he was
4 to turn grey overnight. That's all I have on that from
5 Vic Jeffery, who I know personally.
6

7 Q. What you just told us arose from a conversation
8 between you and Vic Jeffery?

9 A. That's right.

10
11 Q. He told you about a meeting he had been to where a
12 woman had told him this?

13 A. Yes. It was early investigations into trying to get
14 together a search for the *Sydney*. I think that's mentioned
15 in Samuels' book - the actual name of the department or the
16 committee that was together.
17

18 I have since questioned him on those and have been
19 given several other names of people. I've rung a couple of
20 them and really didn't get anywhere with that at all. The
21 main clue of the statement made in that area was that it
22 was a bay that had two headlands, and unless you've
23 actually been there, you would not know it, and there are
24 no other bays within 100 miles either side of that
25 particular area. Of course, along with the road trip and
26 the turning west, that is very, very realistic to someone
27 who knows the area very well.
28

29 Q. Do you recall when this conversation with Mr Jeffery
30 was?

31 A. Nothing much more than I've told you there.
32

33 Q. Do you recall when the conversation was?

34 A. It was probably two to three years ago.
35

36 Q. Do you remember where you had this conversation?

37 A. On the phone. I met Mr Jeffery at his base in
38 Garden Island for half a day and had a long conversation
39 with him on various items. I went to meet him, because the
40 actual island had a canon that had been retained off the
41 *Batavia*, which the Navy did for us in 1963, and I hadn't
42 seen it since. It was very important me for me to relook
43 at it and to photograph it.
44

45 Q. You mentioned that the story that appeared in
46 Mr Samuels' book referred to the headlands. I think
47 I understand you to be saying that that's a significant

1 issue for you, which gives that story some credibility?

2 A. I would say so.

3

4 Q. You would agree with me, though, wouldn't you, that
5 anyone who had been there would be able to describe those
6 headlands?

7 A. Yes, I'm sure - not sufficient. I just recognise
8 that. There are other stories around, which I've checked
9 up very closely, and one of course is the story of the
10 people who noticed the trucks go into False Entrance
11 several weeks or fortnights after the *Sydney* went down.

12

13 I've confirmed that with a gentleman by the name of
14 Dick Holt. I went all the way to Shark Bay to interview
15 him. I've known him for over 50 years. He's an extremely
16 honourable man. He was probably in his teenage years when
17 he was working on Carrarang Station. He did not witness
18 it, but I believe it was his mother-in-law who did and told
19 him.

20

21 Q. That is Ivy Mallard, is it?

22 A. Yes. I do point out that there weren't very many
23 exciting things on Carrarang Station in 1941. These are
24 very honourable people, Ivy Mallard particularly. I feel
25 very sure of the things that did happen. I also have very
26 close contact with the son of the owner of Carrarang
27 Station, who lives in Geraldton. He's about three years
28 younger than me. He doesn't remember any of this, because
29 of his age, but he confirms that his father was the lessee
30 of Carrarang and that Ivy Mallard and her husband were just
31 employees on the station, that's all.

32

33 Q. When did you have this conversation with Dick Holt?

34 A. Probably about three to four months ago.

35

36 Q. Is that the first time that you had spoken to him
37 about it?

38 A. It's the first time I had spoken to him about it.

39

40 THE PRESIDENT: Q. Mr Cramer, when did you become
41 interested in this topic of alleged bodies buried on the
42 beach?

43 A. I've been racking my brains on this. It started with
44 somebody telling me - and, remember, there have been a lot
45 of rumours around, but somebody told me that air
46 photographs taken of the coast had all been eradicated out
47 of the film or blackened out. It just raised my attention.

1
2 What kick-started it I don't know. As things were
3 progressing to find it, I decided that I would check on the
4 photograph. I have a cousin who has written a book about
5 the Geraldton Airport and was chasing early photographs.
6 He gave me the address of, I think it's United Photos,
7 where I was able to acquire the photos.
8

9 My first job when I left school was to spend 12 months
10 working for Air Surveyors WA, so I'm fairly familiar with
11 the process of runs, overlaps and air photography.
12 I sought out and bought the frame that included False
13 Entrance and was pleasantly surprised to find that it had
14 not been inked out, and left it at that. I didn't do
15 really anything more with it other than look at it.
16 I couldn't see by buying other photos, and I inquired for
17 earlier photos, but they had nothing, and I haven't been
18 able to acquire earlier photos.
19

