

CHAPTER TWELVE

MIDSHIPMAN ROBERT IAN DAVIES

12-1 Midshipman Robert Ian Davies was born on 13 November 1923 at Greenwich, New South Wales, and entered the Royal Australian Naval College (RANC) as a Cadet Midshipman on 1 January 1937.¹ He graduated in December 1940.² In January 1941 he was promoted to Midshipman and sent to England for sea training. From 17 February until 7 March 1941 he served in HMS *Victory* at the Portsmouth Dockyard.³ On 8 March 1941, Davies joined the RN battle cruiser HMS *Repulse* as a Substantive Midshipman, along with fellow RAN Midshipman Guy Griffiths. Although involved in little action, the ship spent long periods at sea, and Davies demonstrated his mettle as an Officer of Quarters of close-range guns.⁴



Midshipman Robert Ian Davies

(Photograph courtesy of the Davies family)

12-2 In November 1941, HMS *Repulse*, the recently commissioned battleship HMS *Prince of Wales* and four destroyers were designated as a capital ship force, Force Z, and dispatched to Singapore. On 10 December 1941, after sailing to confront Japanese naval support for landings in Malaya at Kota Bharu and Kuantan, Force Z was located initially by a Japanese submarine and later by air reconnaissance. Force Z was then attacked by bomber and torpedo bomber aircraft of the Japanese 22nd Air Flotilla based around Saigon, Indochina (now Vietnam). HM Ships *Prince of Wales* and *Repulse* were both sunk. The attacks saw many acts of gallantry reported and Midshipman Davies, who was killed in action, was honoured with a Mention in Despatches (MID) (Posthumous). His commanders said that he showed the 'very highest degree of bravery and leadership which it is possible for an officer to show'.⁵ As the *Repulse* was sinking, he was seen at an Oerlikon gun still engaging the Japanese aircraft that were attacking the ship.⁶ It is this action that is the subject of this inquiry.

Recognition for service

12-3 For his naval service, Midshipman Robert Ian Davies was entitled to the following Defence honours and awards:

- 1939–1945 Star
- Pacific Star
- War Medal 1939–1945

1 Record of service (Officers), Davies, Robert Ian, NAA: A6769, DAVIES R I.

2 *ibid.*

3 *ibid.*

4 Darryl Bennet, 'Davies, Robert Ian (Bob) (1923–1941)', in *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, adb.anu.edu.au/biography/davies-robert-ian-bob-9916/text17559, viewed 27 January 2012.

5 Letter, Lieutenant OC Hayes to Mrs Davies, 5 January 1942, copy provided to the Tribunal by the Davies family.

6 Letter, Captain Tennant to Mrs Davies, 10 January 1942, copy provided to the Tribunal by the Davies family.

- Australia Service Medal 1939–1945
- Mention in Despatches (Posthumous).

What has led to the review?

- 12-4 While the family of Midshipman Davies strongly support his consideration, they had not previously sought government or any other review of his recognition. In an oral submission to the Tribunal, Mr David Amos, a nephew of Davies, said that neither he nor his family had ever been approached by anyone seeking to review Midshipman Davies's extant recognition prior to the inclusion of his name on the list of 13 for review by the Tribunal. The family had first learned of the nomination when it was published in the print media announcing the review. Nevertheless, as a family, their reaction was one of honour and pride, and they felt that Davies's inclusion for review was something very special.⁷
- 12-5 During an oral submission to the Tribunal, Rear Admiral Guy Griffiths, RAN (Retd), said he was aware that some people were advocating that Davies 'had done the same thing as Sheean [Ordinary Seaman Edward Sheean, see Chapter 17] and should be recognised with a VC'.⁸
- 12-6 Midshipman Davies 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.⁹ Defence did not provide any material to the Tribunal to suggest that Davies'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.

Submissions

- 12-7 The Tribunal received nine written submissions that included reference to Midshipman Davies. Seven of those submitters also made reference to Midshipman Davies in oral submissions. Of those submissions, four supported additional recognition, three were against additional recognition and two took no position.

Written submissions

- Submission 86 — Mr John Bradford (for)
- Submission 89 — Nowra Greenwell Point RSL Sub-Branch (no position taken)
- Submission 92 — Mr Mike Carlton (for)
- Submission 99 — Mr Graham Wilson (against)
- Submission 102 — Mr David Amos (for)
- Submission 123 — Mr Peter Cooke-Russell, National Vice President, The Naval Association of Australia (for)

⁷ Oral submission by Mr David Amos, Public Hearing Canberra, 2 December 2011.

⁸ Oral submission by Rear Admiral Guy Griffiths, RAN (Retd), Public Hearing Sydney, 9 February 2011.

⁹ 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.

- g. Submission 124 — Mr Richard Pelvin (against)
- h. Submission 142 — Mr Graham Harris, National President, The Navy League of Australia (no position taken)
- i. Submission 174 — Rear Admiral Guy Griffiths, RAN (Retd), (against).

