

**House of Representatives, Monday 29 March 1999**

**COMMITTEES: Foreign Affairs, Defence and Trade Committee: Report**

**Dr THEOPHANOUS** (Calwell)(12.37 p.m.) —On behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I have great pleasure in presenting the committee's report on the loss of HMAS *Sydney*, together with the very many volumes of evidence and minutes of the proceedings received by the committee.

Ordered that the report be printed.

**Dr THEOPHANOUS** —HMAS *Sydney* held a special place in the hearts of Australia, having served with great distinction in the Mediterranean from May 1940 to January 1941. She saw significant action there, most famously playing a crucial role in the sinking of the Italian light cruiser, the *Bartolomeo Colleoni*. As Billy Hughes remarked:

This magnificent ship had seemed to have a charmed life. She had run the gauntlet of the toughest fighting in the Mediterranean and escaped with not much more than a scratch on her paint. Everyone of her countrymen had thrilled to her exploits.

On her return to Australia in February 1941, she arrived at Circular Quay to be greeted by thousands of cheering well-wishers. An estimated 200,000 people lined the city streets as the crew marched through the city to a civic reception. It is very poignant to watch footage of that return now, with the knowledge that some nine months later most of those young men would be dead, killed in the service of their country.

*Sydney* spent the following months patrolling the shipping routes around Australia and undertaking convoy duties. *Sydney* was returning from escorting the troopship *Zealandia* to the Sunda Strait when disaster struck.

On 19 November 1941, following an engagement with the disguised German raider, the *Kormoran*, the ship with all 645 men on board was lost. This was Australia's greatest single wartime disaster. Many could not accept the German account of the battle and that no Australians had survived to tell their story when over 300 of the Germans had been spared. The committee was asked by the Minister for Defence in August 1997 to examine the circumstances of the sinking of HMAS *Sydney*. It is surprising to many people that a parliamentary committee should be asked to examine a matter that happened almost 60 years ago. However, it appears that there was no formal naval inquiry or public inquiry held into the loss, either immediately after the disaster or in the postwar period.

It is perhaps understandable that a full inquiry may not have been held in December 1941, given the Japanese attack on Pearl Harbour on 7 December and Australia's increasingly threatened position. However, the lack of a formal review after the war means that the opportunity for the government to gather any evidence that might have been available has been lost.

Over the years a number of books have been written on the tragedy, but along with scholarly research has come speculation and innuendo. The debate about what actually happened to *Sydney* continues to rage. For the committee, the task was quite daunting. So many of those who had first-hand knowledge of that period are now dead or infirm. However, many people contacted the committee with their recollections, and we are very grateful to all of them for making the effort to shed some light on this matter.

The committee is aware that this report may not put an end to the wilder accusations and speculation that surround the events of that November so long ago. It is unavoidable that those who choose to see cover-up and conspiracy will not be satisfied with many of the conclusions of the inquiry, and will seek to condemn it as part of that very same cover-up. The committee can only stress that, when looking at the evidence presented to it, it tried to determine what a reasonable person would believe.

Before looking at some of the recommendations of the report, I would like to take this opportunity to commend the work of the chairman of the committee, Senator David MacGibbon. In his position as Chairman of the Defence Subcommittee, Senator MacGibbon played a crucial role in the conduct of the inquiry. Those who know Senator MacGibbon are well aware of his comprehensive knowledge of Defence issues, and his interest in the fate of *Sydney* has been longstanding. Senator MacGibbon did an excellent job in directing this inquiry; his work and the work of the committee in the 38th Parliament should be acknowledged.