20 But, of course, we compare our photo now with Google
21 Earth, which is very interesting, to find that many of the
22 things are very similar. Some things are completely
23 different, but trees on the beach are in exactly the same
24 position that they were in --
25

26 THE PRESIDENT: May I interrupt you for a minute to say
27 this. A lot of books have been written about *HMAS Sydney*
28 and its loss - books by Professor Frame, Mr Olson,
29 Mr Montagu, Ms Winter and Ms McDonald, to name but a few.
30 None of those make any reference to burial of bodies on the
31 beach. Nobody put any submission, I think I'm right in
32 saying, to the Parliamentary Inquiry in 1997 to 1999 about
33 there being bodies buried on the beach. Is that right?
34

35 LCDR KERR: That's correct, sir.
36

37 THE PRESIDENT: Q. The first time that this theory
38 emerged that there were bodies buried on the beach was in
39 the book written by Mr Samuels in 2005, so it emerged for
40 the first time some 64 years after the loss of *Sydney*. It
41 is very dependent upon there actually being bodies to bury,
42 because you can't bury a body unless you find it. The
43 basis of the theory comes from Mr Samuels, and that depends
44 upon bodies being seen by people on *Cape Otway*, because
45 nobody else has ever suggested that they ever saw any
46 bodies.
47

1 If *Cape Otway* did not see any bodies, one has to say
2 where did the bodies come from; who found them; and who
3 buried them? As presently advised, I should say to you
4 that there is nothing to support the *Cape Otway* story that
5 there were any bodies seen by anybody on *Cape Otway*.
6

7 If that falls down, who is it who found the bodies?
8 Who is it who took them ashore, and who is it who buried
9 them? It starts with Mr Samuels in 2005. When he was
10 examined before this Inquiry in Sydney a week or so ago, he
11 said that he had no basis whatsoever for any of the
12 allegations which he made in his book.
13

14 That means that the bodies on the beach concept
15 evaporates. I appreciate your going searching for them,
16 but we need to have some evidence of some sort that there
17 might even be bodies there.

18 A. Can I answer that, sir?
19

20 Q. Yes.

21 A. I was delighted just within two weeks with a very
22 large press release where the people have examined the
23 actual sinking of the *Sydney* and the results were that they
24 stated finally that there was every chance that 80 per cent
25 of the people died instantaneously. It's the first time
26 I've heard - I've got all the books you mentioned and I
27 have read them --
28

29 THE PRESIDENT: Q. It was 70 per cent actually?

30 A. No-one has ever suggested that maybe some people may
31 have got off. In my research involving the *Batavia*,
32 Francis Pelseart in 1629 had a boat the size of a lifeboat
33 of the *Sydney* with 46 people and made a three-week journey
34 to Sunda Strait without losing one body. We have no
35 witnesses at all from the time the *Sydney* sailed away -
36 I've looked at all the German work and all of that - and
37 there was a period of four hours. If 20 per cent of the
38 people were still alive on the boat, I imagine that, being
39 Australians, they would have done everything in their power
40 to do something about it. I think by the time we realised
41 anything happened and the German lifeboats had turned up,
42 we probably never turned an eye towards the possibilities,
43 but there is a possibility there. I know you want facts,
44 and you are not going to get any facts.
45

46 The only facts you will get is that I intend to follow
47 this through for another couple of months - we are very

1 close; we have put in a lot of hours. I believe we have a
2 few results. There will only be one way we will ever know,
3 and that will be to find some bodies. Our most difficult
4 position is --
5

6 Q. The only way you'll ever know what?

7 A. If we find some bodies and they are to be exhumed - we
8 were very moved in Geraldton with the one found on
9 Christmas Island; that's what a lot of people have kicked
10 me along on. We intend to keep looking using ground radar
11 on some areas. At this stage, because of the size of the
12 area, we just can't turn up with some guys because they
13 just walk. We have to have some ideas. I'm very neutral
14 on whether these confessions are true or not. I will just
15 say, , "Well, they were wrong."
16

