COMMONWEALTH OF AUSTRALIA

JOINT STANDING COMMITTEE

ON

FOREIGN AFFAIRS, DEFENCE AND TRADE

(Defence Subcommittee)

Reference: Circumstances of the sinking of HMAS *Sydney*

SYDNEY

Friday, 22 May 1998

OFFICIAL HANSARD REPORT

CANBERRA

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

(Defence Subcommittee)

Members:

Senator MacGibbon (Chairman)
Mr Ted Grace (Deputy Chair)

Senator Bourne	Mr Bob Baldwin
Senator Ferguson	Mr Bevis
Senator Sandy Macdonald	Mr Bradford
Senator Margetts	Mr Brereton (ex officio)
	Mr Brough
	Mr Dondas
	Mr Georgiou
	Mr Hicks
	Mr Lieberman
	Mr Leo McLeay
	Mr Price
	Dr Southcott
	Mr Taylor

To inquire into and report on:

The circumstances of the sinking of HMAS *Sydney* off the Western Australian coast on 19 November 1941, with particular reference to:

(1) the extent to which all available archival material has been fully investigated and whether any relevant material has been misplaced or destroyed;

(2) all relevant archival material available from allied and former enemy forces;

(3) the desirability and practicability of conducting a search for the HMAS *Sydney* and the extent to which the Commonwealth Government should participate in such a search should one be deemed desirable and practicable;

(4) the practicability of accurately locating the grave of an alleged body from HMAS *Sydney* which was allegedly buried on Christmas Island;

(5) the identification of any scientific procedures now available which could verify the identity of human remains alleged to be those of a crewman of HMAS *Sydney* buried on Christmas Island if and when such remains were located;

(6) measures which should be taken to protect and honour the final resting

places, if and when located, of HMAS *Sydney* and KSN *Kormoran*.

WITNESSES

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

(Defence Subcommittee)

The circumstances of the sinking of HMAS Sydney

SYDNEY

Friday, 22 May 1998

Present

Senator MacGibbon (Chairman)

Senator Sandy Macdonald	Mr Dondas
Senator Margetts	Mr Leo McLeay
	Mr Price
	Mr Taylor

Subcommittee met at 9.33 a.m.

Senator MacGibbon took the chair.

CHAIRMAN—I declare open this public hearing of the Defence Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. This hearing is part of an inquiry being conducted by the Defence Subcommittee into the loss of HMAS *Sydney* in 1941 off the coast of Western Australia with all 645 of the ship's company. We will be hearing from a number of individuals today.

The subcommittee has been asked to examine the circumstances of the loss of HMAS *Sydney* and, in particular, to examine: one, whether there is any archival material, either in Australia or overseas, that may not have been examined; two, whether it is desirable or even practical to conduct a search for *Sydney*; three, whether the body on Christmas Island believed by some to be from the *Sydney* can be located and identified; and, finally, what measures should be taken to protect and honour the final resting place of both *Sydney* and the German raider *Kormoran*, which also sank after the engagement.

I welcome everyone here today, including members of the general public who are interested in this matter. There will be an opportunity for people in the audience to have their say later in the afternoon in the open forum part of the proceedings.

[9.35 a.m.]

HILTON, Associate Professor John Millar Napier, Director, New South Wales Institute of Forensic Medicine, PO Box 90, Glebe, New South Wales 2037

CHAIRMAN—Welcome. Is there anything you wish to add about the capacity in which you appear before the subcommittee?

Prof. Hilton—I am the Director of the New South Wales Institute of Forensic Medicine and Associate Professor of Pathology at the University of Sydney. I was formerly consultant in forensic medicine and pathology to the Australian Defence Force until I was age retired two years ago. I have had some 30 years experience in forensic medicine, forensic pathology, including the detection, exhumation and examination of human remains for purposes of identification and determining the cause and manner of death. I have had a passing interest over the last 10 years in one of the matters which is before the committee today, that is, the possible identification of the human remains interred on Christmas Island.

CHAIRMAN—Thank you. I must advise you that the proceedings here today are legal proceedings of the parliament and warrant the same respect which proceedings in the respective houses of parliament demand. Although the subcommittee does not require you to give evidence on oath, you should be aware that this does not diminish the importance of the occasion. The deliberate misleading of the subcommittee may be regarded as a contempt of the parliament. The subcommittee prefers that all evidence is given in public, but should you at any stage wish to give evidence in private you may ask to do so and the subcommittee will give consideration to your request.

We have a copy of correspondence between you and Mr John Heazlewood, submitted to the subcommittee by Mr Heazlewood as part of his submission. It was authorised for publication. I invite you now to make a short opening statement before we proceed to questions.

Prof. Hilton—Thank you, Mr Chairman. As I say, my interest in this matter is partly historical and partly professional. I have been consulted by Mr Heazlewood and others regarding the feasibility of exploring the grave site on Christmas Island, and disinterring any human remains which may still be there and attempting to identify these human remains. This would be done by a fairly usual forensic methodology of determining sex, age, height, any physical characteristics. If there are any skeletal identifying factors present, these would be noted and compared with any existing medical records that may be applicable.

The dental pattern would be determined and, again, this could be compared with any pre-existing dental records that might be relevant and as a last—I emphasise last—resort, we could make an attempt to extract DNA and, using a technique called PCR from

the bone, grow that DNA and cross-check it with any surviving putative relatives. The methodology would be a mixture of forensic archaeology, anthropology and forensic pathology in its broadest sense.

As I see it, the first practical question would be to identify the likely interment site, then the feasibility of exploring this in an archaeological manner, recovering any remains, examining these on-site, as far as is possible, and then transporting appropriate samples back to the Australian mainland for further examination and testing. I have been on Christmas Island although I have not seen the old European cemetery—at least, not that I am aware of. My interest at that time was quite different from my interest today. There is the expertise in Australia to undertake this.

Similar exercises have been conducted in the past and I would draw the committee's attention to the efforts of Mrs Lynette Silver and her colleagues in the investigation and subsequent publication of a book concerning the fate of the personnel from, I think, Operation Jaywick. There were two operations on Singapore. I think the first was Rimau, and that was a success, and the second was Jaywick—I might have got the names reversed—and that was a total failure. It resulted in the deaths of the majority of the people who undertook it, either by direct enemy action or by execution. The remaining two members of that expedition were killed on a small Indonesian island.

Mrs Silver, with some assistance from Defence, went up there and succeeded in recovering some putative, skeletal remains that were identified as the last member of the missing expedition. That was a successful conclusion under similar fairly adverse circumstances. My attitude to the exercise before us right now is that the question has been put and I think, unless it is investigated, it will never be satisfactorily answered. It may not be satisfactorily answered at the end of the day even with investigation. In essence, it is better to investigate than to speculate.

CHAIRMAN—The starting point in all of this is the identification of the grave site. Some of the witnesses that we have had last saw the grave site in the 1950s, over 40 years ago, and, by all accounts, it was unmarked by a headstone. What techniques can you use to identify skeletal remains? Have you any way other than physically digging the site?

Prof. Hilton—No. There are archaeological techniques, of which I am not an expert, which can perhaps help to identify the actual grave site or a site of an interment—not necessarily 'the' grave site but 'a' site of an interment. Then it would be down to very careful excavation, in an archaeological fashion, and careful retrieval of any remains that happened to be there. Then, as I have indicated, there would be the process of examination and investigation thereafter. There are no short cuts.

CHAIRMAN—One of the reports that we had indicated that CSIRO had determined there was a PH of nine in the soil in the alleged grave site area. That would be a very basic soil and the possibility of calcific remains there would be reasonably high,

would it not?

Prof. Hilton—Yes. The PH of soil certainly has got an influence on the long-term persistence of skeletal remains. However, there have been skeletal remains recovered from war type situations, interments, many years after the event. I was at a military funeral on the Somme where some remains had been recovered from 1917. Two of the people were identified by equipment and dog tag means and not by scientific means. But, in the final analysis, it would have been a feasible exercise—and I emphasise feasible—to use other scientific means to identify the remains. I do not know what state these skeletons were in but certainly I have had personal experience of skeletal remains being recovered from beaches on the Western Australian coast from shipwrecks that had occurred in 1880, and they were very well preserved. You can speculate on the effect of PH but, again, you do not know until you look.

CHAIRMAN—So the identification of the grave site is one of the crucial elements in this. The other point is that, if we do not use DNA testing, we do not have any way of tracking or identifying who that body might be.

Prof. Hilton—As has been said, a way of identification would be if there were pre-existing physical records and dental records.

CHAIRMAN—We have had conflicting information from Navy that dental records may or may not exist. Unless there is a naval dental record, or the families can produce a professional dental record, the identification of that body is very difficult other than by DNA testing because it seems that all the evidence that the corpse had good dentition was done superficially. It is purely anecdotal and we have not adduced any evidence as to what the state of the dentition was.

Prof. Hilton—I would have hoped that somewhere in the archives in Defence there would be some dental records relating to the crew of *Sydney*. I understand that would be a fairly mammoth task to try to recover these and present them. Nevertheless, it is a technique which would be worth pursuing.

Mr TAYLOR—There is evidence that the body that was in the carley float was dressed in some sort of boiler suit. What would be the state of the clothing after 50 years?

Prof. Hilton—I do not think there would be any clothing left at all apart from anything metallic, and I think there were press studs on the boiler suit.

Mr TAYLOR—Three press studs.

Prof. Hilton—I would be surprised if there was any fabric left, other than—

Mr TAYLOR—What about the boots?

Prof. Hilton—That is a bit unpredictable.

CHAIRMAN—Surely the top suit of the clothing would have been removed from the corpse?

Prof. Hilton—Remembering the circumstances under which the body was examined, as far as I am aware, there is no real evidence that an autopsy was performed. The body has been described to me as having been examined, or looked at, but I would be surprised if an autopsy, as such, had been carried out.

I would have expected that the clothing would have been removed. What happened to the clothing or might have happened to the clothing after that, I really do not know. It might have been disposed of at another site. It might have been buried with the body. The shoe, as I understand, was canvas. If it was canvas, then certainly the canvas parts, I would expect, would have rotted and disappeared. There are very sophisticated techniques which are not available in Australia of delineating general body shapes in archaeological dig sites but these would not be applicable to the situation that we are discussing now.

Senator MARGETTS—We have seen in the media methods by which a skull, if it was in reasonable condition, could be modelled with computer modelling to reconstruct the face. Have you used those?

Prof. Hilton—Yes, with varying rates of success. But, once again, the technique could be applied to literally any skull that is in reasonable condition. The value of it, of course, then lies in someone who is still alive being able to say, 'Yes, I recognise the facial features,' or a comparison being made with photographs or something of that nature. It can be done. We in fact do it on occasion.

Senator MARGETTS—You mentioned that you think DNA is a method of last resort. Could you, first of all, mention why you would consider it would be a last resort and, secondly, give us an indication of what kind of material might be useful in getting a DNA reading?

Prof. Hilton—We use DNA as a last resort when other methods have failed. It is expensive. It is tedious. Once again, despite the publicity given to it in the popular press, the test is not as easily completed as many people would like to think. It is certainly quite possible to recover DNA from, for instance, mummified remains 2,000 years old. It is also known that it is sometimes extremely difficult to recover reliable DNA from human remains that have been badly treated that are only a few months old. For instance, in aviation crashes, very often the DNA is so degraded—even in recent aviation crashes—that it makes DNA analysis unreliable, difficult or impossible. Once again, unless the scientists can be absolutely sure of the results, they are not really entitled to report a

positive.

Senator MARGETTS—What kind of material do you need—hair, nails or can you use bone fragment?

Prof. Hilton—You can use any biological material. There is a descending order of usefulness. But certainly, with current techniques, bone can be utilised.

Senator MARGETTS—We have heard evidence from a number of surviving relatives that there would be a willingness by some of the people we have heard from to submit their own DNA. You say the DNA testing is very expensive but some people have said the DNA testing of the relatives would be relatively cheap. The sum mentioned was something like $100 per person for DNA testing of surviving relatives. Can you outline what the cost would be or what expense would be incurred with the corpse in terms of DNA testing?

Prof. Hilton—I think $100 for the test is not an unusual or unrealistic figure to quote. I suppose the bottom line is how many tests you are going to have to do. Using PCR techniques, you are really looking at DNA passed down through the female line and that certainly has cheapened the investigation compared with the old days.

Senator MARGETTS—Apart from the identity of the corpse, what could you conceivably find from that kind of investigation?

Prof. Hilton—The DNA investigation or the investigation of all of the remains?

Senator MARGETTS—The pathological—

Prof. Hilton—Again, there may be skeletal evidence of recent injury to bone. If the person had been wounded and had retained a fragment of metal, shrapnel or a bullet or something like that, then with a bit of luck that could be recovered. In actual fact it is quite possible to this day to go to what were battlefields from World War I and find shrapnel or bullet fragments.

Senator MARGETTS—In fact, I suppose if there were just skeletal remains it might be easier to find.

Prof. Hilton—Not necessarily. If the fragments were retained in soft tissue, as the soft tissue disappears the fragments tend to fall and get mixed up with soil. Again, I come back and re-emphasise that this would have to be a good quality archaeological or anthropological forensic type of investigation with soil sieving. I do not want to make it sound more complicated than it is but if it is going to have its maximum value, it has got to be done with the maximum efficiency.

Senator MARGETTS—To follow that, people have given evidence that the location of the grave site using a number of modern techniques might not be such a difficult thing. What kind of team would you say would be necessary to put together for this process?

Prof. Hilton—The key member would be the anthropologist/archaeologist who has had experience in this sort of a dig. Then there would have to be the diggers themselves, and there is no point in hopping in there with mechanical devices or with picks and shovels. You can use a mechanical device up to a point, you can use picks and shovels up to a point, but after that you get down to brushes and scoops and sieves and what have you. Again, these are techniques which we have used in historical burial sites in Sydney in the recent past. Having done that part of it, then you would need a forensic pathologist, who could identify the human remains as human remains and age them and sex them in association with the anthropologist, and perhaps a forensic dentist and then the DNA scientist. You are looking at quite a small team.

Senator MARGETTS—Thanks very much.

Senator SANDY MACDONALD—One of the witnesses said that because the body had been in a carley float and it had been sitting in a certain way, there was a suggestion that the body had been buried in that position as well. If that were the case, there was a suggestion that the coffin might also have been specially made for that body. Would that be feasible?

Prof. Hilton—Anything is feasible but that is highly unlikely. It is an unlikely scenario.

Senator SANDY MACDONALD—After 57 years in perhaps well drained soil, would there be any chance that part of the coffin might remain?

Prof. Hilton—Yes.

Senator SANDY MACDONALD—There are people still alive who can identify the site or believe that they can identify the site. If the body was exhumed, I understand there are two sorts of DNA available and neither necessarily comes from soft tissue. They both can come from skeletal remains. Would it provide for an exclusion or would it positively identify a relative, if that relative's DNA was available as well?

Prof. Hilton—It could positively identify. This is the great advantage of DNA techniques, that they can, given a high level of statistical probability, positively identify.

Senator SANDY MACDONALD—Can you identify again for me what the two forms of DNA are and which is the most useful?

Prof. Hilton—There is nuclear DNA and there is mitochondrial DNA. Nuclear DNA, under the circumstances we are examining here, would be totally inapplicable because you would not get any nuclei left. Mitochondrial DNA would be a possibility. I would not guarantee the success of it, but it would be a possibility.

Senator SANDY MACDONALD—If you were mounting an argument to have the body exhumed, what would you say, knowing what you know?

Prof. Hilton—There has been a great deal of speculation about the origin of this particular body and the fate of *Sydney*. I think it is a pretty long shot to try to draw any inference about the fate of *Sydney* from this particular body, even if we could definitely link this body with *Sydney*. Nevertheless, there has also been much speculation about this body—from whence it came and even what the nationality was—and, in as far as the techniques I have outlined might help to resolve that part of the speculation, I can only quote the great John Hunter: 'Don't speculate; investigate.'

Senator SANDY MACDONALD—What would be the likely cost of exhuming the body—assuming it was found and assuming there were some skeletal remains? What would be the total cost of the all-round effort that would be involved? How many people would be involved; what sort of commitment would be necessary to transfer them to Christmas Island?