I would now like to turn to a number of the recommendations of the report. In all, there are 18 recommendations. Some of them deal with issues such as greater public access to World War II archival material; further research in the Public Record Office in London to try and determine if there are any records of a court or board of inquiry dealing with the loss, or records of a coronial inquiry undertaken on the body of the unknown sailor on Christmas Island. Others concern the unknown sailor found off Christmas Island in February 1942, believed by many to be from the *Sydney*, and relate to the exhumation of the body in an attempt to identify the remains. Certain recommendations relate to searching for *Sydney* and *Kormoran*; and several recommendations concern how *Sydney* should be commemorated. In tabling this report in the Senate last week, Senator MacGibbon spoke at some length about the unknown sailor on Christmas Island, and I do not propose to repeat those remarks. Instead, I would like to speak about the possibility of finding *Sydney* and what that might mean.

The terms of reference for the inquiry asked the committee to investigate and report on the 'desirability and practicability of conducting a search for HMAS *Sydney* and the extent to which the Commonwealth government should participate in such a search, should one be deemed desirable and practicable'. Certainly, among the 200 or so submissions received by the committee, there was not universal support for a search; a strong view was held that the wrecks were war graves and should remain undisturbed.

While everyone acknowledged that there should be no interference with the wrecks, there was a strong counterview that said that there could be no closure to this issue for the families of those who were on *Sydney* until their final resting place was known. Also, that finally something was being done was seen by the families of the survivors as a sign of faith from the government.

After considering all the arguments the committee decided that an attempt should be made to find the wrecks. However, finding them is easier said than done. A number of submissions argued that, as *Titanic* had been found, surely that same technology could be used to locate *Sydney*. However, the cases are quite different and hinge around having an adequately defined search area. The search area for *Kormoran* based on existing knowledge is some 7,200 square kilometres. The possible search area for *Sydney* is even larger. In comparison, the search area for the *Titanic* was in the order of 500 square kilometres. There is an often quoted statement attributed to Dr Robert Ballard of the Woods Hole Oceanographic Institute, the person who led the team that found the *Titanic*. He is reported to have stated that finding the *Sydney* is not like trying to find a needle in a haystack because we don't even know where the haystack is. Many people came forward with their theories on the location of one or more of the wrecks. Different methods were used in their calculations: hindcasting, that is, looking at where the rafts carrying the *Kormoran* survivors were found and then working backwards, taking factors such as currents and weather conditions into account; archival searches, using the German accounts and positions given during interrogations that followed the capture of the German survivors; and more unusual approaches, such as the Knight Direction Location System, which uses a resonant frequency detection method.

The committee believes there is still a great deal of work to be done in defining the search area and that it would be unwise to rush to conduct underwater searches until there is a greater agreement on where the wrecks may be. The committee has therefore recommended that Navy sponsor a seminar to bring together all of those with theories about the final resting place of the wrecks to try to reach some common ground. Only after reaching some degree of consensus should an in-water search be started.

The committee has also recommended that the Australian government support the search, matching public donations on a dollar-for-dollar basis up to a total of \$2 million, a very important recommendation. The committee has proposed that the HMAS *Sydney* Foundation Trust, based in Western Australia, would be the most appropriate body to coordinate the fundraising and the actual search. The committee was particularly concerned, however, that should the wrecks be located they be adequately protected as the final resting place of so many Australian servicemen. The committee has recommended that should the wrecks be located in Australian waters they be declared wrecks of historical significance under the terms of the Historic Shipwrecks Act and that a protected zone be declared around them.

The search for the *Sydney* and *Kormoran* is not guaranteed of success by any means. If it does succeed, it may provide those interested in the fate of the ships with some further insights into the events of 19 November 1941. If the search is unsuccessful it will not mean that people will no longer wonder about the final resting place of the ship. However, an attempt to find the *Sydney* will be a sign that Australia cares about the 645 men who gave their lives in the defence of their country as well as their families and their friends. I commend this excellent report to the House. (Time expired)

**Mr HAWKER** (Wannon)(12.49 p.m.) —I join with the member for Calwell in speaking to the tabling of this report on the loss of HMAS *Sydney* and I would certainly support the remarks that he has made. The work of the Joint Standing Committee on Foreign Affairs, Defence and Trade has been first class. I particularly endorse his comments about Senator MacGibbon, who has done an outstanding job in chairing what has been a very difficult inquiry and one that—as I think those of us who have had any involvement would realise—raised high emotions and one that worked under some very difficult circumstances in trying to get the facts, of which some will never be known.