17 Q. The confessions?

18 A. The confessions of a couple of people, through the
19 girl and her story to the committee, which is in John
20 Samuels' book, the one who wrote to his publisher, and the
21 other one that came from the South Australian Lutheran
22 Minister, they are out there. I do not have the slightest
23 idea of whether they are true or false, but it is an
24 interesting project. We're spending our money. We have
25 eight fairly prominent people who have also read the
26 stories. We're not asking for any money. We're just going
27 to follow this through. We'll probably be through it
28 by June or July and, if we find nothing, we have nothing to
29 lose anyway. If we do find something - there will be some
30 people who were very, very moved by the body that was
31 buried in Geraldton - if there was any chance of it being
32 true, it should be looked at, and I'm prepared to do it.
33

34 Q. I was rather thinking if there was any basis for
35 anyone to suggest that there really were any bodies there
36 at all to bury. One of the problems with this is that the
37 only suggestion that bodies were found comes from
38 *Cape Otway*. The only suggestion in the *Cape Otway* story is
39 that the bodies were all Australian sailors. We know that
40 about 60 Germans lost their lives. And what happened to
41 their bodies?
42

43 If I may say this to you: one view would be that the
44 reason why this "bodies" story has kept going is that it is
45 absolutely critical if the so-called conspiracy theorists
46 want to maintain that the Australian Government was
47 delinquent in its efforts in relation to finding *Sydney*,

1 but what they don't address is what happened to the 60
2 German bodies. If they were lost overboard, as the
3 evidence seems to suggest they were, and if there were
4 bodies from *Sydney* which escaped, which on the evidence
5 seems highly improbable, then why is it that the suggestion
6 is that you find only Australian bodies, not also German
7 bodies?

8 A. I don't need to have the actual bodies from the *Otway*
9 to be involved in it at all. I'm suggesting that
10 10 per cent of the crew could easily row within two to
11 three days towards False Entrance. The land is high, they
12 would see that first day out. If they were able to patch
13 up one or two lifeboats and row, they would have done, and
14 no searches were made until three or four days, and the
15 words "False Entrance" mean exactly that. Almost for
16 sure - let's put it this way, no bodies from the wreck site
17 would have ever washed in that far. They could only have
18 come in on a lifeboat or lifeboats.

19
20 If they came in, by the time they got there they would
21 be very distressed and they would see the sandy beaches and
22 they would row towards them. Without a doubt, they would
23 have drowned getting ashore. It is False Entrance, it is
24 an extremely rough area. I have experience of diving on
25 the Zuytdorp, which is just south of there. It was found
26 in 1927 and it took until 1964 for anyone even to get into
27 the water. There were expeditions. We worked out what was
28 needed and we made that dive. I have over 60 years of
29 experience in that area of diving. I was a builder, but
30 I was also a diving contractor.

31
32 I believe that that's a possibility. I would like to
33 follow it through without any further ado and you would be
34 the first man to know if we find anything at all. We are
35 very lucky; we have a man who has instruments at this stage
36 who can use magnetometers. We might have to revert to
37 something like ground radar, which either way is not
38 disturbing in any form whatsoever and, finally, of course,
39 there are dogs in Queensland called cadaver dogs, which I
40 believe can come over and search. They have a good track
41 record. We will work through with that. If any of these
42 work, you'll be the first person to know.

43
44 I would prefer not to have too much publicity about
45 this, because we don't want to be interfered with. If we
46 find it, we are not allowed to dig - I've sent you
47 information on the rules for the area and we are abiding by

1 that immensely.

2

3 LCDR KERR: Q. Can I take you back to a comment you made
4 about Dick Hoult and you had a conversation with him three
5 or four months ago?

6 A. Yes.

7

8 Q. He related to you a story he had been told by his
9 mother-in-law.

10 A. Yes.

11

12 Q. Ivy Mallard. What was that story?

13 A. Going back to Ivy Mallard, there was a lot of
14 contention that she reckons she saw or heard the *Sydney* go
15 down. She was about 120 miles away from where it went
16 down. She recorded either flashes or heard noises. I have
17 spent more time in my life arguing over that on her behalf.
18 Krakatoa was heard in South Africa, and I don't think the
19 *Sydney* going down could be related, but there could have
20 been a boom. Bushfires can be seen for well over 100
21 miles. If there was a lot of smoke, maybe she saw little
22 bits of smoke that grew in her imagination to be a lot of
23 smoke, we don't know.

24

25 Not a lot happened in Carrarang Station in 1941. With
26 this other young chap I was able to find out what vehicles
27 they had there. She saw Army vehicles go through after she
28 saw the *Sydney* flashes, and they never knew what they were
29 for.