Oral submissions

- a. Mr Graham Wilson — Public Hearing Canberra — 1 December 2011 (against)
- b. Mr Richard Pelvin — Public Hearing Canberra — 2 December 2011 (against)
- c. Mr David Amos — Public Hearing Canberra — 2 December 2011 (for)
- d. Mr Peter Cooke-Russell, National Vice President, The Naval Association of Australia — Public Hearing Canberra — 2 December 2011 (for)
- e. Mr Mike Carlton — Public Hearing Sydney — 9 February 2012 (for)
- f. Rear Admiral Guy Griffiths, RAN (Retd) — Public Hearing Sydney — 9 February 2012 (against)
- g. Mr John Bradford — Public Hearing Adelaide — 14 February 2012 (for).

Background

The formation and deployment of Force Z

- 12-8 The Allies had been at war with Germany since September 1939. On 4 November 1941 the British Prime Minister, Winston Churchill, wrote to his Russian ally, Joseph Stalin, to inform him that ‘with the object of keeping Japan quiet we are sending our latest battleship, *Prince of Wales*, which can catch and kill any Japanese ship, into the Indian Ocean’.¹⁰ To achieve this intent, a capital ship force was formed, designated Force Z.¹¹ It comprised HMS *Prince of Wales*, the battle cruiser HMS *Repulse* and four destroyers. Force Z was commanded by Admiral Sir Thomas Phillips, RN, and deployed to the Far East for assignment to the China Station, where Phillips had been designated to succeed Vice Admiral Sir Geoffrey Layton, RN, as Commander-in-Chief.¹²
- 12-9 Force Z arrived in Singapore on 2 December 1941. The Admiralty then decided to merge the China Station into a new command, Eastern Fleet, and Force Z was assigned to that command. Layton relinquished command to Phillips at 0800 on 8 December 1941.¹³ That evening, Phillips sailed from Singapore in HMS *Prince of Wales*, with HM Ships *Repulse*, *Express*, *Electra*, *Tenedos* and HMAS *Vampire* in company. His intention was to engage Japanese naval forces off the eastern coasts of Malaya and southern Thailand. The Air Force could not provide fighter

¹⁰ Barry Gough, ‘*Prince of Wales* and *Repulse*: Churchill’s “veiled threat” reconsidered’, *Finest Hour*, no. 139, 2007, www.winstonchurchill.org/support/the-churchill-centre/publications/finest-hour/issues-109-to-144/no-139/840-prince-of-wales-and-repulse-churchills-veiled-threat-reconsidered, viewed 30 July 2012.

¹¹ *ibid.*

¹² In September 1940, Vice Admiral Layton, RN, took command of China Station. In May 1941 he was advised that he would be succeeded by Admiral Sir Thomas Phillips. *Supplement to the London Gazette*, no. 38214, 26 February 1942, p. 1.

¹³ *Supplement to the London Gazette*, no. 38214, 26 February 1948, p. 1237.

cover for Force Z, so the best chance of success in such circumstances would be to make a surprise attack on the Japanese ships and then withdraw. Unknown to Phillips, his ships had been initially sighted at around 1400 on 9 December by a Japanese submarine, which reported their position to the 22nd Air Flotilla based in the vicinity of Saigon, Indochina.¹⁴ Later in the afternoon, Japanese reconnaissance aircraft were spotted. Believing his mission to be compromised, Phillips abandoned his original plan and altered course on 10 December to intercept ships supporting a reported Japanese landing in the vicinity of Kuantan. This report later proved to be false.¹⁵

Japanese attack and the sinking of HMS *Repulse*

12-10 As Force Z moved toward Kuantan, the ships were sighted on 10 December at 0315 by a second Japanese submarine and another contact report was sent to the 22nd Air Flotilla. It gave a new position, indicating that the ships were heading south and appeared to be returning to Singapore. At 0600, a Japanese bomber force was launched to search for the ships. This was followed at about 0700 by a striking force of some 88 aircraft (27 bombers and 61 torpedo bombers) that also took off to search for the ships. Force Z was sighted and its position fixed at 1100.¹⁶

12-11 Shortly after, the Japanese high-level bombers and torpedo bombers began their attacks on *Repulse* and *Prince of Wales*. Wave after wave of Japanese aircraft attacked and inflicted considerable damage on both ships. *Repulse*'s Commanding Officer, Captain William Tennant, RN, skilfully manoeuvred the ship to avoid incoming torpedoes, but this was to no avail. Soon after midday, with *Repulse* having sustained some five torpedo hits, Tennant ordered 'Everyone on deck' and then some minutes later to 'Abandon ship'. All the while, control was assisted by the ship's broadcasting system, which remained operational except in some compartments down below aft, where the orders had to be passed by word of mouth.¹⁷ The air attacks continued as the *Repulse* was sinking.