Prof. Hilton—This would be a highly variable factor, depending on whether or not the experts charged for their services at commercial rates. If the experts were to charge at commercial rates, it would be expensive. I cannot put a fee on it, but it would be expensive. If, on the other hand, the experts were to do it pro bono, then your expenses would be limited to transporting them to and from Christmas Island and their sustenance and maintenance when they were on Christmas Island, plus any ancillary charges that might arise such as the transportation of medical records or X-rays. If you went commercial on the DNA, there would be a charge for that, which would be open-ended in that sense. Quite frankly, I would urge my own molecular biologist to help out at the cost of materials only. If we were to do it—I am not suggesting that we do do it, but if we were to do it—then it would be on a highly modified cost recovery basis.

Senator SANDY MACDONALD—As a forensic scientist, do you think this particular body should be exhumed?

Prof. Hilton—Yes.

Mr LEO McLEAY—Just to resolve the question of who it is and for curiosity or for what it will add?

Prof. Hilton—No, I think there is historical importance about this. It is perhaps a small link in Australia's historical chain, but there has been so much historical speculation

about this that I think it is incumbent on us to try to resolve this now if we possibly can, remembering that as time passes the chances of success diminish.

I think there is a humanitarian aspect to it as well. It is quite extraordinary to perhaps the dispassionate mind—and I must confess that I am not being dispassionate about this—that, even after a space of 50 or 60 years, or even longer, the surviving relatives or descendants might like to know where their relatives ended their lives and where they were interred. I think there is a very strong humanitarian argument to put up for it—in addition to the scientific and historical one.

Mr DONDAS—There has been a lot of speculation as to the actual location of the grave site. If you did identify the grave site, did a DNA test and did find a living relative, what would be the legal implications of somebody claiming the body and wanting to rebury it somewhere else in Australia?

Prof. Hilton—I cannot talk with ultimate authority on this, but it has been the British/Australian experience always to bury their war dead where the event happened. In recent history there have been skeletal remains recovered from Papua New Guinea from air crew that went missing during the Second World War and have been recovered in the last 12 months. To my knowledge they have been interred in the military cemetery in PNG.

Mr DONDAS—At the location where they died?

Prof. Hilton—Within the country. The exception to that in recent British experience was in the Falklands. I do not know if the bodies of all the fatal battle casualties were returned but I know that a large number of them were. This caused a bit of coronial consternation because in fact the coroner in whose jurisdiction the bodies were delivered was obliged to hold an inquest.

Mr DONDAS—In all the hearsay evidence in terms of the location of the grave site, even people who were there in 1942 say that whilst the Japanese were there all the records were destroyed and the site was unmarked. Why do you think the islanders finding this body on the carley float, taking it ashore and burying it, would not have identified it as an unknown sailor? Why do you think it would have been an unmarked grave?

Prof. Hilton—Perhaps the circumstances at the time. As I understand it, the recovery of the body, the examination of the body, the interment of the body and the arrival of the Japanese all happened within a period of a few weeks. All I can suggest, and I really am in no better position than anyone else—

Mr DONDAS—Do you think after 57 years it is a waste of time? I am not being provocative, but we do not know the exact site and there is only anecdotal evidence that it may be off the *Sydney* because of the summer tide currents at the time. What are we

going to prove 57 or 58 years later?

Prof. Hilton—I do not think it is a waste of time. I would think the question—and, to use your phrase, speculation—will continue to be put for generations as yet unborn. We have an opportunity now to make and to be seen to be making an effort at identifying this person. It may all end in failure. If it ends in failure, well, many human enterprises end in failure, but that is no reason not to undertake them.

Mr DONDAS—Do you think that at that time, going back to 1945 or 1946, there was probably more evidence available which may have suggested that it was not a seaman off HMAS *Sydney* and that is why, some 51 years later, this parliamentary inquiry is taking place and the identification of the unknown sailor has now become a paramount part of that inquiry?

Prof. Hilton—As a general principle, the closer to the event you do your investigation the greater your chance of success.

Mr DONDAS—Why didn't they do it 50 years ago?

Prof. Hilton—I do not know. I am totally—

Mr DONDAS—There may have been evidence 50 years ago so that it was thought the whole theory may have been a great exaggeration?

Prof. Hilton—You are asking me to enter the mind of people whom I do not even know.

Mr DONDAS—You were saying yourself a few moments ago that closer to the time the evidence would have been more evident, that it would have been easier to establish certain facts. I just find it very strange that the authorities of the day would not have wanted to satisfy their own thoughts, because, exactly as you said, it would be something that would be explained at that time and not have to be investigated 50 or 60 years later. If we do not exhume the body you are now saying that the doubt will always be there.

Prof. Hilton—Yes, the doubt will always be there. I do not want to sound arrogant about this but had I been asked this question at that particular point in time I would have urged a proper investigation at that time.

Senator SANDY MACDONALD—Is the availability of DNA testing something that makes you more convinced that exhumation should take place? Would you feel less keen for the process if that was not available?

Prof. Hilton—No. Hopefully, as a last resort, DNA will resolve at least part of this

problem. But even if DNA were not available, had not been invented or discovered, I would have thought that from a historical and a humanitarian point of view it would probably still be worth while pursuing.

Senator SANDY MACDONALD—But the DNA provides a substantial second string to your bow, doesn't it? After 57 years obviously you are going to be able to tell the sex—though presumably we know the sex—and possibly the age of the person and various things, but the DNA actually provides the possibility of positive identification which really—

Prof. Hilton—If successful, obviously it is going to markedly enhance the prospects of a cast-iron identification or precise identification.

Mr DONDAS—How do you rate the possibility of identifying the body—

Prof. Hilton—Good question!

Mr DONDAS—or the skeletal remains with a person—

Prof. Hilton—I could not, with the greatest respect—

Mr DONDAS—One in a hundred, one in a million, one in a thousand?

Prof. Hilton—No, I could not—

Senator SANDY MACDONALD—One in 645?

Prof. Hilton—I cannot put a figure on that. There was a lot of activity around those waters at that particular time. Coming back to Senator Macdonald's comment on one in 645, there may have been a lot of other bodies in carley floats floating around that particular area of the world, bearing in mind what was going on elsewhere.

CHAIRMAN—I am grateful you brought to the committee's notice the two final bodies from Jaywick, one of whom I think was Sergeant Campbell, because that does provide a matter for the committee to consider. How was the final identification done—was that by DNA testing?

Prof. Hilton—No. It was a presumptive identification, as far as I am aware. I was not directly involved in this. A grave site was pointed out, an excavation was done, I do not even know to what extent, but bone was recovered. Because a local person in fact identified the grave site as being that of Sergeant Campbell, it is a presumptive investigation. But I think there is enough historical evidence to make the presumption, if not cast-iron, at least have a high degree of probability.

CHAIRMAN—We have had a number of submissions claiming that it must have been a carley float from the *Sydney* and it must have been a sailor from the *Sydney*. We have had witnesses defend those papers, but all the defence is negative, on the basis that it must have come from *Sydney* because it could not have come from anywhere else. As one of my old mathematics masters—a Scot—used to say, 'must' is no argument. I tend to agree with him on that. Proving the carley float or the sailor came from *Sydney* is not really the justification for exhuming the body. I think there are humanitarian grounds for proceeding with that if the committee agrees to do so. I would like to thank you very much for your attendance here this morning, Professor Hilton.

[10.15 a.m.]

ENEBERG, Mr Bernard Sigfrid, 18 Ryans Road, Umina, New South Wales 2257

CHAIRMAN—Welcome. In what capacity are you appearing before the committee?

Mr Eneberg—I am a retired airline navigator with some 34 years experience. I am appearing here as an amateur historian. I have made a study of naval history for the last 50 or more years, and I have become very interested in the saga of the *Sydney*, amongst other things.

CHAIRMAN—I must advise you that the proceedings here today are legal proceedings of the parliament and warrant the same respect which proceedings in the respective houses of parliament demand. Although the subcommittee does not require you to give evidence on oath, you should be aware that this does not alter the importance of the situation. The deliberate misleading of the subcommittee may be regarded as a contempt of the parliament. The subcommittee prefers that all evidence is given in public, but should you wish at any time to give any evidence in private you may ask to do so and the subcommittee will give consideration to your request.

We have received from you a submission and a number of supplementary submissions and they have been authorised for publication. Are there any additions or corrections that you wish to make to those submissions?

Mr Eneberg—There are no corrections to my submissions. I have an additional submission to make on behalf of somebody else.

CHAIRMAN—Thank you. We will receive that. I invite you to make a short opening statement before we proceed to questions about your submission.

Mr Eneberg—Thank you. It appears from the mass of material submitted to the committee that a large number of people out there are not satisfied with many aspects of the version of the *Sydney* incident offered for public consumption. I have personally lodged a number of submissions to the committee covering a variety of matters concerned with the *Sydney* incident. I will endeavour to address as expeditiously as possible some of the points which cause me concern.

The first one I would like to raise is Mr Mason's statement. It appears that there is a determined attempt being made to discredit the testimony of Mr Mason, which I believe has been given in good faith, and which I am inclined to believe to be true. I understand Mr Mason's is a sworn statement and one does not make an affirmation lightly. A sworn statement comes under the Oaths Act which carries a criminal charge of perjury if a statement is false. It appears to me that Mr Mason's statement has been deliberately

misrepresented in order to discredit it.

In dissecting Mr Mason's story, the comment was made that his statement about the *Sydney* 'bailing up an unidentified ship' is not the terminology that would be used in a signal. Of course it is not and it never was used in a signal. It is a summary of what *Sydney*'s situation was when Mr Mason came on duty and it was conveyed to him by an associate. A reading of Mr Mason's story clearly shows this to be so.

As I see it, the sequence was that prior to Mr Mason coming on duty a signal had come in from *Sydney* in cipher and had been deciphered to show that *Sydney* had encountered an unidentified ship which she wanted confirmed. This message would, as a matter of routine, be in cipher and would contain *Sydney*'s position. The gist of this message had been passed on to Mr Mason when he arrived. It had recently been discovered that *Kormoran* knew that *Sydney* had sent a message to shore.

Apparently, soon after Mr Mason came on duty, *Sydney* found it incumbent to open fire. This decision would have required an immediate signal, which would have been sent in either plain language or in self-evident code, but it would not have revealed her position. It would not have required a telegraphist to mentally decipher an incoming signal as has been loftily suggested by the defence department's submission in volume 8 on page 1849.

It is suggested that it is suspicious that the *Harman* log records are missing, as also it seems are the logs of various naval ships from Fremantle which were engaged in the search for survivors. I am advised by one of my naval associates that the seizing of the logs and other records is standard operating procedure when an event has taken place which could result in the court of inquiry.

It was stated at a meeting of the Advisory War Council of March 1942 by the Chief of Naval Staff, Vice Admiral Royle, that a court of inquiry had been held. The Chief of Naval Staff must not make casual remarks at a meeting with the heads of government and this meeting was chaired by the Prime Minister himself, so a court of inquiry must have been held, although no evidence of one has surfaced. There has to be a large box somewhere holding all these missing documents. You do not destroy material like this.

I would now like to go on and examine the battle itself. In my submission on the battle, I have drawn attention to the German account which presents the attack on *Sydney* as a flawless operation where hardly a shell that was fired missed its target. This would be a very rare occurrence as things do not happen like that in practice. The gunnery of *Kormoran* is said to have been so precise that they were able to place a shell through the observation slot of *Sydney*'s director tower. This would be a fantastic achievement, coming from an unstabilised mounting on a rolling ship. A prisoner of the *Kormoran,* a Mr Weeks, in a statement in volume 3 on pages 654 and 655, seems to indicate that the

gunnery of the *Kormoran* was not that precise at all.

I have drawn attention to the supposed battle distance, which varies widely but seems to be about one nautical mile or about 1800 metres. Most people have an idea of what a mile is and what a kilometre is, but few would be able to show how far it is. If you take the Sydney Harbour Bridge, the distance between the pylons is 550 metres—that is about one-third of a mile and a mile is three times that distance. If you imagine yourself on the top of one pylon on the observation platform, I think you will agree that you would be able to just make out the head of a person on the top of the other pylon, but you would not be able to make it out at three times that distance, which is supposed to be the distance *Sydney* was from *Kormoran*.

At that distance it is just not possible to discern individual figures with an unaided eye. I can quote an authority who says, 'The unaided eye cannot make out individual figures at 1,200 metres (1,300 yards).' This is only two-thirds of a mile. This is from the publication *Machine Gunner* by Roger Ford. Members of the crew of the *Kormoran* who were on deck claimed that they could see crewmen lining the side of the *Sydney*, which seems unlikely given the facts regarding visual distance that I have just quoted.

Historically, as regards Australian battles, we have Gallipoli written for our history by Australians, we have Tobruk also written for our history by Australians and we have Kokoda likewise. But when it comes to the story of the *Sydney-Kormoran* battle, what do we have? The Australian history has been written by the apparent German victors in the battle, not after the war when a measured appreciation could be made, but practically before the battle had subsided. There seems to have been an unseemly rush to promote the German story and in doing so to denigrate the captain of the *Sydney*, Captain Burnett. There has also been a concerted effort to discourage any other scenarios not conforming with the official—read, in brackets, German—view. The director of naval intelligence, Commander Long, even went to the extent of saying after the war in 1945 that the Australian people were not to be told anything more about the *Sydney* incident.

With regard to the wrecks, I notice with great interest the submission in volume 9 by Knight Industries in which they claim to have found three wrecks in the vicinity of the Abrolhos Islands off the Western Australian coast near Geraldton and they nominate the coordinates. Mr Knight presents a very good submission which suggests that there is a very good possibility that the wrecks could be of *Kormoran* and *Sydney*. If this is correct, it must surely show that the German story is a fabrication as the site of the wrecks is some 200 miles from the German site of the battle, over half a day's steaming for *Kormoran*, which would be more than a slight error in navigation. This would also surely mean that the German story of the *Sydney-Kormoran* encounter in Hermon Gill's work on the Royal Australian Navy in World War II would have to be rewritten.

I would like to now come to the *Aquitania*. I was surprised at the number of vessels which passed through the general area where the battle is supposed to have taken

place. In the way of large ships there were the hospital ship *Wanganella* and the passenger troop ships *Largs Bay*, *Rangitiki* and *Aquitania*. The first three proceeded sedately through the area and reported nothing untoward, with the exception of *Largs Bay* which sighted some flares at night. All, however, would have passed through the general area at night.

Aquitania however is another story. *Aquitania* worries me as she appears overall to have behaved very strangely. Her progress through the story is studded with whys. Why did she do this? You can accept perhaps one or two odd things connected with her passage but not the several that did occur. *Aquitania* was to have left Colombo for Sydney via Fremantle, but at Colombo an odd thing occurred. *Aquitania* is diverted way out of her route to Sydney to go to Singapore where she arrived on 11 November. Why did she divert to Singapore? It is said that this was to enter dry dock and have her bottom scraped and painted. Perhaps that was the reason. The task should have taken two days—three at the most—but she stays in dock or in Singapore anyway for eight days. She should have been able to get away from Singapore about the 15th. She had arrived there on the 11th. So why so long?

Aquitania was no ordinary troop ship; she was a very important ship, her movements being directed by the Admiralty itself. She was large—about 45,000 tonnes—and could uplift 4,000 to 5,000 troops at a time. In volume 7 of the submissions, on page 1473, there is a naval document signed by Commander Dechaineux as DOD—I believe that is Director of Operations Division—which states that the Operations Division was aware of the position of *Aquitania* at all times. This makes it clear that the Admiralty had the ability to control *Aquitania*'s movements—not only hers, but *Sydney*'s as well, of course. *Sydney* was due at Sunda Strait about midday on 17 November. The *Aquitania* could have left on the 15th and met her. Why did not she do so? Logic suggests that she should rendezvous with *Sydney* for protection but she does not. She stays in Singapore. This suggests that *Sydney* was not going to be available to escort her south. Was it because *Sydney* had business elsewhere, perhaps a date with the *Kormoran*?

Anyway, *Aquitania* leaves Singapore on 19 November and proceeds southward through Sunda Strait. In the early morning daylight of 23 November, German survivors are sighted in rafts and *Aquitania* stops in the open sea to pick them up. This has to be a suspicious scenario: the sighting in the open sea of rafts with Germans aboard. We have Signaller Dredge's statement that he identified the raft occupants as Germans before they came aboard.