30

31 Q. Go through where, sir?

32 A. Through the station. They called for directions to
33 the station.

34

35 Q. Carrarang Station?

36 A. At Carrarang Station. It's on the road west of the
37 North-West Coastal Highway.

38

39 Q. You were told by Dick Hoult shortly after *Sydney*
40 disappeared?

41 A. I wasn't told by Dick Hoult until just recently. We
42 heard that he had been on the station when Mrs Mallard told
43 him about it.

44

45 Q. What I'm putting to you is that Dick Hoult told you
46 that Ivy Mallard had told him of seeing the trucks in the
47 place shortly after *Sydney* disappeared?

1 A. Yes.

2

3 Q. So late 1941?

4 A. That's right.

5

6 THE PRESIDENT: When is it thought that the lady told
7 Mr Mallard?

8

9 LCDR KERR: Ivy Mallard told Dick Hoult.

10

11 Q. Do you know when that occurred?

12 A. While he was working there as a teenager. He's known
13 about it all his life.

14

15 Q. How old is Dick Hoult?

16 A. He would be 80-plus. He's really the uncrowned king
17 of Denham. I spent nine months of my life in Denham. His
18 children are fishermen there, he was a fishermen there.
19 He's fully retired now, and a very fine gentleman.

20

21 Q. In 1941 Dick Hoult would have been a teenager?

22 A. Yes. I was 7 when the *Sydney* went down. I am 74 now,
23 so he would be in his 80s. I don't think I asked him his
24 age, but he would be well and truly into his 80s now. He
25 still has a good memory.

26

27 Q. In 1941, using the figures you've given me, he would
28 have been 14 or 15?

29 A. Yes, he would have been 14 or 15, as a teenager.

30

31 Q. Could we bring up WAM.016.0053. It's a statement
32 Mrs Mallard made. This is a copy of a transcript of
33 interview between Ivy Mallard and Ean McDonald in the
34 presence of Ann Penney conducted in January 1992. It
35 tells, and I won't read it in full, of Ivy Mallard's
36 experiences on Carrarang Station in 1941, her fears about
37 being invaded by the Japanese, and the fact that she sent
38 her children away to go to boarding school.

39

40 It talks of her and her husband burying petrol and
41 water drums at intervals on the track at Carrarang Station
42 so they could escape if they were invaded. She talks about
43 an evening where she and her husband Joe were sitting on
44 the verandah at about dinner time when they heard strange
45 noises. She talks about explosions; boom, boom, boom;
46 heavy black smoke, and then everything went quiet, and they
47 waited for people to contact them, but nothing happened.

1
2 She signed that in March 1992. Mr McDonald has
3 countersigned it as a witness, and I think Ann Penny's
4 signature appears above Mr McDonald's.

5
6 There's nothing in that statement at all about seeing
7 Army trucks at Carrarang Station, is there?

8 A. Mr McDonald, did he ask her about that at all?

9
10 Q. I'm not asking you that question, sir. Do you agree
11 with me that there is nothing --

12 A. Yes. I've read that story many times.

13
14 Q. You gave evidence earlier to say that not much
15 happened around Carrarang.

16 A. That's right.

17
18 Q. And the trucks would have been a rather significant
19 event, I suggest. Mrs Mallard appears not to have recorded
20 that in 1992.

21 A. That's interesting.

22
23 THE PRESIDENT: That document will be exhibit 168.

24
25 **EXHIBIT #168 TRANSCRIPT OF INTERVIEW WITH IVY MALLARD AND**
26 **EAN McDONALD IN THE PRESENCE OF ANN PENNEY, WAM.016.0053.**

27
28 THE PRESIDENT: Is that the only statement that we have
29 from Mrs Mallard?

30
31 LCDR KERR: Yes, sir. We have another copy but it is the
32 same statement.

33
34 Q. Sir, do you know of anything else, any other evidence,
35 any other stories about Army trucks being in Carrarang
36 Station in November or December 1941?

37 A. No, sir.

38
39 Q. Can I take you to the documents that you've provided
40 to us. If we could have COI.005.0220, please, you said
41 Mr Karlov forwarded you some letters said to be from
42 members of the burial party.

43 A. Yes, which I've sent to you.

44
45 Q. When did Mr Karlov send them to you, sir?