12-12 Rear Admiral Griffiths recalled:

'Abandon ship' was ordered at 12:25 pm and was followed by an orderly but tense evacuation up ladders and through hatches to the main deck level in the vicinity of 'B' turret. The mess deck seemed deserted and the ship's starboard-side scuttles (portholes) were open. The increasing list of the ship to port still allowed one to clamber up on the sloping deck and exit through a scuttle to the starboard side of the ship. Our fine old battle cruiser sank at 12:33 pm and I remember turning back to see the last of her bow disappear beneath the surface.¹⁸

12-13 As these events were unfolding off the east coast of Malaya, Layton was in Singapore embarked in *SS Dominion Monarch* readying for departure to

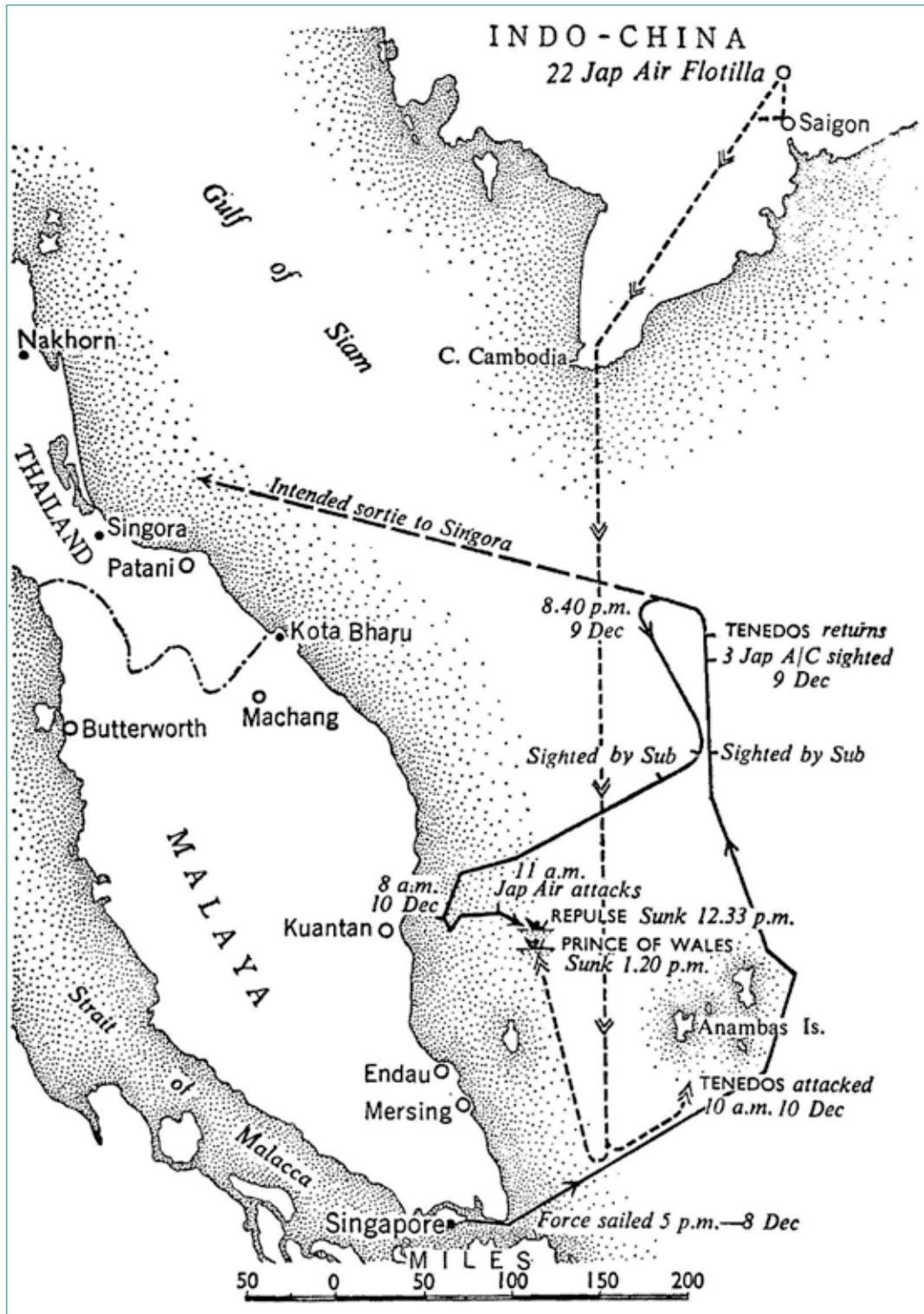
14 The 22nd Air Flotilla was a land-based force operating bomber, fighter and reconnaissance aircraft from the vicinity of Saigon. C Shores, B Cull & Y Izawa, *Bloody shambles: the first comprehensive account of air operations over South-East Asia — December 1941 – April 1942*, vol. 1, Grub Street, London, 1992, p. 54.

15 *Third Supplement to the London Gazette*, no. 38216, 26 February 1948, p. 1368.

16 'Intelligence — reports, enemy plans and preparation and situation reports', Extract from files of G-2 WD Intelligence Supreme Commander of the Allied Powers, AWM54, 423/6/30.

17 Further report by Tennant, December 1941. *Supplement to the London Gazette*, no. 38214, 26 February 1948, pp. 1240–1242.

18 Guy Griffiths, 'Abandon ship' in R Nichols, 'Short-lived menace', *Wartime*, no. 17, autumn 2002, p. 24.



Source: Douglas Gillison, *Royal Australian Air Force 1939–1942*, vol. 1, *Australia in the War of 1939–1945*, series 3, Air, Australian War Memorial, Canberra, 1962, p. 252.