Overall the inquiry has shown that parliamentary committees—in particular, the Joint Standing Committee on Foreign Affairs, Defence and Trade—can do some very worthwhile work, even given the time delay in trying to look at what was a very tragic occasion in Australia's maritime and wartime history.

As has been pointed out, the HMAS *Sydney* was lost with all hands on 19 November 1941. This accounted for more than 35 per cent of the Royal Australian Navy servicemen killed in action between 1939 and 1945. For 12 days after the incident the government issued no less than 11 censorship notices preventing the publication of details before the Prime Minister was prepared to confirm on 1 December that the *Sydney* had indeed been sunk. With no explanation given as to how the *Sydney* and her crew had disappeared, rumours of government cover-ups began. Suspicions were heightened for a number of reasons: firstly, the delay in making the official announcement, despite widespread public rumour; secondly, the lack of any real explanation when the announcement did come; thirdly, the secrecy which surrounded the official investigation of the disaster which continued into January 1942; and, fourthly, the many obvious questions which the government failed to publicly address.

As the member for Calwell has pointed out, the committee in its report made 18 recommendations to cover a range of issues that were raised during the inquiry and which the committee felt were important to respond to. Clearly, in those recommendations a very serious attempt has been made through the parliament to try to address the many concerns that are raised by those who keep asking, quite validly, questions as what really did happen and

why we still seem to know so little about this terrible tragedy that occurred to what was the pride of the Australian Navy of the time.

I would like to talk a little about references to the need to open up the archives. In the first recommendation the committee asks that the public have full access to all the material. It is quite amazing the amount of material that is there on the *Sydney* itself. What is still not known is to what extent there is material there that people are still unaware of that may shed further light on that tragic day in November 1941.

There have been several publications since the Second World War. For example, in 1981 Michael Montgomery published *Who Sank the Sydney*. He gave that account based on the archival material made available to the public in 1972. Montgomery's account reflected his strong conviction that a cover-up had indeed occurred. Several more volumes on the disaster followed in subsequent years with differing views on what had occurred on that fateful day, including the more recent one, Tom Frame's *HMAS Sydney. Loss and Controversy*. This book, which was published in 1993, also looked at the issue of suppressed documentation, calling the sinking 'a grand conspiracy of deception within officialdom'.

Conspiracy theorists maintain that somewhere in official government archives there must exist documents that provide answers to many of the unanswered questions. Suspicions that documentary evidence had been destroyed, misplaced or concealed led to the committee examining the issue of archival material as part of the inquiry. As such, the committee recommended that the Australian government review the operations of the Archives Act 1983 with regard to making available to the public all material relating to World War II, including the 21.6 kilometres of material on the shelves relating to the *Sydney*.

It is a staggering amount of material and one would appreciate that the sheer logistics of assessing that material is a major task. However, we believe that that recommendation is one that should be followed up to assist those who still have many concerns, including the relatives and successors of those who tragically lost their lives on that occasion, together with many other friends and relations. It is not an unreasonable recommendation.

Until 1966 access was restricted to records at least 50 years old. This 50-year rule, as it was known, was changed in December 1970 when the then government introduced a 30-year rule. This change saw the introduction of several changes to the rules governing public access to government materials, allowing materials about the events of World War II to become accessible. However, not all records were publicly available from that time. Access to such records was discretionary with documents needing to be checked for sensitivity. Departments could withhold exceptionally sensitive papers, the disclosure of which would be contrary to the public interest, whether on security or other grounds. Furthermore, departments could withhold documents containing information supplied in confidence the release of which might constitute a breach of good faith, and information about individuals the disclosure of which would cause distress or embarrassment to living persons. It is with those caveats that the changes were brought into place.