46 A. This all happened towards the end of last year,
47 probably about five to six months ago I suppose.

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Q. After the commencement of this Commission of Inquiry, five to six months ago?

A. No, I would say before that.

Q. What were the circumstances in which he sent them to you? Did you ring him and ask him for them?

A. We were contacted by a fisherman in Geraldton who John Samuels had caught up with. I don't know whether I spoke to Mr Samuels by phone first of all and he gave me George's number and George forwarded them to me. I didn't know what the rights of copyright were, but he was kind enough to forward them. He only gave me the two. I had read the other one from the Lutheran Minister from someone else, but I was never allowed to take a copy of it - I wasn't too keen about it, but George confirmed it again.

Q. Who had custody of the Pastor Wittwer letter that you were allowed to read but not keep?

A. Somebody in Carnarvon I think it was, just in passing showed it to me, but I wasn't very keen about it because it seemed a bit of a wild guess. In actually fact he said the trucks went through Eneabba, but there was no such place as Eneabba during the war.

Q. What was the place that you mentioned?

A. He said that they left Perth and stopped off at Eneabba which is on the new road to Geraldton, more of a coastal road. I never put a lot of significance on it, because it probably happened in the middle of the night and he probably meant Three Springs, because he was probably around about 90 now. He probably came by bus and probably realised that might have been the place when he wrote his document.

Q. Eneabba is E-n-e-a-b-b-a?

A. Yes.

Q. The person you met in passing who let you read this letter, who was that?

A. A JP by the name of Bruce Teade, he just showed it to me.

Q. Did he tell you where he got it from?

A. No.

Q. Do you remember when this was?

1 A. Early in our investigations, probably the middle of
2 the last year.

3
4 Q. Mid 2008?

5 A. Yes.

6
7 Q. Was that the same letter, from your memory, that you
8 have provided to the Commission of Inquiry?

9 A. That's right, yes, sent to us by George Karlov.

10
11 THE PRESIDENT: This document COI.005.0220 is one of the
12 letters?

13
14 LCDR KERR: Yes.

15
16 THE PRESIDENT: Q. So that I'm clear I have this right,
17 you met a fisherman from near Carnarvon, which resulted in
18 you getting in touch with Mr Samuels. Mr Samuels put you
19 in touch with Mr Karlov, and as a result of your speaking
20 with Mr Karlov, he sent you this document; is that right?

21 A. True.

22
23 Q. And that all happened six months ago or thereabouts?

24 A. Yes.

25
26 THE PRESIDENT: Was this put to Mr Karlov.

27
28 LCDR KERR: No, sir.

29
30 THE PRESIDENT: Q. It is a typed, undated, no address,
31 no name document.

32 A. I can understand that.

33
34 LCDR KERR: Q. The conversation with the fisherman that
35 gave rise to this, what was that about, sir?

36 A. It had nothing to do with me. My number 2IC, Dom
37 Lamera, actually knew him. I think there was a lot of
38 confusion. I think he met Mr Samuels and asked him if he
39 knew of any graves. Being a fisherman, he knew where there
40 were some sand spots on the Zuytdorp Cliffs which didn't
41 tie up at all. It was him who put me in touch with
42 Mr Samuels. He's still about, but I wouldn't know the
43 significance of him having any bearing on it at all.

44
45 Q. Was there any relationship between the conversation
46 that you had with the fisherman and the content of the two
47 letters?

1 A. No.

2

3 Q. What was it about the conversation that you had with
4 Mr Samuels that gave rise to him telling you about
5 Mr Karlov and then Mr Karlov sending you these letters?

6 A. Mr Lamera gave me I think Mr Samuels' phone number.
7 I had received his book, I had looked at the stuff. Quite
8 frankly, I wasn't very impressed with the book.

9

10 THE PRESIDENT: That's just as well, because he has now
11 recanted everything he wrote.

12

13 THE WITNESS: But it didn't exempt him from the actual
14 meeting that took place, because it took place with
15 Vic Jeffery. I think the fact that Vic Jeffery's name was
16 mentioned in that section of the book, I took some notice
17 of in ticking it up, because I have a lot of time for
18 CMDR Vic Jeffery.

19

20 THE PRESIDENT: Q. Just going back to that book, there
21 are three things that LCDR Kerr first put to you. The
22 first one is a confession of a daughter to an old soldier
23 on his death bed. In relation to that, Mr Samuels said the
24 lady's name was Enid.