Map 1 The action leading to the sinking of *Repulse* and *Prince of Wales*

London at 1530.¹⁹ The news of Phillips having perished in the action, and with Layton having not yet departed Singapore, saw his immediate appointment as Commander-in-Chief of the Eastern Fleet at 1500 on 10 December 1941. Layton had no responsibility at any stage for the operations of Force Z or for any other operations between 0800 on 8 December and 1500 on 10 December, 1941.²⁰

12-14 From *Repulse's* complement of 1,309 men, 27 officers and 486 ratings were lost. Admiral Phillips and his Flag Captain, Captain Jack Leach, went down with the *Prince of Wales*; a total of 327 officers and ratings were lost from a complement of 1,612.²¹ A total of four Japanese aircraft were destroyed.²²

Eyewitness and other accounts of Davies's actions

12-15 While there are many witness accounts of the action involving the sinking of *Repulse* and *Prince of Wales*, no direct eyewitness accounts have emerged of the specific actions of Midshipman Davies. The only primary sources that describe his actions are Captain Tennant's nominations for honours sent to the Admiralty and the personal letters written in January 1942 by Tennant and Lieutenant OC Hayes, RN,²³ to Davies's mother. They said that Davies 'showed the very highest degree of bravery and leadership which it is possible for an officer to show'.²⁴ As the ship was sinking, he was seen at an Oerlikon gun still engaging the Japanese aircraft that were attacking the ship.²⁵ It was also reported in the Australian media at the time that as Davies was continuing to fire, he cursed anyone who got in the way of his sights.²⁶ In his oral submission to the Tribunal, Rear Admiral Griffiths said of Davies's action that his 'duty at his gun was Fire Distribution Officer and he would have been tapping the aimer on the shoulder and pointing out another aircraft to engage, when he probably told his crew to abandon ship as they had been ordered to do so, [then he] strapped himself in and decided to have a crack himself. A pretty noble gesture and brave one; tragic'.²⁷

Chain of command for honours and awards

12-16 The authorised chain of command for the nomination and recommendation of honours for actions involving HMS *Repulse* at the time of Davies's action was as follows:

- a. Commanding Officer HMS *Repulse* (Captain Tennant) as the initial nominator would make his submission, on Form 58 to Commander Force Z

19 Arthur J. Marder, *Old friends and new enemies: the Royal Navy and the Imperial Japanese Navy strategic illusions, 1936–1941*, Clarendon Press, Oxford, 1981, p. 488.

20 *Supplement to the London Gazette*, no. 38214, 26 February, 1948, p. 1237.

21 George Hermon Gill, *Royal Australian Navy 1942–1945*, vol. 2, *Australia in the War 1939–1945*, series 2, Navy, Australian War Memorial, Canberra, 1968, p. 482.

22 'Intelligence — reports, enemy plans & preparation & situation reports'. Extract from files of G-2 WD Intelligence Supreme Commander of the Allied Powers, NAA: AWM54 423/6/30.

23 Lieutenant OC Hayes (as he titled himself in a personal letter to Davies's mother) was Assistant Navigator and the officer responsible for training Midshipman Davies in *Repulse* at the time of the sinking. He would survive the sinking and later become Vice Admiral Sir John Hayes KCB OBE.

24 Letter, Lieutenant OC Hayes to Mrs Davies, 5 January 1942, copy provided to the Tribunal by the Davies family.

25 Letter, Captain Tennant to Mrs Davies, 10 January 1942, copy provided to the Tribunal by the Davies family.

26 Martin Middlebrook & Patrick Mahoney, *Battleship — the loss of the Prince of Wales and the Repulse*, Allan Lane, London, 1977, p. 241.

27 Oral submission by Rear Admiral Griffiths, Public Hearing Sydney, 9 February 2012.

(Admiral Phillips, who had also on 8 December become Commander-in-Chief Eastern Fleet).²⁸

- b. Commander Force Z would then forward supported nominations to Commander-in-Chief Eastern Fleet. In the circumstances, Phillips was lost in the action and Vice Admiral Layton, who had no command responsibility at the time, subsequently became Commander-in-Chief Eastern Fleet. In these circumstances, Layton therefore became second in the chain of command, after Tennant.
- c. If nominations were supported by Layton, they would then be forwarded to the Secretary of the British Admiralty for consideration by the Admiralty Honours and Awards Committee.
- d. If endorsed by the Admiralty Honours and Awards Committee, the level of honour would be decided and the recommendation would be forwarded to the King for approval.

12-17 The nomination for an honour for Davies was initially raised by Captain Tennant in his letter of recommendations submitted to the Secretary of the Admiralty dated 18 January 1942. In that letter, Tennant said that:

I have to request that you will place before their Lordships the names of the following officers and men, of whom several did not survive, for outstanding gallantry, zeal and devotion to duty during Repulse's last action on Dec. 10 1941. *Their names are placed in order of merit* [emphasis added]:-