If there had been a raider in the offing, one way she could have attacked *Aquitania* would be to have lain out of sight while she initiated a situation where *Aquitania* lost the advantage of her high speed by stopping. So *Aquitania* stops—the third largest vessel in Allied service after the *Queen Mary* and the *Queen Elizabeth*. She is surely under orders not to stop under any circumstances. Later on in the war, the *Queen Mary* ran down the HMS *Curacao* with 330 crew aboard but she did not stop, she carried on. Why did the *Aquitania* stop? Is Captain Gibbons in possession of information and directions from the

Admiralty? Has he been sent there deliberately to pick up any survivors that might be around? This is perhaps drawing a long bow but, as I said earlier, one becomes very cynical about *Sydney* events.

When HMAS *Yandra* picked up 60-odd Germans, she learned straight away from them what was supposed to have occurred. That is, that their ship had been sunk and, when last seen, *Sydney* was in considerable difficulty. It is reasonable to assume that Captain Gibbons of the *Aquitania* gained the same information from the Germans when they came aboard.

I have consulted with naval colleagues with command experience about what actions they would have taken under the same circumstances and a consensus resolved into two possible actions: first, to consider breaking radio silence and, second, to head for Fremantle. But *Aquitania* is supposed to have chosen neither of those options. According to the accepted record, the *Aquitania* then proceeded on her way and she did not report picking up the Germans until she was abeam the Wilsons Promontory signal station around midday, 27 November—four days later. Even then she still did not mention the information she had on *Kormoran* and *Sydney*, except to say, 'a cruiser on fire'.

That is the accepted record but is it what actually happened? I have come across reports that *Aquitania* did go into Fremantle. In volume 5, page 1120, Mr Wailes, who was a rating in the navy at Fremantle at the time, said that *Aquitania* came into Gage Roads, Fremantle, after picking up the Germans and spent about two hours there. I have also had contact with an engineer who was in the engine room of the *Aquitania* who states she did call into Gage Roads. He has even published privately an autobiography in which he mentions that *Aquitania* went into Gage Roads after recovering the Germans. From another source I have been told by a colleague, a retired commander of the Royal Australian Navy, that he had learned from an associate who was also in the engine room of the *Aquitania* that she did call into Gage Roads.

If that is so and *Aquitania* did call into Gage Roads, according to the timetable in my submission, in volume 11, she would have reached there about 6.30 in the morning of 24 November. However, a number of people I have spoken to have said that she did not go into Gage Roads. So one does not know who to believe in this particular case.

The point about *Aquitania*'s options after picking up German survivors is the impact her knowledge could have had on the fate of the 645 personnel lost on the *Sydney*. It would seem apparent that, if *Aquitania* had taken a different action, the fate of some of the survivors of *Sydney* could have been changed. I stress 'apparent' as there is so much unexplained in the story of the *Sydney* that one becomes very cynical when looking at any aspect of it. Did *Aquitania* advise the authorities or did the authorities already know? I am going back to Mr Mason's statement there.

After rounding Cape Leeuwin, *Aquitania* acts in a very peculiar manner. She is

logged at over 24½ knots for a period of 28 hours. Once again, why? Twenty-four and a half knots is the absolute top speed of the *Aquitania*. Her chief engineer must have been having a fit: '*Aquitania* has a long war staring her in the face and she is not going to last very long if we push her engines like this across the Bight.' So why? What did she achieve? It brings her back to her original timetable into Sydney but, without the high-speed dash, she would have been three to four hours late into Sydney. Was that of any significance? I have been unable to find any. I think that even the most conservative critic would have to concede that *Aquitania*'s voyage raises a lot of whys. But the principal question arising out of the *Aquitania* episode is whether her actions could have had any effect on a possible rescue of the *Sydney* survivors.

I have been in contact with Pastor Ivan Wittwer of Cleve in South Australia. He has sent me a statement regarding the events which took place about the testimony of Heinz Grossman, who claimed to have been a gunner on the *Kormoran* and who also claimed that a Japanese submarine sank *Sydney* by torpedo. He has asked me to make a personal submission to this committee on his behalf. So, in complying with his request, I am tendering the documents which I have here. I must remark that, as in the case of Mr Mason, there has already been a routine attempt to discredit Pastor Wittwer's testimony. Thank you, Mr Chairman.

CHAIRMAN—Thank you, Mr Eneberg. What proof have you got that the captain of *Aquitania* would have had orders preventing him from stopping at sea? Remember that *Aquitania* was an old ship; she was a large ship but she was nowhere comparable with the *Queen Mary* or the *Queen Elizabeth*, which had that restriction placed upon them.

Mr Eneberg—She was still operating in high-speed convoys with *Queen Mary* and *Queen Elizabeth*. The trip she did to Suez, if I recall correctly, she did in the company of the *Queen Mary* and the *Queen Elizabeth* so she would have been under the same Admiralty umbrella. She was still a valuable ship. She was a fast ship, a large ship and she could uplift more troops than any other ship, with the exception of the other two.

CHAIRMAN—Given the fact that she was a fast ship, she would not have had the need for an escort if she was operating in the Indian Ocean at a time when the only offensive elements ranged against her would have been raiders with a speed probably 10 knots inferior to hers, and submarines with a very much lower speed differential, so she could safely assume that her speed would have been her defence in the Indian Ocean.

Mr Eneberg—You would think so. That is why I was very suspicious of why she stopped because that is the only way the *Kormoran* could have attacked her, if she was stationary, and then appeared on the scene and opened fire before she had time to build up speed from a standing start, which would take some time.

CHAIRMAN—If you find a number of lifeboats at sea with live human beings in them, the normal thing is to rescue them, isn't it?

Mr Eneberg—Not in wartime.

CHAIRMAN—Well, the air force lost a lot of flying boats in the Atlantic trying to pick up survivors out of lifeboats, so much so that Coastal Command banned mid-ocean landings in Sunderlands and Catalinas. It was certainly done in the Pacific here with the air sea rescue squadrons but there was an official prohibition on mid-ocean landings because of the loss of aircraft.

Mr Eneberg—It was the air sea rescue squadron's task to pick up people like that, and I was in an air sea squadron.

CHAIRMAN—Yes, but squadrons like 10 Squadron were losing Sunderlands in the Atlantic through landing to pick up survivors, and so it was banned. The point I am making is that it is a normal reaction to pick up survivors if you can and that the first response of the captain of the *Aquatania*, unless he had an order specifically prohibiting him from doing it, would have been to stop and pick up those survivors. Have you any evidence that there was such an order covering his transit from Colombo through Singapore to Australia that prohibited him picking up survivors?

Mr Eneberg—No, but on the other hand can you produce an order which would have said that he was allowed to? You mention flying boats landing in the sea. It was most unwise if the sea was not suitable, but a flying boat with a crew of eight to 10 people cannot be compared with a 45,000-tonne ship which takes four or five years to build. It is much more valuable than a flying boat.

Mr TAYLOR—Mr Eneberg, can I thank you for your evidence and its strong content. I guess that goes back to your navigational expertise. However, there is one exception to your evidence in my view and this came out in the Perth evidence and it relates to the Japanese submarine. Can I suggest to you that what you have said in relation to the Japanese submarine is purely hearsay and is based very heavily on Pastor Wittwer's comments. In fact, the gentleman who supposedly made the statement to the pastor was not the person he said he was.

Mr Eneberg—That is true.

Mr TAYLOR—What is the evidence that you are going to tender today on behalf of the pastor which is going to change my perception and perhaps others' perceptions?

Mr Eneberg—I am only presenting his statement.

Mr TAYLOR—There is a lot of evidence that there were no Japanese submarines in the Indian Ocean at that time, and you may disagree with that and please say so if you do. Are you going to tender anything today which will give substantive support to the fact that there were Japanese submarines there and that a Japanese submarine was involved?

The evidence in Perth, and it is on the public record and you can read it yourself in due course, said that is an absolute furphy.

Mr Eneberg—I would certainly disagree with it being an absolute furphy. There is no proof that there could not have been a Japanese submarine there. I watched a television program in which Ms Winters claimed that the book *Battle Surface*, by David Jenkins, backed up her statement that there could not be any. I have mentioned that in David Jenkins' book he does not say that at all. He says in his foreword that there are massive gaps in the information about Japanese submarines.

I was in Japan six months after the war and I made a point, from a personal hobby point of view, of seeing what I could find out about the Japanese navy and I was told that everything had been burnt. If you read any historical evidence of the Japanese war, one of the points that comes out clearly was the massive bonfires the Japanese had, burning their records, after the war. They were, by training, a very secretive people, and the Japanese navy went to a great amount of trouble to burn their records. There are no records, for instance, of the Japanese construction of the atom bomb. There are no records of the Japanese program on germ warfare, probably because the Americans grabbed it all, I suppose.

Mr TAYLOR—Are you aware, and again I go back to the evidence in Perth, that there is some reasonable evidence from Japanese records to indicate that there were no submarines operating in the Indian Ocean at all at that particular time? Are you saying that you have anything from the past which is substantive, or is it all hearsay?

Mr Eneberg—You say that there were no Japanese submarines operating.

Mr TAYLOR—No, I do not say that, that is what the Japanese records indicated. They have been interpreted by somebody who gave evidence in Perth. We heard it also from the secrecy group in Perth. They raised these issues. Can I say to you that these things seem to be red herrings.

Mr Eneberg—It could be so, but I can refer you to—

Mr TAYLOR—I think we will be hearing evidence from Ms Winter in Brisbane, as I understand it. If you are saying that her evidence has total credibility, let me say to you right now that there are very much inconsistencies in what she has to say in relation to what a lot of other people have to say.

Mr Eneberg—Yes, I agree with that. I was only saying that that particular statement of hers was not correct when she claimed that *Battle Service* backed it up.

Mr TAYLOR—Sure.

Mr Eneberg—With regard to no Japanese submarines being in the Indian Ocean, in volume 3, page 656, it tells of the *Kormoran* having a meeting with a Japanese submarine.

Mr TAYLOR—Evidence from whom?

Mr Eneberg—From one of the prisoners who was on the *Kormoran* at the time. If I recall correctly, it was a Mr Weeks. It is in volume 3, page 656.

Senator MARGETTS—Mr Eneberg, I think you could drive trucks through some of the evidence or some of the statements that have been given by the military in relation to this inquiry, but I guess we still take their version as being the truth. Obviously, we are dealing with some people's version of what happened, some people's hearsay and other people's evidence as well. You stated that after the battle the Germans communicated with their headquarters in Tokyo before abandoning their ship. Do you have any evidence to support that claim?

Mr Eneberg—Only what I have read in other articles. It seems to be an accepted fact, as are a lot of things in the *Sydney* story.

Senator MARGETTS—My recollection, and I could be incorrect, from the Perth inquiry was that an archivist who had gone to Japan had asked questions of people, senior Japanese military people at the time, who claimed that there was no evidence. I guess that that is hearsay as well. Do you have any opinion as to why no senior military personnel still living in Japan would be prepared to admit or connect with those events?

Mr Eneberg—I have to confess that I am biased: I fought the Japanese in the war, and I would not believe anything they said. That comes across as quite strong, I suppose, but that is how I feel.

Senator MARGETTS—With regard to the work that you have done, what number of people within the Japanese military do you believe would have actually known the circumstances?

Mr Eneberg—The circumstances of what?

Senator MARGETTS—Of the sinking of the *Sydney*.

Mr Eneberg—I submitted a scenario where I considered it was an action forced on the Japanese captain, not a deliberate war attempt. My scenario suggested that it was an accidental situation where the captain had no option but to torpedo the *Sydney* to recover personnel that she had put aboard. This is a scenario, do not forget: I am not saying that that is what happened; I am saying that is what could have happened.

Senator MARGETTS—There is varying evidence about how many of the German codes had been broken during the war. Do you believe the Admiralty knew the contents of any messages sent by the *Kormoran* in its final hours?

Mr Eneberg—Look at it this way: up until about 1970 we did not know that the German codes had been broken. When the information could be released under the Freedom of Information Act, I believe the British government was forced to release the information because it was about to be released in America. So, begrudgingly, I would say that they released a certain amount of information, but I do not believe they released all of it. They tell us what they think we will believe. They say that they were not doing this and were not doing that. I, frankly, do not believe them.

Senator MARGETTS—I noticed you were nodding when Mr Taylor mentioned that the person purporting to be Heinz Grossman was not in fact Heinz Grossman. Was I right?

Mr Eneberg—That is what appears to have surfaced. Pastor Wittwer is quite confident that whoever it was knew what he was talking about, and I would certainly go along with that. Whether that man was Heinz Grossman is up for argument, but he evidently knew what he was talking about.

Senator MARGETTS—I think we are all fascinated by the material that you have tabled in relation to the document, so it would probably be helpful if we could pass it to the secretary so that he can get a copy for us to look at. If I could follow up on that a little, what made Pastor Wittwer believe that this person had bona fide information, even if he was not bona fide in his identity, and why would he disguise his identity?

Mr Eneberg—I would not know whether he disguised his identity. As for believing the truth of what went on, it apparently happened when Heinz Grossman, or whoever he was, was interrogated by Colonel Spry of ASIO. From what Pastor Wittwer learnt during that interrogation, he came to the conclusion that the person they were interrogating knew what he was talking about. But I am only giving you second-hand information; I am only telling you what Pastor Wittwer said in that statement.

Part of Pastor Wittwer's statement was incorporated in a previous submission by somebody else, and I felt that it should have stood by itself. I wrote a letter to him asking him to do so, and he sent these documents to me, asking me to table them. In his covering letter he said that last year—I think it was in December—somebody purporting to be from a newspaper came to interview him. He discovered shortly after the interview commenced that the chap was an imposter, and he got rid of him.

Shortly after that, his study was burgled and all of his *Sydney* material was stolen. He believes that he mentioned to the person that he had other documents in his safe deposit box in Adelaide and the only people who would have access to that were his two

sons, apart from himself. Shortly after that, somebody turned up at the bank and claimed to be one of his sons, but he was unable to identify himself properly so the bank did not pass over any of the papers. It is just another incident that is happening with this *Sydney* business.

Senator MARGETTS—And that has just been very recent, has it?

Mr Eneberg—Yes. According to his statement, he was visited in November 1997 by somebody purporting to be from the South Australian *Sunday Mail*. Subsequent to that, an attempt was made to secure certain documents from his bank in Adelaide—that is what this states. I did not table that because I did not think it was part of it. It was a letter to me, really.

Senator MARGETTS—Thank you very much.

Mr DONDAS—The large box of missing documents—

Mr Eneberg—I wonder where they are.

Mr DONDAS—Evidence we have had from Archives is that there is something like kilometres and kilometres of filing in there, and their archivists are not researchers. Do you think the missing documents that you talk about may be there and they have not readily been observed or read by historians such as you because there is just so much documentation available on it?

Mr Eneberg—I think that would be a very good reason. I believe there must be masses of it, particularly in the case of this court of inquiry—I believe there must have been one. The Chief of Naval Staff, Vice Admiral Royle, would not use that as a throwaway remark in a meeting at that level. So there must have been one, I believe, in which case they would not have destroyed those records. They must be somewhere.

Mr DONDAS—I would assume that, 40 years ago, they may have wanted to try to keep as much off the public record as they could at that time. But over 50 years later, do you really think it is important to try and hide documents from the general community?

Mr Eneberg—Well, yes and no. I believe that it could honestly be misfiled now. In 50-odd years, you shift files around from one place to another. Goodness knows what it might be filed under now!

Mr DONDAS—In another area, the *Aquitania*, I am also as curious as you are as to why it stopped to pick up the people in the life raft, why it did not communicate with Fremantle, why it really did not stop in Fremantle, why it kept on coming through to Sydney? All those questions have not been resolved properly during the time that we have been taking evidence. But it is quite curious that a massive battle had taken place, an

Australian warship had been sunk, there were over 600 people lost and the *Aquitania* would not break radio silence when it got close to Fremantle. I find that very strange.

Mr Eneberg—So do I.

Mr DONDAS—As the Chairman said, obviously they were given instructions not to break radio silence for very valid reasons, but I would have thought that an incident such as the sinking of the *Sydney* was extraordinary and needed some kind of communication. What anecdotal evidence do you have about the air search that took place out of Pearce a couple of days later, after it was known that the *Sydney* was lost? Have you any information on that at all?