25 A. Yes, I read that in your documents just recently.

26

27 Q. Enid from Adelaide, he thought.

28 A. Yes.

29

30 Q. He was going to find out, if he could, what her other
31 name was, but we have not heard from him yet about that.

32

33 LCDR KERR: He has been formally asked, sir.

34

35 THE PRESIDENT: Yes.

36

37 THE WITNESS: I pushed him for that information with the
38 intention of perhaps calling him, because I believe she was
39 in Western Australia, but he never got back to me on that
40 at all.

41

42 THE PRESIDENT: Q. Then how does Mr Jeffery come into
43 this?

44 A. He's mentioned in the book somewhere below that it was
45 while they were trying to get a committee to look for the
46 Sydney that the woman came forward - no name - and gave
47 that evidence to that committee. Mr Samuels, no doubt,

1 interviewed her at a later stage.

2

3 LCDR KERR: Q. Sorry, I'm lost sir; which committee are
4 you talking about?

5 A. It was trying to raise money. It was called the
6 Search for the *Sydney* Group, about 1993. It's been going
7 on in Western Australia for a very long time, trying to get
8 people together to see what they could do about finding the
9 *Sydney*. There have been different committees who have
10 tried to influence the Government, and it took all that
11 time to get it going.

12

13 THE PRESIDENT: Q. Have you spoken to Mr Jeffery about
14 whether he knows anything about this so-called lady who
15 received the death bed confession of her father?

16 A. I have. If he has an address, he didn't give it to
17 me. I don't think he liked being mentioned in the book,
18 quite frankly, but he did acknowledge two things that are
19 not in the book which I mentioned earlier, that she
20 commented on her mother saying that the father was not the
21 same man when he returned. I thought that was very moving,
22 along with the fact that he went grey overnight.

23

24 THE PRESIDENT: So did I. Are we going to hear from
25 Mr Jeffery?

26

27 LCDR KERR: We are, sir, yes.

28

29 Q. When Mr Karlov sent you these letters, how did he do
30 that?

31 A. He faxed them to me. He didn't email them, because
32 they were under copyright and I thought that was fair
33 enough, because under emails, they have to come through me,
34 and that's why they have not been handed out. That's why
35 I refused to send them to you, because they had "copyright"
36 on them.

37

38 Q. Putting aside that, the three pages that you've
39 provided, did he simply fax those three pages, or did he
40 fax any other pages?

41 A. No, he faxed only the three pages. I had his book,
42 which I copied the rest of the material from.

43

44 Q. Out of Mr Samuels' book?

45 A. Yes.

46

47 THE PRESIDENT: Q. Going back to these documents,

1 COI.005.0220 which is the unnamed, undated, typed
2 unaddressed document, you can cast no light on it other
3 than that you got it from Mr Karlov?

4 A. Yes. I have met Mr Karlov personally. I really can't
5 comment on him, but he came over as quite an educated
6 gentleman. We took him to the site. He is not a terribly
7 well man, he has a knee problem. You may have met him, I
8 don't know.

9

10 Q. I was at school with him.

11 A. I was quite pleased to meet him, because you can't
12 judge a man on the phone.

13

14 **EXHIBIT #169 UNNAMED UNDATED TYPED UNADDRESSED DOCUMENT,**
15 **COI.005.0220**

16

17 LCDR KERR: Q. The conversation that you had with
18 Mr Karlov preceding his faxing these to you, did they come
19 with any instructions from Mr Karlov? For example, did he
20 tell you not to show them to anybody else?

21 A. I don't think so. I think he was aware that we had a
22 team working and, as I say, we just virtually got
23 interested in it as a group. I suppose I would be the
24 spokesman, although Dom Lamera does his share of looking
25 and talking and we're putting it all together. They are
26 very hard workers, and nobody asks for any pay, so we can't
27 sack anybody or do anything else.

28

29 Q. So your entire group has seen these letters; is that
30 right? The people that you mentioned earlier on, the seven
31 people --

32 A. Yes, I remembered one already. He's in the room.

33

34 Q. Mr Shepherd?

35 A. Mr Shepherd, yes, he was on our first expedition. He
36 was away for most of the others. I will think of the other
37 person's name. He only just filled in. We need four
38 people to go on a trip. I wouldn't say it's a dangerous
39 place, but if you break down up there, you die. One of the
40 rules of being there is that you have to supply your own
41 radios that can get you out of it. There are no mobile
42 phones or anything. If you break down, they don't want to
43 be responsible for you.