1. Gunner John Burley Page, RN, Promoted Lieutenant. As the ship was about to sink, Mr Page found ordinary seaman J. Macdonald ... wounded and without (a) life-saving belt. Mr Page took off his own belt and put it on Macdonald — Mr Page was not picked up ... I submit that a high posthumous award may be conferred on Mr Page.
2. Surgeon Lieutenant S. G. Hamilton, RNVR ... outstanding devotion to duty ... when in action in tending to the wounded and continuing to do so for some nine hours in the destroyer 'Electra' after he was picked up.
3. Midshipman R.I. Davies, RAN, (missing) this very gallant young officer was last seen firing an Oerlikon gun at Enemy aircraft when he and the gun mounting were slowly submerging — Prior to this he had shown himself to be outstanding as O.O.Q [Officer of Quarters] of close range guns.²⁹

12-18 Tennant then listed the remaining 12 nominations in descending order of merit. Of the 15 names, only Davies is specifically cited for his actions in engaging directly in combat with the Japanese attacking aircraft. Nevertheless, Tennant did not elevate Davies from third on his order of merit. The other nominees were recommended for actions such as self-sacrifice, assistance to the wounded, efficiency in damage control, ammunition resupply and calmness under trying circumstances.

²⁸ Form 58 was a Royal Navy form used for honours nominations. The nominees' personal details and a citation were completed. The nominator would also indicate whether the honour intended should be a decoration (actual award not specified) or Mention in Despatches.

²⁹ Honours and awards: *Loss of Prince of Wales and Repulse* — awards to personnel, TNA: ADM 1/12315 (H & A 58/1942).

Honours and awards made for the action

12-19 In the case of the action involving Davies, a total of 13 MID (Posthumous) and 11 MID were awarded.³⁰ Of these, HMS *Repulse*'s ships' company were awarded 15 honours, of which 8 were MID (Posthumous) and 7 were MID. HMS *Prince of Wales*' ships' company were awarded 9 honours, of which 5 were MID (Posthumous) and 4 were MID.

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

Arguments put forward in submissions for the award

12-20 Several submitters made claims supporting the award of the Victoria Cross (VC) or other recognition for Midshipman Davies as follows:

- Mr Mike Carlton submitted that Davies kept firing as *Repulse* took him down and that 'this conduct was confirmed by one of the other Australian midshipmen, Guy Griffiths' (Submission 92).
- Two submissions compared Davies's actions to that of 'Jack' Cornwell, VC, RN, at the battle of Jutland, where 'though in fact a British strategic victory, [it] was perceived by many at the time as a tactical defeat' (Submissions 86 and 92).
- Mr John Bradford cited Marder's book *Old friends and new enemies* that claimed that a high-ranking naval officer decided that 'in a disaster of such magnitude, no recommendations for rewards can be considered'. The view was put that whether this was true or not, the Admiralty's decision to grant only MID awards for the action was disgraceful (Submission 86).
- Mr Bradford, while not supporting Davies's elevation to the level of the VC, recommended increased recognition by awarding Davies the Star of Gallantry (Submission 86).
- Mr David Amos submitted that there was much that could support additional recognition for Davies. He said that Davies had refused the order to 'Abandon ship' and instead continued firing at the attacking Japanese torpedo bombers while throwing empty ammunition cases overboard between bursts to help those in the water to stay afloat. Davies remained at his post while the ship went down, continuing to fire until the end. Davies's conduct was of someone thinking very clearly and selflessly at the time, not a random spur of the moment decision, but one that was taken with time to contemplate. He was aware that by staying at his post he would not survive (Submission 102).
- Mr Amos submitted personal letters from Captain Tennant and Lieutenant Hayes to Davies's mother, in which both officers confirmed Davies's action, as noted previously at paragraph 12-15. In his letter, Tennant said that he was 'going to recommend [Davies] for some award.' Hayes said that he 'did not actually see [Davies] in the action but ... heard of his gallantry immediately and frequently from many sources afterwards. He kept that gun firing until the very, very end. When the order was given to abandon ship, [he] stuck to his place

³⁰ *Fourth Supplement to the London Gazette*, no. 35743, 13 October 1942, p. 4449.

of duty, telling those who got in his way on their passage over the side what he thought of them, and continued to fire at the enemy. He died giving of his utmost'. Hayes concluded his letter by noting that he would 'not be in the least surprised if his [Davies] gallantry is not recognised officially by the Admiralty' (Submission 102 and oral submission Canberra 2 December 2011).

Arguments put forward in submissions against the award

- 12-21 Three submitters did not support the award of the VC or other recognition to Midshipman Davies. These are summarised as follows:
- Rear Admiral Griffiths said that although he did not personally see Davies's action, he did not want to prevent consideration of Davies for additional recognition. But he submitted that 'any change of [the] award of MID (Posthumous) to Davies ... could not be made in isolation'. Griffiths argued that upgrading or changing the level of honour already awarded could not be done without also examining the other posthumous MIDs that were awarded for the action. Griffiths did not consider there was 'any good reason' to change the level of the honour because Tennant had 'at the time made out his list from first-hand knowledge of the situation ... [and that it] was in [Tennant's] considered opinion, the situation of the sinking'. Griffiths further argued that the award system needed to be preserved, and that would not be best achieved 'by overriding decisions that were taken 70 years ago'. He said it was 'not possible to revisit battle situations, so many years later; if at all' (Submission 174 and oral submission Sydney 9 February 2012).
 - Mr Graham Wilson submitted that since a survivor, Ted Matthews, had recalled 'I didn't hear the "Abandon ship" order'³¹, it was also possible that Davies did not hear the order and as such, that in doing his job, did not realise that he was fighting on to the death. Mr Wilson also argued that the honour already awarded to Davies could not be altered without examination of the other members of the ship's company who were also awarded an honour (Submission 99).
 - Mr Richard Pelvin submitted that Davies was third in order of merit of the 15 nominations put forward by Tennant. Mr Pelvin, as did Mr Wilson and Rear Admiral Griffiths, also argued that no consideration could be given to Davies without equal consideration of the two nominees above Davies (Page and Hamilton) (Submission 124).