Mr Eneberg—No. In the first search that took place, with Group Captain Bourne on board, it seemed to have taken place within one hour of the *Sydney* picking up the Germans. It seems a rather curious coincidence.

Mr DONDAS—The *Aquitania*, you mean?

Mr Eneberg—The *Aquitania* yes, sorry. The *Aquitania* picking up the Germans.

Mr DONDAS—And why, in your evidence, do you say that you feel there must have been something afoot because of the fact that, when these German sailors were picked up, they were pretty fresh and had not appeared to have been at sea for all of three days?

Mr Eneberg—That has been mentioned by a number of people. It was mentioned to me by a resident of Ettalong, near where I live, whom I contacted. As I said in my submission, one of them swung a punch at him, which was rather unwise as he was an ex-boxer. But he said that they were fit.

Mr DONDAS—In regard to the sea battle that took place and the proximity of the two vessels to each other, you do not really think it was a lucky shot?

Mr Eneberg—It does not seem right to me, if the distance was about one mile. I was surprised when I worked out how far a mile is. You cannot see much at a mile. A motorcar is just an object at a mile distance. You cannot pick out individual people.

Mr DONDAS—Why do you think the captain of the HMAS *Sydney* went close to the *Kormoran* at the time? Do you think there may have been a flag up that may have encouraged him to come in a bit closer and board it?

Mr Eneberg—I do not believe he did. The scenario I had was that he stood some distance away and commenced to shell the *Kormoran* and then a submarine intervened. The *Sydney* commenced to shell the *Kormoran*. The submarine intervened and put a

couple of torpedoes into the *Sydney*. The *Sydney* heard the torpedoes coming on their asdic and started up—started to move or increase speed. After she was hit, she had no control over her momentum, which could have brought her up to the *Kormoran* and the *Kormoran* then took over and attacked her with all her armament.

CHAIRMAN—If that scenario is correct, *Sydney* would not stop to open fire.

Mr Eneberg—It would have slowed down. I am talking about a distance of, say, 10,000 yards, which seems to be the range accepted for the guns that the *Kormoran* carried.

CHAIRMAN—I would have thought they would have remained at a reasonably high manoeuvring speed. They were obviously very seriously concerned about their own welfare, if they were opening fire.

Mr Eneberg—But for my scenario to work, she has to be going reasonably slowly, because the asdic will not operate above a certain speed.

Mr TAYLOR—What about another hypothesis—apart from Japanese submarines and all the rest of it—that it was a very clever ruse, that Detmers was an outstanding seaman, that maybe not a Dutch flag but a Norwegian flag was involved—and again there is evidence from Perth—that maybe Burnett came in to do what he had to do on the basis of that ruse and, as a result, suffered the consequences. That hypothesis is just as likely, with due respect, as the one that you are suggesting albeit second-, third- or fourth-hand in terms of so-called Japanese submarines.

Mr Eneberg—If we go back to being taken in by a ruse, you have a captain who is one of the first intake of a naval college. He has gone through his career having check after check as he moved up the ladder. After a long period of that, you do things automatically. You do not suddenly throw all that away and come alongside an enemy ship.

Mr TAYLOR—You make the very point that I make—and again you will find this on the public record from Perth. There is evidence from Captain Burnett's bridge messenger; he left the ship only a few weeks before it sailed on that final passage. He indicated that Captain Burnett was methodical in terms of his operational experience. Perhaps we will hear other views later on, perhaps from Mr Templeton, but we will cover that when we come to it.

There is a lot of evidence that Captain Burnett would not have come in from previous experience, from other evidence that was given; that he would only have come in to the degree that was suggested by the German survivors—if indeed their story is correct, as you are indicating, there is a question mark about that—if, in fact, it was anything other than some successful ruse. It was successful, because *Sydney* sank.

Mr Eneberg—*Sydney* sank but we do not know whether that was because of a ruse or not. This ship is supposed to have identified herself as the *Straat Malakka*. I had a bit of experience with shipping before the war and during the war. You got to know ships. If you have a ship that claims to be the *Straat Malakka*, and she obviously has a cruiser stern and not a counter stern, you know you have the wrong ship. She is suspicious straight away.

Straat Malakka should have had a counter stern. The ship that Burnett encountered had a cruiser stern. That is almost as much as saying it has two funnels instead of one funnel. If you have a lifetime associated with ships, you know ships. In that era it was common to differentiate between ships with counter sterns, which were the older type of ships generally, and ships with cruiser sterns, which were the modern ships. So do you have the *Straat Malakka* with a cruiser stern? No, you would never take in a seaman that way.

Mr TAYLOR—I agree there is evidence. The Dutch flag has been suggested. There is also some evidence to indicate that a Norwegian flag was involved. That may have been a completely different vessel. There is an hypothesis that he came in close on the basis of that and it might have even been flying a white flag at that stage. There is no substantive evidence to indicate one way or the other, so we are dealing in theories and individual hypotheses. I think you would have to agree with that.

Mr Eneberg—I agree.

Mr DONDAS—In turning to the *Largs Bay*, you say it was a troop carrier that would have been working very closely with the *Sydney*. Would they have been in radio contact or some form of other communication through headquarters while they were in the Indian Ocean?

Mr Eneberg—I am not quite with you with the *Largs Bay*.

Mr DONDAS—Your second supplementary submission contained information about the troopship *Largs Bay* and its relationship to the loss of *Sydney*. You explored the claim that *Largs Bay* accompanied *Sydney* until 1800 on 19 November.

Mr Eneberg—Yes. I was told Mr Drake put in a submission and I have had contact with a number of people who were on *Largs Bay*. Mr Drake says that *Sydney* accompanied them for some time. I have had a good look at that. Nobody else saw the *Sydney*. Working on the *Sydney*'s positions at the various times and *Largs Bay*, I could not substantiate that she would have had contact with the *Largs Bay*.

Mr DONDAS—Were you here earlier this morning when we were talking about the carley float that finished up on Christmas Island?

Mr Eneberg—No, I came in at the end.

Mr DONDAS—Do you believe that an unknown sailor who was buried on Christmas Island is probably a sailor from the HMAS *Sydney*?

Mr Eneberg—I believe the float could not have come from anywhere else.

Mr DONDAS—Even though there were another 16 or 17 merchant ships sunk in the Malacca Straits about that period?

Mr Eneberg—There has been quite a substantial survey done of that and I read it in one of the submissions. It appears that there is no way it could have been from any other ship than the *Sydney*.

Mr DONDAS—Thank you.

Senator SANDY MACDONALD—Mr Eneberg, in your theory that the Japanese submarine was transferring personnel essential to the war effort, are you aware that in the previous few weeks the *Kormoran* had been resupplied by the *Kulmerland*, which I understand had been prepared to provide supplies and stores to the *Kormoran* and had come out of Kobe in Japan? Why, if the supply ship had come out of Japan in the preceding month or six weeks—in fact I think it was less than that, three weeks—would those essential personnel have not been transferred by the *Kulmerland*?

Mr Eneberg—Because the decision to go to war did not reach a climax until about November 4 and you are talking about a time before that. It was only about 4 November that it had been decided by the higher echelon of the military in Japan that war was inevitable.

Senator SANDY MACDONALD—I have two other points to ask you about. You talk about the identification of the *Straat Malakka*. You said that anybody with any knowledge could tell it had a cruiser stern and you mentioned another type of stern. I think it is worth making the point that the evidence of the victors, who wrote the history, is that Detmers turned into the sun away from the *Sydney*. When you are astern of a vessel how easy is it to identify it? Obviously, it is more difficult to identify from astern than if you were standing off it.

Mr Eneberg—You would be able to do it with a pair of good binoculars on the bridge. We are only supposing that, by turning into the sun, she was not visible. We do not even know whether there was any sun or whether the sun was setting. Generally there is cloud on the horizon when that happens and the sun would not necessarily be blinding.

Senator SANDY MACDONALD—No, but it is the theory that could apply, of course. We know what the western sun is like when it goes down. If it was as Detmers

says it was, it would be very hard to identify. Do you believe that the Australian naval command knew that there was a possibility of a Q ship operating in the Indian Ocean?

Mr Eneberg—A raider, in other words?

Senator SANDY MACDONALD—Yes.

Mr Eneberg—I believe so.

Senator SANDY MACDONALD—What evidence do you have of that?

Mr Eneberg—You have to come down to Group Captain Bourne's evidence. He claims that they photographed a raider. There is some talk of D/F'ing a raider, which I find a bit dubious. A raider could be making regular communications, but on a sort of irregular spasmodic basis. It would not be fronting up at 2400 hours every day. Apparently there was evidence of something out there. Group Captain Bourne mentions photographing the *Steiermark*, as the *Kormoran* was known by. It is on the record that Captain Burnett stated that there was a raider around and he hoped or expected to get it.

Senator SANDY MACDONALD—On the operation of the torpedoes of the *Kormoran*, I think there is considerable evidence that they could fire at 45 degrees from the stern.

Mr Eneberg—Well, back from abeam.

Senator SANDY MACDONALD—Yes.

Mr Eneberg—Not necessarily 45 degrees—45 degrees would be 135 degrees from the bow and it seems to be 125 degrees. That seems to have been established from plans.

Senator SANDY MACDONALD—If that was the way the *Kormoran* was going, the 45 degrees would be there, so they could fire off astern.

Mr Eneberg—Yes.

Senator SANDY MACDONALD—The evidence is that, to have fired those torpedoes, the *Kormoran* would have to have been stationary or nearly stationary. Is that right?

Mr Eneberg—Pretty close to stationary, because if the ship has any way on, the force of water along the side of the ship would divert the torpedo before it cleared the tube. It was normal in warships constructed with underwater torpedo tubes to run a rail out so that the torpedo would be attached to the rail until it cleared the side of the ship, which enabled it to be—

Senator SANDY MACDONALD—Can you explain how a torpedo is aimed? Is it aimed from the bridge? Who determines the angle of fire and the distance involved and all that sort of thing?

Mr Eneberg—The underwater torpedo tube would be aimed from the bridge—either directly fired or fired by signal.

Senator SANDY MACDONALD—And the person on the bridge making the decision to fire the torpedo would know the distance, the angle and everything about the operation to fire the torpedo accurately. At what range would a torpedo be virtually guaranteed of hitting its mark?

Mr Eneberg—It is not within my province. I would say that sighting and firing of the underwater torpedo tube would be a bit dicey; you could not guarantee hitting a target. I would imagine it would still be a bit dicey if the *Sydney* was at one mile—closer than that, it would be more liable to strike it.

Mr LEO McLEAY—At the time when the *Sydney* was sunk, the Japanese were not at war with anybody. Why would they go to this convoluted method to move a VIP party from Tokyo to Berlin? A country that was not at war would be able to do it far more sensibly than doing it off the coast of Western Australia, would it not?

Mr Eneberg—They made a decision that they were probably going to war about 4 November. Their staff in Berlin were practically on a peacetime basis, but with a war coming on they were going to need to cooperate with the Germans worldwide—they would need to increase their communications staff in particular. That is why it would have become imperative to get extra staff, and the only way they could get them there would be by way of the Germans.

Mr LEO McLEAY—Why?

Mr Eneberg—They could not send them any other way.

Mr LEO McLEAY—If they were not at war and they wanted to increase their staff, there would be far more sensible ways of doing it than rendezvousing with a German raider off the coast of Western Australia. That is a long way to go out of your way to do something.

Mr Eneberg—I cannot see that they could do it any other way. They could not send them overland across Russia because Russia was at war with Germany, so they could not get them to Germany through Russia. There were no shipping lines of any sort. It would be a secret mission; they could not send them in any Allied ships.

Mr LEO McLEAY—Why not send them to a neutral port in Europe by the

normal means?

Mr Eneberg—There were not any normal means. They would have had to go on an Allied controlled ship or on one of their own ships, and at about that time they were pulling all their shipping off the high seas.

Mr LEO McLEAY—It seems a rather convoluted way. If these people were so important that they, as in your hypothesis, sunk the *Sydney* and then massacred all the crew after the sinking, one would think that they would have to be rather high-level people. If they were high-level people, why would they go to the extent of having a rendezvous with a ship that was probably unlikely to get back to a German port from the coast of Western Australia?

Mr Eneberg—They would not be the run-of-the-mill people. The communications people would be very important; they would have a knowledge of all the Japanese codes, all the Japanese procedures. Any country at war would be very anxious to get their hands on communications personnel from the other side.

Mr LEO McLEAY—But is that not an even more compelling reason why they would not do it this way?

Mr Eneberg—I submit there was not any other way they could do it.

Senator SANDY MACDONALD—There are points of rendezvous much closer to the Japanese mainland for a ship that was going to make a break back to northern Europe—which on your theory is what the *Kormoran* was going to do.

Mr Eneberg—They made a decision about 4 November. At that time the situation was that the only way they could get anybody back to Germany was to use the nearest ship, and the nearest ship was the *Kormoran* off the Western Australian coast. There was no other way of doing it. There were possibly German supply ships in Japanese harbours at that time, or floating around, but they were even further away.

Mr LEO McLEAY—The Japanese may have made the final decision to go to war on a particular day but, if they were planning to go to war, the contingent planning would have been done a lot further ahead. If you were going to place more communicators in the Japanese embassy in Berlin, you would actually be planning that, if these people were going to be as important to the war effort as you are saying they were.

If they were going to commit what at that time, in your submission, would have put them all in gaol for a very long time, or had them all hung for committing piracy, there were a lot more simple ways of doing it. You would have done that some time before you decided to go to war because if you decided not to go to war you could have brought these people back, rather than rendezvous with a ship that might not have got

them where you wanted them to go, a ship that was off the coast of Western Australia. It suggests that this was a last minute effort. If these people were as important as you say they were, one would have thought the Japanese would have taken a little bit more care with them than doing it this way.

Mr Eneberg—I suggest they could not send them any earlier, they had to make the decision to go to war. They had to have the approval from higher echelons to send them.

Mr LEO McLEAY—The decision of a country to go to war is not made on a whim. Japan at that stage was more like a military dictatorship. If the military had decided to go to war, they would have been doing all the arranging long before a final decision was made. As you arm yourself physically, so also you arm yourself logistically by getting the people around the world that you want. This is a bizarre way of doing it. It suggests that the Japanese are stupid. People might have made all sorts of allegations about them, but never that.

Mr Eneberg—The Russians were attacked by the Germans in June 1941, I think it was, and for some time after that there had been no decision made whether the Japanese were going to go south or whether they were going to go west and attack Russia. It was not until some time after the middle of the year that the decision was made that they were going to go south. So they would have no reason, until that decision was made, to send anybody to Germany.

Mr LEO McLEAY—When the Japanese were in Manchuria, and all that separated them from Berlin was Russia, that would have been the time you would have put these people in place. They were not at war with Russia in the early part of 1941.

Mr Eneberg—They did send a lot of people overland by rail in the early part of 1941. I suggest that these people were not sent until the very last moment because prior to that a decision had not been made that they were going to go war. You are suggesting that just on the hypothesis that they might go to war they would have sent a stack of people over earlier. These are highly trained people, you do not just discard them and send them out of the way. They would probably have a purpose and a use in Japan itself up to that time.

Mr LEO McLEAY—Usually, if you going to go to war you plan some time ahead.

Mr Eneberg—There was a great fight going on at a high level in Japanese military circles as to whether they were going to go to war with Russia or whether they were, as I said, to move south.

Mr LEO McLEAY—I would submit to you that, if one was a military planner

and these people were so important, you would have had some foresight and put them in place, rather than have some bizarre scheme in November 1941 of having a submarine rendezvous with a German raider, days and days steaming time from where you actually want them to go, and with a reasonable possibility that that ship would get captured or sunk before it got to where it was going. Indeed, if the *Kormoran* did have the passengers that you were putting in here, and it had been captured prior to Pearl Harbour, that would have absolutely compromised the Japanese attack on Pearl Harbour. These people would have had to have been terribly important to take that risk. If they were that important you would have put them in place long before this stage.

Mr Eneberg—You have to know the Japanese character, of course. There was an occasion during the war where a submarine was sunk, a German U-boat, with Japanese personnel aboard. People were rescued but they committed suicide rather than be taken prisoner.

Mr LEO McLEAY—This was after the war had begun, I assume?

Mr Eneberg—Just after the war—

Mr LEO McLEAY—If these people were found on this ship before the Japanese attack on Pearl Harbour, that would have probably put an end to the Japanese attack on Pearl Harbour.