44

45 THE PRESIDENT: The other document that you received is
46 this document COI.005.0222; is that right?

47

1 LCDR KERR: Yes, sir.

2

3 Q. While that is coming up, Mr Cramer, have you read
4 those letters?

5 A. Yes.

6

7 Q. In detail?

8 A. Yes.

9

10 Q. Have you thought about their contents?

11 A. Yes, just about memorised them in actual fact.

12

13 Q. Would you agree with me that they are inconsistent?

14 A. In a way, yes. I'm no scholar; I probably would not
15 be able to pick that. I am a very practical man.

16

17 Q. Let me ask you this. One letter refers to a convoy of
18 trucks, another letter refers to two trucks. I'm not a
19 truckie, but two doesn't make a convoy in my book; do you
20 agree?

21 A. He might have been in the second truck looking out the
22 back at the other truck, I don't know.

23

24 THE PRESIDENT: I'll mark this document exhibit 170.

25

26 **EXHIBIT #170 TRANSCRIPTION ADDRESSED "DEAR PASTOR WITTWER"**
27 **NO APPARENT DATE, AND BEARING DATE 4/7/2006, COI.005.0222**

28

29 THE PRESIDENT: Again, it's a document headed
30 "Transcription" addressed "Dear Pastor Wittwer" undated, no
31 identification of who typed or wrote it, but there's a date
32 on the bottom 4/7/2006. I don't know if that's meant to be
33 the date of the letter, or if that is a date on the copy
34 which was made.

35

36 LCDR KERR: There's no way to tell, sir.

37

38 THE PRESIDENT: Q. You also got that from Mr Karlov, did
39 you?

40 A. Yes, but that's the one that I also witnessed by the
41 chap in Carnarvon. He gave me that to read. I asked for a
42 copy but he refused.

43

44 Q. So you've seen that twice - once you received it from
45 Mr Karlov and once you saw it in Carnarvon?

46 A. That's right. One of our members, Mr Eckersley - that
47 is another member I probably forgot - is a South Australian

1 and he speaks very, very highly of the Lutheran Minister.
2 Whether that has any bearing on it, because it is a letter
3 to him - he's now deceased I believe, so you don't have to
4 waste your time looking for him.

5
6 LCDR KERR: Q. I note in that letter Pastor Wittwer's
7 surname is spelt incorrectly.

8 A. I don't think he wrote that letter, so I don't know.

9
10 THE PRESIDENT: Q. Did you hear the evidence this morning
11 of Mrs McDonald?

12 A. Yes.

13
14 Q. It was to the effect that the persons who it is
15 alleged told Pastor Wittwer something, namely people called
16 Groesmann, was in truth not a Mr Groesmann, he wasn't on
17 the *Kormoran*, and the story had no basis in fact.

18 A. I heard all that before.

19
20 LCDR KERR: Q. Apart from the members of your group,
21 Mr Cramer, have you given these letters to anybody else?

22 A. A man that did the last trip - I'm trying to think of
23 his name, I grabbed him at the last minute; he's just been
24 on the last trip - I'll give you that in a little while
25 after I think about it.

26
27 Q. Have you ever seen anything else to do with Pastor
28 Wittwer?

29 A. No.

30
31 LCDR KERR: In respect of those two documents, sir, I have
32 no further documents and I'll move on.

33
34 THE PRESIDENT: Yes.

35
36 LCDR KERR: COI.005.0226, if that could be brought up on
37 the screen please.

38
39 Q. While that is coming up, Mr Cramer, you referred to
40 the precautions that you take when you go through Carrarang
41 Station to False Entrance or nearby. One of the
42 requirements is also to report to the ranger, isn't it?

43 A. Yes.

44
45 Q. Presumably, that is something that you do when you go
46 there?

47 A. Yes.

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Q. Do you see that document on the screen?

A. Sometimes he's unable to catch there, but we are in contact with him.

Q. That's a document that you sent the Commission of Inquiry that is now on the screen?

A. Yes, the photo I have here.

Q. What is the significance of Hidden Valley?

A. We're looking at absolutely every option we've got, and it's one of the early areas that we seem to think would be ideal, but each time we go up we change our mind.

THE PRESIDENT: Q. Ideal for what?