In 1984, with the proclamation of the Archives Act, the discretion of government agencies to unilaterally refuse access to these records was removed. The Archives Act now gives the public a right of access to government records over 30 years old, with an exception for those records falling into certain categories. The Archives Act overrides the secrecy provisions in almost all other legislation for records over 30 years old. The committee believes that it is unlikely that any material relating to the Second World War retains a degree of sensitivity that warrants exemption. Although most of this material is considered to be accessible, difficulties arise as the materials cannot be accessed until cleared on a piece-by-piece basis.

The committee believes the decision should be taken to make all material relating to the Second World War open to public access on a blanket basis. This would place the onus on

individuals to undertake archival research into the loss of the HMAS *Sydney* free of restrictions which in the past have fuelled suspicions that material is being withheld. Obviously, the report will not put an end to much of the speculation surrounding the loss of the HMAS *Sydney*. However, allowing historians to access the wealth of information being held on the *Sydney* and on the Second World War may finally achieve that and more light may be shed on the whole subject.

This has been a very big inquiry by the committee. As I say, 18 recommendations have been made and they have been canvassed already in part. It shows that the recommendations to government do take into account the whole range of submissions provided and give a very serious and sober assessment of what can be done, albeit many years later.

I have great pleasure in supporting the tabling of this report and will certainly be recommending to the government that they respond to these 18 recommendations favourably. We hope that those who feel such loss will gain some solace from what is being offered.

**Mr PRICE** (Chifley)(12.58 p.m.) —I want to make a few remarks about the report. Firstly, those of us who are pleased to see this report need to express our gratitude to the member for Perth, Stephen Smith, and the then member for Moore, Paul Filing, who, through a private member's motion, really were the instigators of this report.

I am one of those members who was not particularly pleased that the committee was looking at this issue. It is difficult for a parliamentary committee to be very conclusive about events that occurred 58 years ago. I know there is a danger of trying to judge things by today's norms, but it is a real blight on the Navy that a proper naval board of inquiry was never held closer to the event. I believe such a board could have been much more certain about the circumstances surrounding the event. I believe the Navy owed that to the 645 men who were lost, as well as to their families, friends and relatives.

Inasmuch as the committee has been able to do anything, I think it is that we have been able to rule out some of the wilder suggestions about what happened.

It is an unusual report in that the conclusions are of almost equal weight to the recommendations because it is in the conclusions where the committee comes to finality about the circumstances surrounding the loss of HMAS *Sydney*. I am pleased about the recommendations. The difficulty in locating the wreck is quite great so, although we have recommended expenditure of some Commonwealth moneys on a search, it is conditional. Unless we can be satisfied that we are going to get a much better handle on where the haystack is, very little Commonwealth money will be expended.

I particularly want to mention two recommendations that have not been mentioned by the chairman of the committee or previous speakers. Firstly, we have an opportunity in 2001 to have a 60-year memorial of the loss of *Sydney*. I hope that we will have a permanent memorial in Western Australia and simultaneous functions in New South Wales, in Sydney, and in Western Australia.

Secondly, I want to mention a very modest recommendation—that is, that in memory of those serving men who were lost on HMAS *Sydney* there should be a research grant scheme instituted, funded by Navy, in the name of HMAS *Sydney*, of some \$50,000. A similar scheme already exists in Army. It would allow a small amount of money to be paid out each and every year for interesting research projects undertaken into naval history. I think that, if the government were prepared to generously accept this recommendation, it would get very good value for money, and the memory of those who have served will continue for a very long period of time.

As a member of the committee, I concur with the conclusions and recommendations. I suppose I should not be churlish, but I do think that, given the circumstances of an inquiry being undertaken 58 years after the event, this is a good report, although we will never be able

to make up for the fact that there was not a proper naval board of inquiry at the time. The men and their families and friends certainly deserve that.