Mr Eneberg—Yes, that is why I suggested that the submarine found itself in that situation and the only way it could prevent that happening was to torpedo the *Sydney*.

Mr LEO McLEAY—It would seem a ridiculous risk to take. That is my suggestion.

Mr Eneberg—There are a lot of risks taken in war, of course.

Mr LEO McLEAY—If you plan a war in advance you take fewer risks than the risks that are forced upon you by the exigencies of being in a conflict.

CHAIRMAN—You state that the loss of the *Sydney* was somehow linked with the *Atlantis*, and you are inferring that the Admiralty set up a battle plan to get both *Kormoran* and *Atlantis*. What evidence do you have for that assertion?

Mr Eneberg—It seems logical—

CHAIRMAN—There is not much evidence that the Admiralty knew much about the existence of *Kormoran*. The other raiders were known reasonably well but *Kormoran* was the one that they knew little about.

Mr Eneberg—That is what is suggested, but we do not know that. They certainly knew where *Atlantis* was because the *Devonshire* was directed onto the *Atlantis*, she did not come across her by accident. I submit that the *Sydney* was directed onto *Kormoran*, but something went dreadfully wrong.

CHAIRMAN—Where do you think the battle actually took place? You do not agree with Detmers?

Mr Eneberg—No, I do not agree. I have always had the feeling—and this is not worth anything, it is just a feeling—that it was closer to the coast. If Knight Industries' submission and research is correct, it could have taken place off the Abrolhos Islands, in which case it confirms a lot of the material that Glenys Macdonald presented.

Mr TAYLOR—Just to finish off on the Japanese submarine, can I suggest to you that there is nothing in your evidence substantively to support that. I think you would have to agree with that.

Mr Eneberg—Mine was a scenario.

Mr TAYLOR—Yes, a scenario. Also, on the *Aquitania's* stopping as it did, I agree with you that the normal tactical approach of a troop carrier was fast transit. That was its modus operandi. Would it not have been reasonable, providing there may have been the appropriate signal sent to *Aquitania*, that three days after there was a question mark about what had happened to *Sydney* that *Aquitania* may have been asked to keep an eye out for whatever was in the water?

Mr Eneberg—That is my conclusion, that *Aquitania* was—

Mr TAYLOR—What I am suggesting to you is that there is nothing sinister about *Aquitania* stopping. It may just have been something that was as a result of a signal that may have come from somewhere, whether from C-in-C from Singapore or Canberra or Fremantle. It may have said, 'Keep your eye out and take appropriate action at the time.' Do you agree we should not read too much into it, that *Aquitania* actually stopped and picked these survivors up? What are you suggesting?

Mr Eneberg—I think we are on the same ground. I think that all of this was directed by the Commander-in-Chief China and Singapore. I believe that *Aquitania*, in so far as she did not leave until the 19th, some time after the 19th was directed to go through this area and pick-up survivors.

CHAIRMAN—Thank you very much, Mr Eneberg. You have obviously put a lot of work into this over many years. You will be sent a transcript of the copy of your evidence.

Proceedings suspended from 11.29 a.m. to 11.43 a.m.

HARDSTAFF, Commander Reginald John, 2 Upper Cliff Road, Northwood, New South Wales 2066

CHAIRMAN—Welcome. In what capacity are you appearing before the subcommittee?

Cmdr Hardstaff—I am an honorary commander, retired.

CHAIRMAN—I must advise you, Commander Hardstaff, that the proceedings here today are legal proceedings of the parliament and warrant the same respect which proceedings of the respective houses of parliament demand. Although the subcommittee does not require you to give evidence on oath you should be aware that this does not alter the importance of the occasion. The deliberate misleading of the subcommittee may be regarded as a contempt of the parliament. The subcommittee prefers that all evidence be given in public but should you at any stage wish to give any evidence in private you may ask do so and the subcommittee will give consideration to your request.

We have received your submissions to the inquiry and they were authorised for publication. Are there any additions or corrections you wish to make to those submissions?

Cmdr Hardstaff—Today I have brought in a copy of US chart 74024, which extends from Champion Bay or Geraldton up to Cape Couvier. There is a plan of the naval commands. I have brought in a statement of my service from January 1940 until July 1972, and a copy of my publication *Leadline to Laser, the Hydrographic Service RAN, 1920-1995* I have given to the secretary.

CHAIRMAN—Thank you very much for those. We will receive those as exhibits for the committee. I invite you to make a short opening statement before we proceed to questions.

Cmdr Hardstaff—Mr Chairman and members of the committee, I am grateful for the opportunity to render submissions which may help unravel the 56-year-old questionable loss of HMAS *Sydney*, a matter of concern for many people. In Defence submission No. 94, the introduction on page 1874 in Admiralty CB 3081(5)—Battle summary No.13, now unclassified, reveals that suspected vessels must be approached on the quarter and avoid bearings on which torpedos could be fired, as laid down by Admiral Jellicoe in Grand Fleet Order dated 24 August 1915. This action appears to have been taken by Captain J. Burnett and recently confirmed by Hans Linke in submission No. 66B by David Kennedy, on pages 2035 and 2036. The use of a submerged torpedo fired on a fixed quarter bearing, despite certain limitations, does not appear to have created much interest within intelligence agencies at any time, nor the issue of an amended fleet order to deal with such suspected vessels during World War II.

Hans Linke's statements about *Sydney*'s encircling movements at a distance before closing the *Kormoran*'s starboard quarter rebut the veracity and completeness of Detmers' story. This would also indicate that all action plots produced by the Department of Defence—Navy, the Admiralty, G. Hermon Gill, P. Firkins, T.R. Frame and Barbara Winter cannot be justified in any way.

Sydney's initial movements can be attributed to excellent reporting by an alert and resourceful crow's nest lookout, allowing the officer of the watch, or navigator, to make immediate use of a Battenberg course indicator to determine an interception course and speed, without the benefit of any actual bridge or direct eye contact, while working up from an estimated passage speed of 23.5 knots to at least 28 knots or authorised speed, 'With dispatch at 28.2 knots', confirmed in the August 1941 fair log.

Course alterations by *Kormoran* could only be determined by observing the relatively 'fully open' or closing to 'in-line' positions of two visible masts, giving 'angle inclination' estimates for a course to be set on the Battenberg. Since the initial *Sydney* lookout report would be 'Ship right ahead' on a bearing of about 155 to 160 degrees and now with *Kormoran*'s masts 'fully open' after 1600G, indicating about a 90-degree angle of inclination or maximum westerly compass deviation to both initial bearings, the new course to set would be about 245 to 250 degrees for the 'target', but not a contrived course by Detmers into the setting sun. Speed estimation of 'target' would be at least 15 knots, plus an allowance of six knots to pass six miles ahead, to be set on the Battenberg. Thus *Sydney*'s interception course and speed would be about 200 degrees at 28 knots, using an initial sighting distance of about 25 miles at 1555G, but not the 12 miles or less used by Defence authorities and naval historians enumerated above.

Sydney's bridge personnel would only sight *Kormoran*'s bridge at 1615G at a range of about 16.2 miles about three minutes after the director, now passing ranges and bearings to the transmitting station or the gunnery control centre below decks and also the bridge ARL plot to confirm target, course and speed. The letters ARL stand for Admiralty Research Laboratory.

The timetable of events and the action plots have been submitted, accompanying my supplementary submissions dated 2, 14 and 20 April, including a modified Offshore Resources Map Series sheet of Hartog, with bearings and distances from the battle site to Port Gregory and Carrarang station—where sounds of gunfire, explosions and flashes were heard or observed; alternative plans of *Sydney*, drawn by P.A. Webb, and of *Kormoran*, by Jochen Sachoe, 1993; and an illustration of a Battenberg course indicator. Additional information now includes a copy of a diagram of Naval Command areas 1939; and a new edition, dated September 1943, of AusChart AY1, a gnomonic chart for Australasia and the Far East, originally published on 21 June 1938, showing D/F stations.

With regard to the plans that I have submitted, I failed to mention that, on the large scale plan sent on 14 April, I discovered a two degree error in the torpedo firing

bearings when I came to do a fair drawing. However, that particular two-degree error on my part I left in, as it might form a trap for any plagiarist. It pulls the *Sydney*'s track down 100 metres to the south or south-east. It also affects *Kormoran*'s escape or battle course by about one degree, to 270 instead of 269. But there is not much in it. May your endeavours be successful in establishing the truth; a memorial to honour the captain, officers and crew; and funding resources for wreck search, all too conveniently ignored in the past.

CHAIRMAN—Thank you, Commander. You have done a great deal of work and a great deal of analysis with your submissions to us.

Mr TAYLOR—I have a number of questions. First of all, let me ask you a question about the command and control that existed when you left the navy in 1972, vis-a-vis what passed for command and control in the World War II setting. You have had experience of both. Would it be a reasonable comment that in fact command and control under these circumstances was very poor indeed?

Cmdr Hardstaff—Yes, I think it was.

Mr TAYLOR—Therefore, it is not surprising that a lot of the information should be lost in the process, as a result of that lack of command and control, is it?

Cmdr Hardstaff—It seems to me that a lot of information could have been gained at the time, had the investigators carried out some action plots.

Mr TAYLOR—That assumes, and comes back to, a point that you have made in a number of your submissions about the board of inquiry and about the role of C-in-C China in Singapore. Your research indicates incomplete documentation, doesn't it?

Cmdr Hardstaff—Yes.

Mr TAYLOR—In terms of the board of inquiry—in fact, this came out very extensively in the Perth hearings—would you not, in drawing on your experience at that time and subsequently, agree that, under the circumstances, one of the first things that would have been done by a convening authority, whether it be in time of war or in time of peace, would have been the convening of a board of inquiry?

Cmdr Hardstaff—It should have been carried out, yes.

Mr TAYLOR—So there should be somewhere an indication that a board of inquiry was held—or, if it was not held, why it was not held. Would you agree with that?

Cmdr Hardstaff—Yes.

Mr TAYLOR—Do you think, for example, that it may have been as the result of the Admiralty involvement in this? I come back to C-in-C China in Singapore and perhaps the 75-year rule.

Cmdr Hardstaff—Certain elements of the chase would probably be held by C-in-C China, but the actual loss of the ship should have been a responsibility of ACNB and no-one else.

Mr TAYLOR—Yes, but there does not seem to be any record of that. There seems to be a gap in the information, doesn't there?

Cmdr Hardstaff—Yes.

Mr TAYLOR—Albeit that there is a lot of information in archives that, at this stage, is inadequately researched because they just do not have time or the resources to do it.

Cmdr Hardstaff—Yes.

Mr TAYLOR—The bottom line to my question is this: do you think that a fundamental consideration in this whole issue is the existence or not of a board of inquiry and of the board of inquiry's findings? If that is so, should not this committee be exploring with Admiralty authorities as to whether, in fact, there is something and whether, if there is, it is constrained as a result of the 75-year rule?

Cmdr Hardstaff—Yes, I think there is. Definitely, there must be information somewhere; but where I do not know.

Mr TAYLOR—Would you agree that that would be a reasonable step for this committee to take?

Cmdr Hardstaff—Yes.

Mr TAYLOR—My final question is in relation to the area of probable or possible sinking. Again, I go back to the evidence in Perth, to which you may not yet have access, as the *Hansard* record is not yet available. Commander Hardstaff, with your background and the detailed manner in which you have analysed all these things, the committee would appreciate and would be very interested in having your opinion on a comparison of what you have talked about as a possible sinking area with those put forward by others. Just here today, it is impossible for us to see whether they coincide or are miles apart, or whatever. We would appreciate your analysis of what I personally think was very expert opinion, in terms of where those wrecks might be, in relation to what you are suggesting. Have a look at what they are suggesting and—

Senator MARGETTS—Sorry, but could you clarify which very expert opinion you were talking about?

Mr TAYLOR—I am talking about the *Sydney* Trust report. You might argue with that, Dee. The *Sydney* Trust report was done on the basis of technical expert advice.

Senator MARGETTS—I was querying the use of the word 'very' expert.

Mr TAYLOR—All right. I do not want to go into the detail of the differences of opinion between End *Sydney* Secrecy and the *Sydney* Trust, because that is a peripheral issue. What we want are the facts in this inquiry. We want the facts, not arguments between groups who might have ideological differences on this whole issue. This committee would be very keen to have your expert opinion and analysis of what that group came up with, in terms of their assessment of where the wrecks are. Could we ask you to take that on notice? Is it possible within your personal resources to do that?

Cmdr Hardstaff—Yes. I have no reason to change my opinion on the current position. The only thing about my position is that, if there is a slight change of what I calculated as .77—or it might be 0.76, 0.75 or 0.78—it will just drag it north or south.

Mr TAYLOR—We would be interested in your expert advice—and it is expert advice—on the technical acumen of what has been suggested to cover Senator Margetts's point, in terms of what the *Sydney* Trust has given to us in Perth. I think it is very important that we do that, because we are flying blind at this stage. We are absolutely flying blind; we have not got a starting point. The area that they have spelt out is quite a large area and, if your suggested area of probability slots into that, that is great. It might define it even further. Could we ask you to take that on notice and have a look at that when the *Hansard* evidence is available?

Cmdr Hardstaff—I have seen in *Hansard* that they employed Fugro to produce an answer. The person they got to do it was a chap I know, David Kennedy. He is a hydrographic surveyor, but he is not a sailor; he is a diver. He did a thorough job on it, and I think his position is about 20 miles north of mine and in the same depth of water.

Prior to all this, about 18 months ago I was rung by Ted Graham, who was the boss of Fugro. When he visited Navy office, he was put on to me by Commander James Bond, an ex-surveyor, and so he asked me for information.

Mr TAYLOR—Not 007, of course!

Cmdr Hardstaff—No, not 007. When Bond put him on to me, I said straight away that I belonged to the rival group, the *Sydney* Research Group. He said, 'Oh.' I said, 'If you want any information, go and see Ean McDonald'—who happens to be in the building today, on his way to navigate Susie Maroney from Mexico to Cuba. Thereafter,

he asked no further questions, but he was seeking information from me.

Mr TAYLOR—We would be interested in your expert opinion on their assessment and if both assessments roughly coincide. What they were suggesting was that the wrecks are in a depth of about 2,000 metres.

Cmdr Hardstaff—No, I reckon that *Sydney* is in about 1,400 metres and that *Kormoran* is in about 1,100 metres. That is plotted on the ORMS sheet.

Mr TAYLOR—If that is the case, can we again pick up on your expertise and even on expertise that has moved on since you left the navy in terms of side scanning sonars and all sorts of remote undersea vehicles, et cetera. If it is in that depth, is it your expert opinion that it is reasonably accessible?

Cmdr Hardstaff—Yes.

Mr TAYLOR—For detection in terms of both the technology and the technical equipment that is available—not necessarily from the RAN but through the offshore industry—to pick up something like this?

Cmdr Hardstaff—Yes, ships with full equipment have been operating off the coast there doing work for the oil rig people. They have the equipment and they have been working for various departments in the Commonwealth government. It is only a question of slotting them in to pass through the area, to make a pass, and they could verify it straight away.

Mr TAYLOR—You feel that it is absolutely essential that this country makes a genuine attempt to find the wreck? Lieutenant Commander McDonald, for example, who you just referred to, gave the view at the hearing in Perth that we should not, although that view was not shared by a lot of others who gave evidence in Perth. My understanding is that you feel that it has to be done?

Cmdr Hardstaff—Part of the normal survey requirement is to examine and locate wrecks and underwater features, but basically the navy does not have the equipment to do it. It would be a far cheaper operation if the navy did it; it would only be a question of hiring the equipment. Yes, I think it should be found. It is in a blank area from 25 degrees 30 south down to 28 south which has not yet been surveyed—why, I do not know, but I have a good reason to believe they did not want to do it. Part of the inshore area was done by National Mapping in about 1984. They ran only one line in four of soundings where we would run four.

Mr TAYLOR—There has been some reference to *Moresby* being able to do ad hoc surveys during transit, but that is not in the area that you are suggesting?

Cmdr Hardstaff—No. Apart from normal surveying operations, *Moresby* did three things. She carried out investigations for magnetic anomalies, in 1981; she did specific investigations of dangers, or underwater features, picked up in the surveys; and she did the passage on sounding on a regular basis, working from inshore out, but nowhere where the wreck sites are.