Tribunal review of the award's process

- 12-22 In considering the case for a possible upgrade of the MID (Posthumous) to the VC for Midshipman Davies, the Tribunal first conducted a process review in accordance with the Tribunal's approach as described in paragraph 8-44 of the Report.
- 12-23 The authorised process at the time was for nominations for honours to be made on Form 58. As outlined earlier at paragraph 12-16, the ship's Captain [Tennant]

31 Alan Matthews, 'The sinking of HMS *Prince of Wales* and HMS *Repulse*', Force Z Survivors Association, www.forcez-survivors.org.uk, viewed 5 July 2012.

was required to initiate the process by passing his nominations to Commander-in-Chief Eastern Fleet [Layton]. Supported nominations would then be passed to the Secretary of the Admiralty in the United Kingdom for final consideration by the Admiralty Honours and Awards Committee, whose recommendations, including a decision on the level of honour, would be sent to the King for approval.

12-24 At the time of Davies's action, he was serving as a member of the RAN, in an RN ship, under RN command, as part of the Eastern Fleet. Nominations for honours would therefore proceed through the RN chain, and not through the Australian chain. It was put to the Tribunal that there were questions over the possibility that Admiral Layton may have not been supportive of honours nominations in circumstances where a 'disaster of such magnitude' may have occurred, implying that the potential for an injustice existed. In its research, the Tribunal confirmed that the authorised process for considering the nomination of Davies was not followed correctly.

12-25 The command arrangements prevailing at the time of Davies's action were summed up by Griffiths as being 'virtually impossible to understand. The command issues at the time were clouded and not at all straightforward'.³² In Marder's book *Old friends and new enemies*, it is said that the correct procedures were not followed because:

Tennant said that he could not recommend anyone for a decoration because every officer and man 'carried out his duties to the utmost', and possibly the greatest cases of gallantry were performed by those who did not survive.

The powers that be announced that 'in a disaster of such magnitude no recommendations for rewards can be considered' nor were they.³³

12-26 In his oral submission, citing Marder's claim, Griffiths said that it was his understanding that 'the powers that be' was Vice Admiral Layton and that despite the fact that Layton may not have wanted any awards to be made at all, Captain Tennant submitted recommendations on his return to the United Kingdom.³⁴ In other words, the view as described by Marder and accepted by others was that Captain Tennant had to step outside the authorised process and bypass Vice Admiral Layton because Tennant believed Layton would not support any recommendations for honours in the disaster that resulted in the loss of two capital ships.

12-27 In its research, the Tribunal has found that this proposition does not appear to be supported by the evidence as it relates to Davies and the other *Repulse* nominees. While the Tribunal does not know whether Layton held those views personally or made them known within his command jurisdiction, what is clear is that Captain Tennant submitted his Report of the Action to Layton on or about 13 December 1941.³⁵ That report did not include any recommendations for honours.

12-28 By 17 December 1941, one week after the sinking, Captain Tennant had left the Eastern Fleet and returned to the United Kingdom. On that same day, Layton, from his Headquarters in Singapore, forwarded a covering letter to the Secretary of

32 Oral submission by Rear Admiral Guy Griffiths, Public Hearing Sydney, 9 February 2012.

33 Marder, *Old friends and new enemies*, p. 483.

34 Oral submission by Rear Admiral Guy Griffiths, Public Hearing Sydney, 9 February 2012.

35 This date is sourced from Captain Tennant's letter of recommendation to the Secretary of the Admiralty, TNA: ADM 1/12315.

the Admiralty, to which were attached the Reports of the Action on the loss of HM Ships *Prince of Wales* and *Repulse*. In that letter, Layton says that:

as many of the officers concerned are now returning to the United Kingdom ... I feel unable, as I would wish to have done, to bring to the special notice of Their Lordships to (sic) cases of individual good service, of which there were many. I will submit my further observations at a later stage, but in the meantime I would ask Their Lordships to obtain from Captain W.G. Tennant, R.N ... recommendations for the recognition of those who were specially deserving.³⁶