A. For burying bodies carried from the beach on stretchers. In order to carry a decomposed body on a stretcher, I don't really want to imagine what it would be like, but it would need fairly level ground, otherwise it would slip from one end of the stretcher to the other. I initially thought that the valleys would be ideal, but we've since changed our mind a little on that, because they are heavily bushed. As I say, it's nearly 2 kilometres across the bay, and each time we go we spend an awful lot of time arguing about the possibilities of where they might be.

We have a drift pattern that we study of where the bodies are more likely to have come in from and, believe it or not, not to the north but to the south - our prevailing wind is from the south, but the air photographs show you very clearly that for some unknown reason the waves come around and the floats are usually right up in the bottom end.

Another criteria is that they can't get the bus or the trucks that they put the people in, so they wouldn't have walked 1 or 2 kilometres other than getting the bodies and bringing them over to bury them in one place. That's our problem that we have; it is major. We may, by the end of this year, be very disheartened and say, "You are dead correct, we're wasting our time," but it would satisfy me personally to put in some more time, because the feeling in Geraldton is unbelievable. We have been to many of the memorials and the amount of people who are serious on this, it is well worth our effort to put the time in.

1 Q. When you visit these sites - I think you've said this
2 earlier - you don't remove anything from the site?

3 A. No, sir. You've probably heard that we found a small
4 piece of wood. I actually have it with me today. It was
5 exciting first up, but it doesn't fit any of our criteria.
6 It could be off a stretcher. The only thing we can say is
7 with regard to the screws that are in it, my life was in
8 the building industry - I started work in 1950 or 1951, and
9 there was nothing like that around, so it is probably
10 pre-wartime. Of course, it could be one of a million
11 things that washed up on the beach and just lodged itself
12 there. I sent it over to Samuels to have tested and
13 I never really got a report back on it.

14
15 THE PRESIDENT: I'll mark the photograph COI.005.0226
16 exhibit 171.

17
18 **EXHIBIT #171 MAP, COI.005.0226**

19
20 THE PRESIDENT: There is a photograph COI.005.0225 of a
21 piece of wood with two screws, and I'll mark that as
22 exhibit 172.

23
24 **EXHIBIT #172 PHOTOGRAPH OF PIECE OF WOOD WITH BRASS WASHERS
25 AND SCREWS, COI.005.0225**

26
27 THE WITNESS: We had that checked out against wartime
28 stretchers. It doesn't match up at all against anything we
29 can locate.

30
31 LCDR KERR: Q. There is a person in the bottom
32 right-hand corner of the picture on the screen. Who is
33 that person?

34 A. That is Dom Lamera with his metal detector, mainly to
35 give you an idea of the size of the valleys and the
36 problems we are faced with. We have to have special ground
37 radar that is portable.

38
39 Q. If we could look at COI.005.0025, I asked you if you
40 removed anything from the area and you said no. In the
41 next breath you told me that you had in item with you
42 today. I asked you if you ever removed anything from the
43 area.

44
45 THE PRESIDENT: I don't think you need to worry about
46 that.

47

1 LCDR KERR: Q. This piece of wood with the screws in it,
2 you sent that to Mr Samuels?

3 A. We sent it to Mr Karlov for testing.
4

5 Q. You had a test done?

6 A. I never got a report on it. I had to almost demand to
7 have it sent back. I knew that I would be meeting with you
8 people today. I personally didn't place any significance
9 on it. It didn't come out of any area suitable for graves.
10 It was virtually something that could have washed up on the
11 beach.
12

13 Q. As far as you are aware, it's still with Mr Karlov?

14 A. No, I have it here with me.
15

16 LCDR KERR: I have nothing further, sir.
17

18 THE PRESIDENT: Yes.
19

20 Q. Mr Cramer, is there anything else you want to tell me?
21 I've listened carefully to what you have to say, and
22 I understand the material that you've placed before me. Is
23 there anything of a more concrete nature that you can place
24 before me which might suggest that there are any bodies in
25 the area you are suggesting?

26 A. Not really.
27

28 THE PRESIDENT: Very well, thank you very much.
29

30 **<THE WITNESS WITHDREW**
31

32 LCDR KERR: Is that a convenient time, sir? I'm about to
33 call Mr Shepherd.
34

35 THE PRESIDENT: We will adjourn until 10 to 2.
36

37 **LUNCHEON ADJOURNMENT**
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