There was some doubt that *Sydney* could have gone inshore, because I had reported to me, by a chap at Carnarvon some years ago, a mast-looking object which was on Dorre Island. When he described it to me, it appeared to be not a boat's boom but a normal griping spar with two pudding fenders on it, which is used to hold boats, when they are outboard, in to the ship, to avoid damage. So that particular thing made me think that maybe the ship was close inshore. Unfortunately, *Moresby* was going to have a look for it in 1986, but their helicopter was out of action, and so they were not able to carry out a search.

Mr TAYLOR—Quite apart from the need to physically locate the wrecks and maybe, under some circumstances—depending on the state of those wrecks—even to ascertain what might or might not have happened, or at least to have a look at that, do you agree with the view that again was expressed in Perth that, in commemorative terms, it is an opportunity to bring home that ship's company in spirit?

Cmdr Hardstaff—I think it is, yes.

Senator MARGETTS—In Perth of course we received evidence that there were around 40 sworn statements from eye witnesses to the effect that there was a marine fire off the coast of Port Gregory: what is your feeling about that particular occurrence?

Cmdr Hardstaff—On the range as I plotted from my action site on the offshore resources map sheet, Carrarang Station is 95 miles from the spot, and so that is quite possible. The evidence or proof I have of that is Lynette Silver's account in her book of hearing the gunfire of the bombing of Singapore when they were escaping south. The other range down to Port Gregory is 160 miles, and I think that is stretching things a bit too far. They may have seen flashes but, with all the cordite supposedly in the air, that could have been thunderstorm activity. I do not think it was gunfire; that is my own opinion. It was too far.

Senator MARGETTS—So you do not think 40 people would know the difference between a fire at sea—

Cmdr Hardstaff—The range is too great. They saw something.

Senator MARGETTS—The range is too great for your proposed sighting?

Cmdr Hardstaff—Yes.

CHAIRMAN—What you are saying is that the action took place within a 90-mile radius of the observers on the shore, is it?

Cmdr Hardstaff—At Carrarang station only. For the actual distance offshore, from the Cape Inscription light, one is 97.3 miles and the other one is 97.8 miles.

CHAIRMAN—Let me rephrase it. You are saying that someone heard gunfire at a range of 95 miles, are you?

Cmdr Hardstaff—So they claim, yes.

CHAIRMAN—That would be most unusual, surely, for a six-inch weapon?

Cmdr Hardstaff—No. I did refer to it. I forget the actual pages, but it is on about page 23 in Lynette Silver's book, in either the *Krait* or the *Rimau* publication.

Senator MARGETTS—My memory of the evidence we got in Perth is that they did not actually mention sound. They said that they did not hear an explosion but they saw what they believed was a marine fire, so I do not know that gunfire was necessarily a vital part of that evidence they were giving. The evidence was that they saw a marine fire that lasted for some time.

Cmdr Hardstaff—A lot depends—

CHAIRMAN—Just tying that point up, my basis for challenging the 95-mile range is conversations with some World War I diggers, who told me that about 30 or 35 miles is the limit of artillery fire that you can hear across land. If you add a little more for sea passage, dimensionally it is still of a magnitude far less than 95.

Cmdr Hardstaff—I am only quoting what was reported by the survivors coming down from Singapore. I have no actual measurement.

Senator MARGETTS—I was trying to say that there would be a distinct difference between lightning and a marine fire that lasted for some time.

Cmdr Hardstaff—If it was a marine fire, its range would be severely limited, depending on your height of eye. I sent in a table of heights of eye that says that at 100 feet you can only see 11.5 miles to the horizon; from 1,000 feet, you can see another 36.3 miles—and 36.3 plus 11.5 do not equal 95 or 160.

Senator MARGETTS—That is right. So it would be rather extraordinary that all those people—40 people—independently made the same mistake?

Cmdr Hardstaff—Yes. That is based on the tables, and I think they have been

used for a long time.

CHAIRMAN—The committee has heard evidence that *Sydney* did not actually rendezvous with *Durban* when it took *Zealandia* up to Sunda Strait; that *Sydney* departed from *Zealandia*'s company earlier than the arrival at Sunda Strait. Do you have a view on that?

Cmdr Hardstaff—Initially, I thought it was rather strange. I had a request in to the War Memorial. I paid my fees on 19 February, I finally got a receipt the other day and I still have not got a copy—they say it is a question of one person to copy everybody's requests. But, having seen the account by someone in the *Largs Bay* that they were with them for a couple of hours that same afternoon, it did not really matter what *Sydney* was doing—whether she left *Zealandia* earlier or not—because she still would have had to travel the same distance and the same speed down to link up with *Kormoran*, so I ignored it.

The only other possibility was that if she had left *Zealandia* when she was supposed to have done—22 or 24 hours before—she could have got down to inside the Houtman Arbrolhos, anchored for five hours, then come out at a leisurely 20 knots and taken on the *Kormoran*. But if *Largs Bay* say she was with them from four to six, or for two hours, on the seventeenth, that would not have been possible.

CHAIRMAN—Would it not be a very unusual procedure for a warship to anchor?

Cmdr Hardstaff—I suggest she may have been filling in time. She had the time to do it if she wanted to. You always get engine room defects and the engineers would always like an opportunity, if they had been steaming at 23 knots for three or four days, to make minor adjustments—as in the case of the *Westralia* the other day. Things crop up. When an oil line bursts, all hell is let loose.

CHAIRMAN—Those steam propulsion units just went for as long as you kept the fuel up to the furnaces.

Cmdr Hardstaff—That is a different set of circumstances, but you still get minor breakdowns with pumps and things like that.

CHAIRMAN—One of the interesting things in relation to this is the absence of any records of signal traffic from *Sydney*. How do you explain that?

Cmdr Hardstaff—It is fairly obvious since the DNI or his minions went down and took signal logs from everybody else. I am aware that one signalman in *Fremantle* sighted a message about the action coming off a teleprinter—that has never surfaced.

CHAIRMAN—Teleprinters were in existence in the 1930s and 1940s?

Cmdr Hardstaff—That was according to this bloke, who was a signalman. The Americans certainly had them.

CHAIRMAN—One of the assertions was that *Kormoran* jammed the transmissions from the *Sydney*. That would be pretty difficult, would it not, because the *Sydney* would have at least matched, and may well have exceeded, the power output that *Kormoran* would have had in its transmitters?

Cmdr Hardstaff—Being a surveyor, I have never taken much interest in radio signals or communications. If I gave the signal, it went and I got an answer back. But, yes, it would be quite possible to jam it. In fact they were skilled at jamming, according to all Admiralty records.

CHAIRMAN—Would the transmitter necessarily know it was being jammed? It would, wouldn't it?

Cmdr Hardstaff—I do not know. I have no practical experience with it at all.

CHAIRMAN—It would have to be a carrier wave or a signal coming out of the jamming station and surely you would go to another frequency?

Cmdr Hardstaff—When you ask wireless people what happened on those occasions, they do not know anything. They do not tell you anything. So you are never going to know. We used to have great difficulty, being 100 miles off Darwin, contacting Darwin. We would get calls from Simonstown and Colombo and the UK, but Darwin could not hear us nor would they reply so anything is possible.

CHAIRMAN—That is one of the characteristics of high frequency transmission. Why would Navy, as you suggest, have rejected an offer by Air Force to search on 20 November?

Cmdr Hardstaff—I think they did not like the junior service, at that stage, telling them what to do—professional jealousy.

CHAIRMAN—Go back before that. Why would Air Force have suspected *Sydney* was missing?

Cmdr Hardstaff—They had a combined headquarters, they had a representative, who was also a fly boy, on that board. They would be fully aware of what was going on with the convoys and escorts.

CHAIRMAN—One of the other difficulties in this investigation is the delay between the loss of *Sydney*—you can argue about when it occurred but clearly there was a delay of days, not hours—and initiating the search procedure. That is very hard to

understand.

Cmdr Hardstaff—Yes. Five days, officially, and four days, unofficially.

CHAIRMAN—Yes. So you have no suggestion as to how that came about?

Cmdr Hardstaff—No, I do not. Where possible, they took the ship's log but there were one or two logs that they did not touch. One was the *Yandra*, which gave full details, and the other, which I found interesting, was the log of the *Olive CAM*. She was inspected at 11.30 on the morning of the 21st by the deputy chief of the naval staff, Commodore Durnford. There were no records of any movements of the Commodore over there and, at the same time, they were ringing ACNB to tell them that the *Sydney* was possibly missing, yet Durnford was in Fremantle, and I think Sir Ragnar Colvin was overseas somewhere. So it was a bit of a communications farce, really.

CHAIRMAN—What is your view, as a naval officer, as to why *Sydney* stood in so close to the *Kormoran*?

Cmdr Hardstaff—I do not think she did stand in 'so close.' According to Linke, she carried out the manoeuvre as I have shown on the sketch of 20 April. If she was obliged to put a boat down to board, and apparently those instructions were confirmed by Getting, she had to close somewhere and that quarter was the safest possible place to close. The moment he came up on the starboard quarter, he was in the right position to collect the submerged torpedo, which could run at least three-and-a-half miles, and he was about one mile when he collected it. Immediately, of course, A and B turrets are out of action.

CHAIRMAN—I would classify one mile as standing in very close.

Cmdr Hardstaff—Well, not really. In those days you had to use the cutters, which were oared boats. If you put a boat down, say, a half a mile away, it would be a long pull, especially in a heavy sea. These days they use motor boats, helicopters and all sorts of things.

CHAIRMAN—But, still, a range of one mile is very close for an engagement.

Cmdr Hardstaff—Not for an engagement. He was coming up from the stern. There were only one or two guns on the *Kormoran* that could fire at him, whereas he had at least four in the front. Their after guns can fire from green or red, 140 degrees from the stern, so his guns were fully covering *Kormoran* for any action and *Kormoran* could possibly muster three.

CHAIRMAN—Let us take your scenario. *Sydney* approaches to within a mile and is struck by the underwater torpedo. That certainly would have woken them up but it is

not the end of the ship by a long way.

Cmdr Hardstaff—No.

CHAIRMAN—And yet the ship is destroyed as a fighting unit very shortly after that. There would have only been two to four heavy calibre 5.9 inch guns on the *Kormoran* that could have ranged. It is putting a lot on the gunnery skills of the *Kormoran* crew to effectively destroy *Sydney* within a few minutes after that torpedo strike? And remember there is a seaway running.

Cmdr Hardstaff—Yes. When you read the *Kormoran* story, they say they never stopped, that they just sailed along, both ships in company and they opened up. To put that submerged torpedo away, they had to stop. To open up the gun arcs, they had to alter course to starboard otherwise they would have been at a disadvantage. So *Kormoran* had to get under way again and obviously *Sydney* got under way again to pursue, despite the fact that the bridge was out of action. The emergency steering would be right down below the ship. They would not know what was going on up top. They would still carry on course and speed as usual. In other words, once she got under way again, she would just carry on. There would not be any high speed manoeuvres such as suddenly turning hard at port to crash into the stern of the *Kormoran*. That is fiction.

CHAIRMAN—I accept that but you have to deal with this point that the gunnery of *Kormoran* was so good that *Sydney* was effectively destroyed in a very short space of time. That is inescapable in this scenario that you are putting to us.

Cmdr Hardstaff—With two forward turrets out of action, they had a slight advantage. With the X and Y turrets able to fire, it was more or less even. That is why *Kormoran*, when she turned to starboard, would have been hoping to wood the two after turrets, to shut them off so that they could not fire. With those guns wooded, it is still five guns against nothing because the anti-aircraft guns would not have been manned. They would have supplied the crews to put the boats down, the port cutters. It has been suggested that the torpedoes could not be fired because the firing forks were in.

From my recollection of torpedo training, little that it was, the torpedo firing forks on *Sydney* and *Hobart* had to be removed before you turned the tubes out otherwise you could not get at them with the torpedoes turned out, which the Germans say they were. Obviously, the port crews were casualties and then there were no other guns available, other than possibly machine guns. The four-inch guns obviously were not manned either.

CHAIRMAN—Changing to a different topic; in view of the fact that the main base for the Australian submarines squadron is now at HMAS *Stirling* Garden Island, is there an argument for surveying that part of the coast for submarine operations, as a hydrographer?

Cmdr Hardstaff—It has been surveyed.

CHAIRMAN—All of it? Yet these wrecks have not been found.

Cmdr Hardstaff—Where the wrecks are, no. There is a blank between 25 degrees 30 minutes south and 28 degrees south, just north of the Houtman Abrolhos.

CHAIRMAN—Can we make an argument for searching for the wrecks on the basis that there is a legitimate case to know the bottom in that area for submarine operations?

Cmdr Hardstaff—The excuse has always been that priorities were in other areas, particularly the north Australian coast. The southern part has been surveyed and particular bottoming areas for the submarines have been done. They have all been covered.

Senator MARGETTS—Commander Hardstaff, you mentioned that eyewitnesses at the time might have mistaken a lightning bolt for sustained marine fire, so I am assuming you are reporting that there was fairly extensive cloud cover at that time.

Cmdr Hardstaff—There would have to have been.

Senator MARGETTS—What is the difference in terms of a light source like a fire? Is there a possibility that, with reflected light onto cloud cover, there might be a much greater distance of visibility of things such as a marine fire?

Cmdr Hardstaff—I think there would be. At 160 miles you are stretching things a bit. None of these points were more than 1,000 feet high and the sea horizon range is 36 miles. You double that and that is 72 miles.

Senator MARGETTS—It depends on the height of the cloud cover, the time and where the person is standing. Could it be up to 100 miles?

Cmdr Hardstaff—It might be stretching it up to 100 miles.

Senator MARGETTS—Thank you.

Mr DONDAS—Earlier today a witness, Mr Eneberg, expressed a view that there was a large box of missing documents. I notice in your submission that you have, possibly from your own records, a very detailed analysis of movements of the ship and other things, so it is a very comprehensive submission. Do you think there may be a box of missing information in the archival service?

Cmdr Hardstaff—I am afraid I have no idea what they have. If they have that they are not going to tell you anyway. When I did apply for the interrogation files they

provided those at a cost of $162. When I applied for information on the *Wanganella*, they said they would supply 1,500 pages at $742, but I declined that. It depends how much you are prepared to pay and whether they can locate it.

As far as missing documents go, during the First World War a survey was done by an RN officer in a ship of a harbour in the southern area of New Guinea. That document or survey did not come to light because it was classified at the time. It did not come to light until about September 1942. I have recorded it in the publication *Leadline to Laser*. So they do hold things, but I do not know for what reason. In the early days, the DNI organisation was responsible for all hydrographic work. As Admiral Jellicoe pointed out, this is not one of their functions. He himself complained of being in a ship where all the fishermen locally knew what was going on, but the navy knew nothing because it was not recorded or reported in sailing directions or any other document.

Mr DONDAS—The Australian Archives tell us that there are kilometres of shelving of documentation on the *Sydney*. They are only archivists and not researchers. Do you think that maybe this committee should work out a mechanism of having somebody evaluate all the documents there, seeing that it cost you so much money to do some research in very limited areas? Are you saying that there may be something there that would be of benefit?

Cmdr Hardstaff—There could quite possibly be some, but you would have to know what you were looking for.

Mr DONDAS—With your experience in terms of current flows, do you think that the carley float that was found on Christmas Island, with presumably a seaman, was from HMAS *Sydney*?

Cmdr Hardstaff—Yes, I do. Many years ago Gordon Laffer, now deceased, got some charts from me and did an analysis. I was quite happy at the time with his analysis of the drift. But all his papers now are apparently lost. They were handed to somebody. Even the results of the 1996 or 1997 forum are all missing too, so perhaps Gordon's papers are in that. I do hold his correspondence that he had with me through March 1983 until about two months before he died in February 1997. He did carry out an analysis of the carley float drift.

CHAIRMAN—One possible scenario could be that Captain Burnett had been misinformed by intelligence reports that there were no raiders in the area. We have evidence that, at a briefing to the crew some months earlier, Burnett advised that there was a raider in the Indian Ocean and to be on the lookout for it. It is also possible that a subsequent intelligence report might have led him to believe that there were no active raiders in the area and that may have explained the outcome that finally did occur. Do you place any credence on that?