- 12-29 These words contradict the notion that Layton was obstructing nominations for honours; instead his actions seem actually to initiate the process. A month later, on 18 January 1942 while on leave in the UK, Tennant, who had not to this point contemplated recommending 'any particular officer or man for [a] decoration' then submitted a handwritten letter directly to the Secretary of the Admiralty.³⁷ He requested that the 'letter may be considered as an appendix to [the] report of the action' already submitted.³⁸ This would seem to indicate that Tennant was responding to a request from the Admiralty to submit nominations for the action, based on Layton's advice in his 17 December covering letter. In Tennant's letter, he summarises the actions of those he nominated as being of outstanding gallantry, zeal and devotion to duty.³⁹
- 12-30 Tennant's letter submitted to the Admiralty contained a list of recommendations, in order of merit, of those crew members of HMS *Repulse* that he considered should be recognised for awards. In this context, Tennant, specifically in referring to the first name on his list (Page), recommended him for 'a high posthumous award'. Tennant followed this up in February 1942 by drawing the Admiralty's attention to Page by referring them to a British press report that quoted from Tennant's personal letter to Page's widow.⁴⁰ In forwarding this to the Admiralty, Tennant confirmed that the report content was accurate. There is no evidence that Tennant lobbied for any of the other nominees.
- 12-31 Having received the list of nominations from Captain Tennant in January 1942, the process was then delayed. The Head of Admiralty Honours and Awards Committee, Admiral Sir Hugh Binney, RN, wanted to ensure that all nominations from the action were submitted and that Layton, who had indicated in his December covering letter that he 'would submit ... further observations at a later stage', had the opportunity to do so. On 13 June 1942, the Admiralty asked Layton, who was by then Commander-in-Chief Ceylon,⁴¹ to forward any additional nominations.⁴² In reply, Layton's headquarters reaffirmed the original 17 December advice saying that 'it was impracticable [at the time] to collect recommendations

36 Letter, Vice Admiral G Layton to Secretary of the Admiralty, 17 December 1941, TNA: ADM 1/12315, M0251/42.

37 *Supplement to the London Gazette*, no. 38214, 26 February 1948, p. 1242.

38 Letter, Captain William Tennant to Secretary of the Admiralty, 18 January 1942, TNA: Public Record Office ADM 1/12315 (H & A 58/1942).

39 Letter, Captain William Tennant to Secretary of the Admiralty, 18 January 1942, TNA: Public Record Office ADM 1/12315 (H & A 58/1942).

40 Letter, Naval Secretary to Vice Admiral Binney, 17 February 1942, TNA: ADM 1/12315.

41 After the fall of Singapore, the Eastern Fleet relocated to Java. As the Japanese advanced beyond Singapore, the Fleet then withdrew to Ceylon (now Sri Lanka). In March 1942, Layton became Commander-in-Chief Ceylon, having relinquished command of the Eastern Fleet to Admiral Somerville. The Eastern Fleet was then relocated to a British base in the Maldives. Layton remained as Commander-in-Chief Ceylon until the end of the war.

42 Message, Head H&A Whitehall 1947B/13th June, 13 June 1942, TNA: ADM 1/12315.

at Singapore as most of the surviving Officers ... were dispersed'.⁴³ Following this advice from Layton, on 26 August 1942 the Admiralty then wrote to Lieutenant Commander Arthur Skipwith, RN, the senior surviving officer from *Prince of Wales*, asking him to forward particulars of individual gallantry and devotion to duty that may have come to his notice during the action involving *Prince of Wales*.⁴⁴ In response, on 31 August 1942, Skipwith, having only previously submitted technical Reports of the Action, wrote directly to the Admiralty, submitting nine names for consideration — not in order of merit as Tennant had done, but in alphabetical order.⁴⁵

12-32 On 22 September 1942, the Admiralty Honours and Awards Committee submitted their recommendations for honours from the action for the King's approval. All nominations were approved at the level recommended by the committee and were published in the *Supplement to the London Gazette* No. 35743 dated 13 October 1942. Despite Tennant's recommendation for Gunner (Lieutenant) Page to receive a 'high posthumous honour', he was awarded an MID (Posthumous). There is no evidence to suggest that Tennant objected to this outcome.

12-33 The Tribunal concluded that Layton did not review the nominations. Layton had removed himself from the process, recognising that he was not in a position to deal fairly or expeditiously with the nominations. Despite the claims that Layton was personally against recognition 'in disasters of such magnitude', the Tribunal has concluded through its research that Layton actually ensured that nominations would be submitted and fairly considered. There is no evidence that recommendations were not appropriately considered in accordance with Admiralty processes.

12-34 The proposition put to the Tribunal by Mr Bradford (that the Admiralty elected to grant only MID awards for the action, describing this as 'a disgraceful decision') is not supported by any evidence before the Tribunal. On the contrary, the Tribunal found that considerable care was taken by Tennant to ensure that appropriate recognition was given to his nominations, even to the extent of seeking to influence the Admiralty Committee with his order of merit, his strong recommendation for a 'high award' to Gunner (Lieutenant) Page, and his subsequent lobbying of the Admiralty. Since the promulgation of the honours in 1942, there is no evidence that any review due to dissatisfaction or injustice was ever sought through the end of war list process. It is also significant to note that neither Tennant, Hayes nor Griffiths, all of whom subsequently completed distinguished naval careers⁴⁶ and had the opportunity to correct any perceived injustices, ever expressed dissatisfaction with any of the level four honours that resulted from the action.

12-35 Mr Bradford proposed that Davies be awarded the Star of Gallantry (SG), a level two honour. Referring to the Tribunal's position on the 'posthumous gap' as outlined in paragraphs 8-18 to 8-20 of the Report, such a proposition cannot be sustained.