**Dr SOUTHCOTT** (Boothby)(1.03 p.m.) —I echo the comments of the previous speaker. In fact, I mentioned on Friday night at a gathering at Colonel Light Gardens RSL the fact that the Joint Standing Committee on Foreign Affairs, Defence and Trade had released a report on HMAS *Sydney*, and the president laconically said, 'Gee, it took you long enough.'

The meeting was quite interesting because also present was a former RAAF chaplain, Father John Kinsman. He relayed the story that he had, on a flight to Christmas Island in a C130, performed a funeral service for a crewman of HMAS *Sydney* who was not on that final voyage of the *Sydney*. The crewman had always retained a link with HMAS *Sydney*, and when he died many years after 1941 it was his request that he be buried at sea at the approximate location of the sinking of HMAS *Sydney*. As this report has shown, there is no firm agreement on the location of HMAS *Sydney*, but there are some very interesting studies and some very interesting arguments as to where it might be.

As we have already heard, the *Sydney* sank with 645 crew. There were no survivors. In the committee report we have a list of all the vessels this century that have sunk in battle without survivors, often due to heavy shelling and the explosion of the magazine. It remains, 57 years on, Australia's greatest maritime mystery.

If you think back to that period and the three months from November 1941 onwards, there was the sinking of HMAS *Sydney*, a light cruiser, with the loss of 645 sailors in November 1941. In December 1941, there was the bombing of Pearl Harbour and the Japanese invasion of Malaya. In February 1942, there was the fall of Singapore and the capture of 150,000 allied servicemen on that peninsula, and eventually the fall of the Dutch East Indies.

In that three-month period it must have been a searing experience for anyone who was alive at that time to realise that not only had the *Sydney* been sunk but all around the region the allies were having very serious setbacks. In fact, it is still commemorated now. The launch of submarines like Farncomb and Waller commemorate RAN servicemen who were involved in the battles of the Sunda Strait and the Java Sea during the period.

The committee touched on things like the body that was washed ashore on Christmas Island and carley floats that were found afterwards. The Western Australian Maritime Museum has two carley floats. The Australian War Memorial has one. Another one that almost certainly did come from HMAS *Sydney* has now been lost. One of the recommendations is for someone to examine both the ones in the Western Australian Maritime Museum and the one in the Australian War Memorial. The report also mentions a memorial at Fremantle for HMAS *Sydney*, which I think is good idea.

The body on Christmas Island is a difficult issue because there is still no firm evidence as to where the body was buried. I would say it is worth pursuing on Christmas Island to find out if we can locate the grave site, and I would say it is important that we commemorate the grave site. I do not agree with disinterring in the body. I do not agree with doing DNA testing. We have talked about a needle in a haystack; this is another needle in a haystack.

In terms of the search for the *Sydney*, a submission from Bernard O'Sullivan said that the last sighting of HMAS *Sydney* by the survivors of the encounter was it steaming away with smoke and flames coming from her. In relation to searching for the *Sydney* and the *Kormoran*, *Kormoran* is in an area of 7,000 square metres and the *Sydney* area is much larger. Woods Hole Oceanographic Institute has promised support in locating HMAS *Sydney*, providing the search areas can be narrowed down to Bismarck and Titanic parameters, which were only 500 square metres. It looks like it is in either 2,500 or 4,900 metres depth of water, which is no problem for technology. Regarding the examination of overseas sources, Dutch signals intelligence was destroyed before the Japanese capture. There is no material in Dutch archives

that relates to the *Sydney* and German records have been extensively examined. (Time expired)

**Mr DEPUTY SPEAKER** (Mr Nehl) —The time allotted for statements on this report has expired. Does the member for Calwell wish to move a motion in connection with the report to enable it to be debated on a future occasion?

**Dr THEOPHANOUS** (Calwell) —I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted.

**Mr DEPUTY SPEAKER** —In accordance with standing order 102B, the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting and the member will have leave to continue speaking when the debate is resumed.