Cmdr Hardstaff—In those days I was only a midshipman and would not have had access to much information. The only access I have on merchant shipping was what I recently located and I sent in a copy of my journal which was written about 3 May 1941. There are no specific things on raiders there, but just merchant shipping plots.

CHAIRMAN—The reason I asked that question was you suggested somebody might have got to the logs of the ships and some of the signal logs and removed them. If somebody in the intelligence area had issued information which was demonstrably wrong as subsequent events proved, they might well have sought to protect their reputation in some way.

Cmdr Hardstaff—That is right.

Mr TAYLOR—In terms of a carley float, you say that your view is that it was from the *Sydney*. How then do you explain Captain Oldham's assessment, which to my mind was done on the basis of some fairly skimpy documentation?

Cmdr Hardstaff—I have never seen his actual assessment, but when you ask about the *Sydney* most people do not want to know about it, and I suspect that he probably fell into that category.

Mr TAYLOR—In terms of the Hardstaff theory of what happened to *Sydney*, why in the light of what *Australia* had done in previous operations and what *Sydney* had done in the Mediterranean, wasn't the Walrus used as an initial reconnaissance in terms of this?

Cmdr Hardstaff—I suppose it could have been used. He had an hour to use it if he had wanted to, but if he had to put somebody on board the only means of doing it would be to use a pulling boat's crew.

Mr TAYLOR—You could argue that he did not use the Walrus simply because he had pretty good evidence that this was not a raider, that this was either the *Straat Malakka* or a Norwegian ship? Do you share that view? Do you not share a view that this was a ruse to get the ship in close?

Cmdr Hardstaff—No. The Walrus would not have helped him much anyway. It might have been able to locate some features on the upper deck.

Mr TAYLOR—I am sorry to interrupt you, but that is not the evidence that has already been given to this inquiry in terms of what happened in the Mediterranean, both in terms of *Australia* and *Sydney*. This was a regular tactical evolution with the Walrus in terms of identification. That was one of its functions.

Cmdr Hardstaff—It was a long range function and not a close range function. It was primarily a search function and on this particular occasion, as I have suggested, he

was only 25 miles away. If you have got something in sight, there is no point in putting up—

Mr TAYLOR—What I am suggesting to you is that if there was evidence that there was a raider in the area, he would have put the Walrus up. Because he did not put the Walrus up, you could argue that there is some evidence to indicate that he thought the *Kormoran* was a Dutch or neutral vessel, not a raider.

Cmdr Hardstaff—He would have had the shipping intelligence summaries that come out four times a day from Australia. He would have had a pretty shrewd idea as to what ships were in the area. Why put up a seaplane for the one that should not be there?

Mr TAYLOR—Can I just go back to this board of inquiry again. It seems to me that this—and lots of other documentation—is a fundamental piece of documentation which might be the missing link. From what you are saying about ACNB—even if you were only a midshipman at the time—you would have understood the command and control, albeit in abbreviated form as it was in those days. In terms of something like this, would the board of inquiry have been convened by flag officer Australia station?

Cmdr Hardstaff—Yes.

Mr TAYLOR—That would have then come back to Navy Office or to ACNB in Melbourne, rather than go to C-in-C China in Singapore?

Cmdr Hardstaff—Yes. They were out of the station. It is up to Australia to do something about it.

Mr TAYLOR—Wouldn't you agree that the board of inquiry and the associated documentation seem to be an important missing link?

Cmdr Hardstaff—Yes, particularly as they made such an effort to do two boards of inquiry for *Canberra*. Those papers are available.

Mr DONDAS—Do you think that we should recommend that a search for the *Sydney* be carried out?

Cmdr Hardstaff—I think you should. I would suggest the navy and not other people. It is only a question of hiring a deep side scan sonar with a 1,000-metre cable. The equipment is available to do it, but if that is impossible you have these oil rig vessels on the station passing through on and off all the time. They are operated by other government agencies in Australia and they could do exactly the same job. It would probably cost you a lot more money but they would do the job for you, provided they were told exactly what to do.

Mr TAYLOR—I know it is a subjective assessment but my assessment of the evidence that has been provided to us is that there is one unfortunate dimension to this whole debate. That is some sort of ideological hang-up between a number of groups. One group seemingly has this thing about officers. You have analysed a lot of these papers: do you share that? Implicit in what you have said, you seem to have some reservations about some of this stuff as well. It seems to me that there is this sort of chip on the shoulder in some quarters. Is that being too strong?

Cmdr Hardstaff—It certainly was not in the *Sydney* Research Group anyway.

Mr TAYLOR—You do not see that in terms of the secrecy group and the trust? Reading between those two groups, if you just want to take those, there seems to be this division and comment about personalities rather than the facts.

Cmdr Hardstaff—It depends what you are aiming for. One lot wants to get a lot of publicity and make a lot of money out of it. The past chairman of the *Sydney* Research Group is here. We are open to any suggestions, just to find the ship and help explain it. There is personal satisfaction but no glamour attached to it.

CHAIRMAN—Thank you very much, Commander Hardstaff. Thank you very much for your attendance here.

Proceedings suspended from 12.40 p.m. to 1.18 p.m.

KENNEDY, Mr David George, 2 Urara Road, Avalon, New South Wales 2107

CHAIRMAN—Welcome. In what capacity are you appearing before the subcommittee today?

Mr Kennedy—I am appearing as a journalist and researcher.

CHAIRMAN—I must advise you that the proceedings here today are legal proceedings of the parliament and warrant the same respect which proceedings in the respective houses of parliament demand. Although the subcommittee does not require you to give evidence on oath, you should be aware that this does not alter the importance of the occasion. The deliberate misleading of the subcommittee may be regarded as contempt of the parliament. The subcommittee prefers that all evidence is given in public, but should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will give consideration to your request.

We have received a number of submissions from you and they have all been authorised for publication. Are there any additions or corrections to those submissions?

Mr Kennedy—Yes. First I would like to draw to the attention of the subcommittee that I put in a submission on 21 April that was to be for the hearing that had been cancelled. I presume you have that?

CHAIRMAN—We do have that.

Mr Kennedy—Subsequent to that, some things have happened and I would just like to go through briefly—

CHAIRMAN—Would you like to do that as an opening statement?

Mr Kennedy—Yes.

CHAIRMAN—Proceed.

Mr Kennedy—In volume 10, page 2,303, please read ‘teleprinter operator Bob Fisher’ instead of ‘telegraphist Bob Fisher’, as pointed out to me by Mitch Frankcom and Daphne Wright. Mr Frankcom also asked me to include that Archibald McLachlan must have had ability to rise from the lower deck to command *Harman*. Mrs Wright has also told me in recent conversation that the officers and telegraphists at *Harman* were very professional and did not usually discuss matters with the WRANS or each other, even if they were events of great moment, such as a sinking. She confirmed her earlier reckoning that she was on duty on 19 November and over the ensuing weekend.

Ean McDonald has asked me to point out that the old *Sydney* Research Group members are back to business as usual in disseminating information and that John Doohan's 'End Secrecy on *Sydney*' organisation is a separate entity.

Regarding the statements by *Kormoran* wireless operator Adolf Marmann—one of the Germans I suggested should be approached for submissions and for whom I provided addresses—in volume 11, pages 2,500 to 2,503 where he refers to the rapid loss of *Sydney* with being hit by a floating mine or a mine, with the very dedicated James Eagles in mind I asked Mr Marmann if he meant *Sydney* had hit a mine. He said he did not, rather that she suffered so much damage it was as though she had hit a mine. He referred to a German expression that translates to 'as though hit by a mine'.

In discounting a floating mine, Mr Marmann said that at times *Sydney* 'may have been a little bit ahead of us. We were being viewed from all sides.' Note that on page 2,502 he states that wireless room 2 had 'full electricity supply' and 'all equipment was in full working order.' On page 2,500 he said, 'she made no use of her wireless', although Alex Hagerty quotes him as saying at the *Kormoran* veterans' 50th reunion that *Kormoran* jammed *Sydney*, as also said by Hans Linke. Marmann told me that he had left his radio room post twice, once to get shaving gear, which he decided was pointless if they were going to perish, and then to have a look at *Sydney*. Such unlikely absences from action stations indicated to me that Mr Marmann was saying: if things happened in the radio rooms, I do not know because I was elsewhere. But we had power and the equipment was in order.

Again, for the record, I must respond to Barbara Poniewierski—or Winter. In volume 11, page 2,639, she once more refers to me as making 'claims' when I was in fact making a query. On page 2,640 she asks why I chose to believe Linke's reference to *Kormoran* hitting *Sydney* with an underwater torpedo. Linke said this during a conversation with me about his speciality—wireless—and I included it in my submission. Was I supposed to leave it out?

Joachim Greter also mentioned the angle of the underwater torpedo tubes while on the subject of the deck tubes. A number of Germans, and the Chinese Shu Ah Fah, said three torpedos were fired. Some specified the underwater torpedo tube was fired at a departing *Sydney*, although this may well have been an afterthought explanation considering the German officers' version was that the deck torpedos did the damage. Through Greter, Linke, and Marmann especially, I feel that if people are concentrating on their main subject they can be suddenly surprisingly candid about another that crops up.

Winter indicates she spoke largely in Germany to Otto Juergensen who also translated her book into German. She has said that the wireless operators were not forthcoming. Perhaps they were kept out of the picture by Mr Juergensen.

At this point I would like to ask anybody who has queries about matters cited by

me to look at my original statement or write to me or phone as Mrs Poniewierski continues to use terms that appear to devalue statements made to assist this inquiry and which can be assessed and quizzed if necessary by any reader in a normal manner. Any civil challenge is welcomed.

Last weekend I interviewed, in Batehaven on the New South Wales south coast, Duncan Ridley, a former RAAF Catalina armourer. A copy of his service records is attached. Duncan Ridley said that, while he was on leave—departure authority dated 22-11-41—between bomb and gunnery school at Evans Head and Rathmines course for armourers—date of effect 27-11-41—he spoke with his father, a former veteran British sailor who was a Parliament House public servant in Canberra. The father, Ernest Robert Ridley, had been principal attendant to the Senate and a housekeeper. I have seen and taped photographs with Mr Ridley senior officiating at the opening of Parliament and with Gough Whitlam at a function after Ernest Ridley's retirement.

Duncan Ridley said his father had told him that Lofty Cummin—leading telegraphist John Douglas Cummin, service record attached—who had been stationed at the powerful wireless transmitter at Belconnen, Canberra, told of hearing 'short wave' signals from the *Sydney*. She was in an engagement and getting the worst of it. Duncan Ridley said his understanding was that Cummin, a frequent visitor to the Ridley home, had told his father this on 20 November and definitely before the action was officially known of, within four days of the battle. Ridley senior had then gone to the navy minister—'he knew them all'—and had told him what he had heard from Cummin, that *Sydney* had been in battle and had been 'getting the rough end of the pineapple', as Mr Ridley junior has said. The minister, who would have been Norman Makin, said something like, 'Jesus Christ, it's the first I've heard of anything like that.'

Sailors records show that Cummin, born in 1915 and over 6 foot 3 inches tall when he joined the RAN in 1933, served at Belconnen from 1939 to 1942, then HMAS *Penguin* and was at *Harman* from 1943 until he was demobbed in 1946. Belconnen, known as 'Big Bell', was a transmitter, located in another part of Canberra to the receiver, *Harman*, to avoid close proximity of signalling and reception.

Although *Harman* and Belconnen were miles apart, their personnel were together on official occasions and socialised at the Manuka services club. Amid a conspicuous lack of information in it about wireless traffic, Gill's official history for 1939-42 does not index Belconnen, and *Harman* gets one reference: that of the approval by Makin's predecessor Billy Hughes in April 1941 for the appointment of 12 WRAN telegraphists, and two attendants, to *Harman* after a recommendation that WRANS 'be employed at port war signal stations and other shore establishments'.

The transfer of power to a Labor government in Canberra on 3 October 1941 would have repercussions in London, with the Admiralty and other military arms along with the British government trying to preserve control of global empire operations. Also,

Gill writes:

One result of the changes, both of national and naval administrations, was a gradual shift of emphasis away from the navy in the Australian war effort, with its voice carrying less weight in policy-shaping deliberations.

The flag officer commanding the Australian squadron, Rear-Admiral Jack Crace's offer to resign came in October over his perceived lack of control of vessels under his command which were being deployed by the Admiralty. Two days after the change of government, Captain Burnett told his sailors that they were going after a raider in a well-documented divisions address.

The Ridley report follows testimony of another senior Canberra public servant, Treasury legal officer, Robert Mason, who said that while writer, or secretary, to *Harman* Commander McLachlan, he had been told on 19 and 20 November that *Sydney* had bailed up a queer customer in the Indian Ocean and 'was gone'.

Also, David 'Ron' Griffiths said in 1997 that he was a young and very conscientious telegraphist relieving at HMAS *Cerberus* for a week when he picked up a signal in three-letter emergency fleet code on ship-shore frequency just before 8 p.m. on 19 November. Griffiths, who made contact with the Fremantle Forum, said:

It was difficult to read, fading and I was only getting bits of it but what I received I wrote in the log.

Both *Harman* and *Cerberus* logs are missing and the Australian Archives *Sydney* expert Richard Summerrell has apparently been unsuccessful in locating signal pads.

Canberra gunner Ron Walker has told me that the cruiser's crew were aware of *Sydney*'s loss before putting into Williamstown from Fremantle on 22 November, after having been diverted south on a search then turned around.

Also I have spoken with Wim Schroder, who served on *Straat Malakka* post-war. Still an active master on Sydney Harbour, Schroder said that Dutch line ships were very thorough and efficient with their flag signals. Detmers would have known this and Burnett would have been suspicious if flags were flown as though on a tramp steamer. *Kormoran* number four gun ammunition handler Herrmann Ortmann said that the German battle flag was stored above where the Dutch flag flew on the stern and as soon as it appeared, it was flying higher, according to raider convention. Wim Schroder says that, in his experience, the Dutch flag was flown from a yardarm on the aft mast while at sea and from the poop, or the stern, while in harbour.

In regard to position, the 300 nautical miles west of Carnarvon—as cited by John Curtin, in official publications outside Gill's official history, and by *Kormoran* mines officer Heinz Messerschmidt recently—will need to be dismissed before the area around

26 south and 111 east is assumed to be the battle site. If there—that is further out—*Sydney* would have been searching rather than returning to *Fremantle* as stated. *Kormoran* could have faked a QQQQ, attempting to throw it from the further position to the closer one to divert *Sydney* to another raider alarm. Linke said positions were sent as written down by Detmers, and he had no assurance that they were right.

The south-east position, near the Abrolhos, is logical if Geraldton were to be mined or *Sydney* was escorting *Kormoran* to port, similar to the USS *Omaha* and *Somers* with blockade runner *Odenwald* earlier in November in the Atlantic Narrows, just before *Komet* went through. Wreckage, which appears to have been unburnt, wind and currents should be re-examined.

With regard to the underwater torpedo from the backward angled tubes, if *Sydney* were hit by one while she was abaft abeam, gunners, signalmen and others on *Kormoran*, who did not know of the angle, would have been puzzled and could not be blamed for thinking or suggesting that something else might have been involved.

Stuart 'Bluey' Waterhouse, captured by *Komet* from the *Holmwood* a year before, said he tried to tell debriefing officers in Townsville, after the Emirau Island release of the raider's armaments, including underwater torpedos, but he had been dismissed with remarks that he was not an officer. I also spoke with Cyril Heyden, crewman on *Aquitania*, who gave me access to a photograph that shows that there were two rubber raft floats picked up at the same time by the troopship, but one was very small and attached to the side of the larger raft. I might also mention that we also have here today Vaughan Richards, who was taken by the *Komet*, George Schultz radio officer on the *Zealandia*, and I have noticed at least two of the wireless operators from *Harman*.

Use of an angled underwater torpedo, which might have confused German sailors not in the know and the Chinese, raises a need for examination of the training and role of Bill Elmecker, who lives in Tatura, Victoria, near the former prison camps. Mr Elmecker was mentioned in a letter by a local engineering workshop operator as having fired a torpedo while *Kormoran* was being abandoned after being defeated by *Sydney*—a scenario reported in the London *Daily Express* after the action. I understand Mr Elmecker is very worried right now and he should be cleared if he is innocent. There is another version that *Kormoran* was flying a white flag when the torpedo went off.