43 Message, C-in-C Ceylon 0503Z/18th June, 19 June 1942, TNA: ADM 1/12315.

44 Letter, Admiralty to Lieutenant Commander Skipwith, 26 August 1942, TNA: ADM 1/12315.

45 Letter, Lieutenant Commander Skipwith to Secretary of the Admiralty, 31 August 1942, TNA: ADM 1/12315.

46 Tennant retired from the Royal Navy in 1949 with the rank of Admiral. Hayes retired from the navy in 1968 with the rank of Vice Admiral. Griffiths retired from the RAN in 1980 with the rank of Rear Admiral.

Tribunal review of the merits of the case

- 12-36 The Tribunal also considered, from all the material available to it, the merits of the case for elevating the recognition of Davies for his actions in *Repulse*. This merits review was carried out in accordance with the Tribunal's approach as described in paragraph 8-46 of the Report.
- 12-37 In examining the actions of Captain Tennant, the Tribunal found that on the basis of the evidence available, his judgements and recommendations were correct and of themselves not unjust, misleading or prejudicial. He wrote to Davies's mother saying that he was 'going to recommend [Davies] for some award', which he did. The words Tennant used to describe Davies's action were not indicative of those one would expect for the only other posthumous honour available at the time, the VC.
- 12-38 Mr Amos submitted that Davies's conduct was of someone thinking very clearly and selflessly at the time, not a random spur-of-the-moment decision, but one that was taken with time to contemplate. Davies was aware that by staying at his post he would not survive, and therefore should be considered for a VC. The Tribunal has no reason to disagree with this proposition. Indeed, Griffiths confirmed Davies's selfless actions and Tennant also captured that notion in his nomination. But it cannot be reasonably concluded that Tennant had a VC in mind when he nominated Davies.
- 12-39 In support of a proposition to have Davies recognised with a VC, one submitter (Carlton) put to the Tribunal that Davies's conduct was 'confirmed by one of the other Australian midshipmen, Guy Griffiths'. While it is correct that Griffiths could confirm the action, in his oral submission to the Tribunal he said that he was not an eyewitness to Davies's action. The Tribunal was unable to identify any specific eyewitnesses who might introduce a version of events that was at variance to the events cited in Tennant's letter of recommendation, or contribute new evidence.
- 12-40 Carlton also submitted that Davies's actions were superior in merit when compared to those of 'Jack' Cornwell, VC, RN, at the Battle of Jutland. While this is a subjective proposition, it is not possible to come to a sustainable conclusion on the basis of comparisons between individual conduct in military actions. As discussed at paragraphs 8-21 to 8-25 of the Report, the Tribunal placed no weight on the use of comparisons to reassess the merits of this case.
- 12-41 In his submission to support his proposition that no change to Davies's MID (Posthumous) be contemplated, Mr Wilson speculated that, on the basis of a report of one survivor, it was possible that Davies did not hear the order to 'Abandon ship' and, as such, that in doing his job, did not realise that he was fighting on to the death. Amos countered this when he said that Davies had refused the order to 'Abandon ship' and instead continued firing at the attacking Japanese torpedo bombers. Amos's position was supported by Griffiths in his oral submission, concluding that Davies 'probably told his crew to abandon ship as they had been ordered to do so'. In his letter to Mrs Davies just three weeks after the action, Hayes said that 'when the order was given to Abandon Ship, [Davies] stuck to his place of duty, telling those who got in his way on their passage over the

side, what he thought of them'.⁴⁷ Tennant also confirmed in his after-action report 'that the broadcasting apparatus was still working throughout the ship with the exception of the compartments down below aft ... she only remained afloat about six or seven minutes after I gave the order for everyone to come on deck'.⁴⁸ The Tribunal placed considerable weight on all three survivors' interpretations, which confirm Davies's selflessness and gallantry, rather than Wilson's speculation.

12-42 Letters of condolence written to Midshipman Davies's mother by Captain Tennant and Lieutenant Hayes were new material that had not been previously cited in historical accounts. While they included new descriptions of Davies's action, these were not sufficiently compelling to prompt further investigation.

12-43 The Tribunal is satisfied that Tennant took full account of all actions when he decided to recommend the highest posthumous honour to Gunner (Lieutenant) Page. There is no evidence to sustain an alternative finding through a merits review that Davies's gallantry was inadequately recognised.

Tribunal conclusion

12-44 The Tribunal concluded that on both process and merits, Davies's case was properly considered at the time. The process and procedures were not followed precisely, but considering the circumstances, they were appropriate and fair. Midshipman Davies was appropriately honoured with an MID (Posthumous). A merits review was unable to sustain any alternative outcome.

Tribunal recommendation

12-45 The Tribunal recommends no action be taken to award Midshipman Davies a VC for Australia or other further form of recognition for his gallantry or valour.

⁴⁷ Letter, Lieutenant OC Hayes to Mrs Davies, 5 January 1942, copy provided to the Tribunal by the Davies family.

⁴⁸ Report from Captain Tennant to C-in-C Eastern Fleet, 11 December 1941, published in the *Supplement to the London Gazette*, no. 38214, 26 February 1948, pp. 1239–1240.