An underwater torpedo could also have given rise to thoughts that another craft was involved, such as a Japanese submarine. These suppositions grew with Chinese media reports of *Sydney* crew in Japanese hands and returning POWs, such as HMAS *Perth*'s Arthur Bancroft being asked while being ferried ashore on the Brisbane River if he had seen any *Sydney* men. Captain John Collins was asked to check in Tokyo. Duncan Ridley also states that Catalina pilots heard Tokyo Rose taunting that one of Australia's own ships was firing on them in the engagements leading to the loss of *Perth* and *Houston*. Also *Atlantis*, which was taken on 22 November by HMAS *Devonshire* in the South

Atlantic, was queried as to its identity and, by p.m. on 22 November Australian time, news of the

sinking would have come through. Given time to double check that it was the *Atlantis* and not the *Polyphemus* that went down, we get to 23 November when Australia started to send its signals for *Sydney*.

I was telephoned recently by Judith Bennett, daughter of *Sydney* Petty Officer George Quinn, who suggested that, if *Sydney* is found and examined, out of respect, a perpetual light should be lowered to her so that the loved ones of those lost feel they are with them. I think it would also be appropriate to invite the German veterans to make their own appropriate gesture.

CHAIRMAN—What is your view about the absence of signals from *Sydney*? Do you believe that there were signals and that the records of those have not survived for some reason? Or do you think the demise of *Sydney* was so rapid that no signals were sent from her?

Mr Kennedy—I have formed the opinion that *Sydney* was signalling and *Kormoran* was jamming, that parts of the signal sent by *Sydney* were picked up and that possibly the sequence, as received in Australia, was not sufficient to form a full opinion of the message. But there were other listening places—Singapore, Colombo, Mauritius and elsewhere; signals could have been picked up elsewhere.

CHAIRMAN—From your evidence, you come down to the view that the loss of the *Sydney* was known on the night of the 19th?

Mr Kennedy—I have been led by the people I have spoken to to form that opinion. We have got, for example, at the bottom of the service record of Duncan Ridley:

Warning! Airmen on quitting His Majesty's service are hereby reminded that the unauthorised communication by them to another person at any time of any information they may have acquired which might be useful to an enemy in war renders them liable to prosecution under the Official Secrets Act.

I think a lot of people for many years after the war were aware of that. A point is that Bob Mason did not suddenly come out with his comments about messages being received at *Harman*. He told me that he had been asked by the National Library to do a history on *Harman* and it was at this time that he wrote of the events of 19 November, as he recalled them.

CHAIRMAN—I want to come to the point you made that the minister for the navy learned of it from a Parliament House attendant, Mr Ridley. Ministers do not know everything, but on a matter of such gravity you would expect Navy to have informed the

minister instantly.

Mr Kennedy—One of the opinions I formed was that the show was really being run from London and the Admiralty, and that Australia station was not kept fully informed and up to date at all times.

CHAIRMAN—Even accepting that, somebody—in your theory—did know in Australia. Why would people of relatively low rank—without being disrespectful to them—know if other more senior people in Navy did not know?

Mr Kennedy—The chain of events, as it has been explained to me, would have been that Signals would have informed Intelligence. Barbara Winter in fact has suggested that maybe it stayed at Signals rather than got through to Intelligence. It would have had to have gone to Rupert Long, and Barbara was Long's biographer. If you have Intelligence, plus Royle, who was First Naval Member here, and Shedden, who was Defence Coordination Secretary at the time, aware, then my impression is that there would have been a lot of traffic going between Australia and the Admiralty. When I say 'my impression', this is the impression I gained from speaking to people like Bob Mason and other veterans, such as Jim Delaney, who were around at the time and involved in this area.

CHAIRMAN—Why, then, did Navy call *Sydney* so intensely for several days after the 19th?

Mr Kennedy—This is another interesting one, with the aspect raised of trying to establish whether there would be a response and also to see if there would be any response from a raider or a supply vessel that might have been in the area. Raiders were referred to then as the actual auxiliary cruisers and their supply ships. If it was thought that a supply ship was the target, then the raider might still be around, or vice versa. This is the impression that I have gained.

Mr TAYLOR—Could I refer to your supplementary submission dated 22 February and specifically to page 2 of that, and go back to a question I asked Commander Hardstaff. I will just quote in part what you said on page 2:

> Ean McDonald concludes the text of his submission with the observation that the old Sydney Research Group has no connection with the "SYDNEY 'Trust'—a seeming commercially and/or politically oriented association".

You go on:

> The existence of two prominent HMAS Sydney research organisations has caused some serious problems recently for researchers and media people. Both now take information without disseminating it. John Doohan now appears to control, on an ideological platform, the Sydney Research Group—

which has been refuted here this morning in evidence—

which has not had a good recent record of supplying material such as that from the last Fremantle Forum and Gordon Laffer's submission to it.

Then you talk about Mr Doohan trying to stop this, that and everything else. Do you still share that view? Commander Hardstaff did not feel that there was. I have to say that, from my personal observation of the *Sydney* trust in Perth, I could not see any politically oriented association. Is there something I have missed?

Mr Kennedy—I am actually glad I am in Sydney rather than Perth because a tremendous amount goes on over there. The *Sydney* is a tremendously absorbing incident, a very tragic incident. People get involved in it, as I have observed. Some people cannot help getting professionally involved in it; some have made career paths or hobbies out of it. I do not resile from those comments at all. I think Ean McDonald, Reg Hardstaff, Gordon Laffer, John McArthur and Ric Bourne basically formed a loose interest group. John Doohan, who is a tremendously tenacious person and obviously frustrated at times by inability to make progress here, through force of personality took that over and they withdrew. John Doohan formed his own group. Ean McDonald has told me that it is business as usual with the old *Sydney* Research Group.

Mr TAYLOR—Just on the question of Mr Doohan, his credibility has been raised in the media in Western Australia after our hearing. He responded to that. You referred to him as being tenacious but, in your view, is that tenacity balanced with a subjective view on what might or might not have happened?

Mr Kennedy—I have had discussions with John, both in Fremantle and on the phone. John sees the *Sydney* as part of the capitalist operation to control most of the Pacific. If Pearl Harbour was a set-up to get the Americans into the war, then a tremendous amount of damage was done—more than necessary. If, as the war clouds were gathering in the Pacific, *Sydney* was sent against a raider to build up enormous publicity with headlines such as '*Sydney* sinks raider', then it went terribly wrong, with more damage than was realised. One could possibly entertain that scenario, but I think John's picture is too big. But he has the right to voice it.

Mr TAYLOR—Mr Kennedy, let me be very pointed about this. In your view—and you may not want to answer—does some or all of the John Doohan's evidence have credibility?

Mr Kennedy—It is on such a huge scale that it is difficult to say. I think some of his observations, particularly on the *Aquitania*, are very interesting and need examination. It is a job for the subcommittee and the people on whom it can call to work that out. It is just too large for somebody who is not an expert to encompass.

Mr TAYLOR—But do you understand our basic difficulty in doing that? He is one of the architects of the Japanese submarine theory. For example, do you share that theory?

Mr Kennedy—No.

Mr TAYLOR—Do you dismiss the Japanese submarine theory?

Mr Kennedy—Until somebody can indicate to me that there is a firm body of argument. To my knowledge, I do not think a Japanese submarine was involved.

Senator MARGETTS—We have had a number of witnesses who have particular theories in particular areas. I guess you may have found that there is evidence coming from a number of areas that has elements in it that could fit together like pieces in a jigsaw, potentially, if we had all the rest of the pieces.

Mr Kennedy—Yes. I really think that the Dutch records need examination, because Salm was the liaison officer and he does not get much publicity anywhere. The German government has invited the Western Australian Maritime Museum, as I understand it, to inspect its records at any time. This has not, as yet, been done. The British Admiralty and the Americans, I understand, have records of wireless communication in the Pacific that might well involve this matter. Frank MacDonagh of Melbourne, who has long been interested in this and is a very astute and enterprising businessman, tried recently to get access and he has told me that it is a very difficult job.

The Portuguese were in Timor at the time—they were neutral, with a fascist government, administration, at the time—and there have been indications from the German officers that Sumatra, which was under Dutch control, and Timor might have played a role as destinations if the boats from the *Kormoran* were able to get there.

Senator MARGETTS—So everybody is acting on some level of hearsay, some level of evidence that they have pieced together, and some of that evidence is reliable and some of it is less reliable.

Mr Kennedy—Yes. You might have noticed in my submissions that I have not made much comment because I have used people who I think have some expertise in that field, or have been involved. I find it is dangerous to make comments, and maybe I have made a few too many now, but you have asked me and I am trying to reply. The enormity here is that so many of the people who were in a position to know have not been asked.

Senator MARGETTS—Who? Would you be prepared to submit any suggestions as to who the committee should be speaking to, or is that in your submission? Pardon me if I missed that.

Mr Kennedy—No. I think it is really up to the Defence team, which I think is doing a terrific job of getting this out and allowing people to express their opinions to be challenged. I think it is up to them.

Senator MARGETTS—Which defence team are you talking about?

Mr Kennedy—Joanne's people, the secretariat.

Senator MARGETTS—I would like to think we were separate from Defence. We are actually the committee of the parliament.

Mr Kennedy—Of course; I have separated the representatives of the parliamentarians from the secretariat. To answer your question, I think that enough people to question have been identified in these submissions. They are all over the place.

Senator MARGETTS—Have you interviewed a number of people in Germany?

Mr Kennedy—I have spoken by phone to them in Germany—I have not had the opportunity to get over there—and some of the Germans in Australia.

Senator MARGETTS—What is your opinion of the evidence put forward in relation to the character known as Grossman, by whichever first name he actually existed—if it was indeed someone called Grossman?

Mr Kennedy—I was on holiday when this came up and I purposely did not touch it to see what would develop. I did not want to become the journalist who was pushing the *Sydney* story. About six weeks passed before I telephoned Pastor Wittwer and told him where I was from. About 20 minutes or half an hour into the conversation he was telling me how—and as a Christian he feels he should not have had these feelings—he could have killed the Japanese who killed his cousin or uncle, and how he was having to struggle against these feelings. It is up to other people to assess, perhaps in detail, whether Mr Grossman was 'the' Mr Grossman. I formed the opinion that Pastor Wittwer had become absorbed with a personal problem.

Senator MARGETTS—Are you indicating he might have taken the interpretive approach to what he was told by Grossman, or whoever Grossman in fact was?

Mr Kennedy—I formed the opinion that Pastor Wittwer had a serious personal problem to come to terms with over the loss of his relative and the Japanese.

Senator MARGETTS—Have you done any follow-up on Grossman at all?

Mr Kennedy—Glenys McDonald and Max Watts, a journalist, have been pursuing information from Germany from Mr Grossman's widow. I understand that this might

become available. Seeing as they were involved in it and I had contact with that German journalist based here, I thought I would leave that to them.

Senator MARGETTS—The other thing you mentioned was your suggestion that much more archival work be done. Are you talking about what are known to be in official or government archives, or is there some other form of archival information that you think could back up the directions in which you are leading?

Mr Kennedy—I think there is probably information in places where it might not have been looked for originally. One can find information in the most curious places. I was in Cape Town on the way to a golden oldies rugby festival in Auckland—I was going the long way around. I was in the old Helmsley Hotel there, and I found I was having coffee with a wireless operator from the *Devonshire* who said, 'Oh, I sank the *Atlantis*.' I brought out the tape recorder.

This must also apply in the archives and in libraries. I think that it would probably be better to gain as much information as possible as to where the vessels might be and then look for them, rather than look for them without the information—although, as Commander Hardstaff said, we do have it available. Perhaps a sensible, planned search by our forces while an archival search is being conducted might be a way to go, rather than get a quick look in the water now and maybe put the whole thing back 50 years, and then they might never be found.

Senator MARGETTS—You say you are glad you are not in Perth.

Mr Kennedy—It is a lovely place but—

Senator MARGETTS—What are the difficulties you are having? Obviously, there are people with different views. What is your opinion on the direction that the *Sydney* foundation is going, and will that be particularly helpful, do you think, for this inquiry?

Mr Kennedy—I noticed in volume 12, I think the last one out, that the first part of the submission is promotion and public relations again. I think I have used those terms before. It might very well be the way to go, but I do not think the foundation trust is providing the hard core information that indicates that they are on top of it. It is as though they are saying, 'Give us the money and we will have a search.' They might be able to find it—

Mr TAYLOR—That was not the evidence in Perth. They had some very specific suggestions based on technical grounds.

Mr Kennedy—Yes, but that was Fugro, I think, and Kim Kirsner I noticed has provided one in volume 11 or 12, but it was not in volumes 1 through 10. It appears that, if the foundation trust has reached that stage of confidence, its information could have

been more up-front. It is perhaps because of my background that I was hoping that we might get more information from those who say they have the expertise.

Mr TAYLOR—But isn't it worth taking Senator Margetts's question a bit further with the information that Commander Hardstaff has in conjunction with what the foundation trust has, at least as a starting point?

Mr Kennedy—Yes.

Mr TAYLOR—You agree that that should be the starting point?

Senator MARGETTS—Are you suggesting that that is what I said?

Mr TAYLOR—No; I am not suggesting that. Is that the point you are making, that that is the starting point for the search?

Mr Kennedy—I understand that Dr Kirsner approached Lindsay Knight's group after his flight was publicised, and people like Commander Hardstaff and Ean McDonald who got Susie Moroney from Cuba to Florida in record time by using the Gulf Stream. He is now off to Mexico. Men of their expertise have been alienated. I think, really, if the foundation trust did a bit more public relations with some of the people who have had their heads in this for a long time, then we might be heading in a proper direction. I think the foundation trust people are very anxious and excited at the prospect. It is just that I think they have gone about it the wrong way.

Mr DONDAS—On the same line as Senator Margetts in terms of documentary or archival evidence, we heard Commander Hardstaff say earlier that it is a very costly exercise to try to get information from Archives. In fact, in one case he cited, a small document was $160 and another document could have been as much as $1,000 in terms of the research that he wanted to do. Do you think it might be plausible for this committee, in coming to some recommendations, to see if it can get the archival service to provide the information on the *Sydney* FOC, free of charge, to those interested groups? Would that help delve into the box of tricks that might be missing?

Mr Kennedy—I think so, yes. Also, in my experience, the archival team has been terrific as far as their resources go, as far as their ability to cope with the amount of queries. Richard Summerrell has done a great job with that guide. All of the officers of the Australian Archives that I have contacted, and I contact many, are really helpful. I think they know where most of the information is that has been released. It would not take much to finetune the archival services of this country to really get everything for the people who are researching.

Mr DONDAS—They have given evidence to this committee saying that they are archivalists, that they are the holders of documents and not the researchers of documents.

That is one of their problems. Maybe this committee could overcome it.

There is another question arising from your submission and some of the information that has been provided by way of transcript. The battle took place, there is a dispute in terms of which direction the *Sydney* was sailing when it was ablaze, but one would think that although the battle took place, there still would have been time for the *Sydney* to have discharged some of its sailors onto lifeboats or life rafts or whatever the case may be because in one of the transcripts it says that the battle took place over a 40-minute period. In another part it says it was many hours before it finally went off into the sunset and fell away in a blaze of smoke.

Mr Kennedy—My assessment is that, if there was so much fire, there would not have been too much left unburnt on deck to support many people. We have got the Germans and the four Chinese. If there was a fire, then the life preserving equipment would have been burnt. Apparently Captain Collins had a lot of benches and non-service equipment, that would float, around the decks. Apparently that was cleared away. So much of the life preserving equipment, if not burnt, was not there. It depends how much weight is put on the Chinese as well as the Germans. Would there have had to have been such a huge fire, or did a crippled *Sydney* limp away and explode, as a couple of people have said?

Mr DONDAS—Some of the documentary evidence taken by transcript says that the *Sydney*, while it may have been low in the water, was still coming on. That means it still had the capacity for some manoeuvres. Why would you think that the order to abandon ship might not have been given? They must have had a life vest, for example, although they may not have had a life raft. Or do you believe in the theory that the carley life raft that finished up on Christmas Island came from the HMAS *Sydney*?

Mr Kennedy—Yes, I think it did, unless there is some information that we do not know about. I think the previous minister responsible suggested it could have come from Indonesia, with no explanation. Did he know something that we have not been told? Why should it have come from Indonesia? My feeling is that that carley float was from the *Sydney*.

CHAIRMAN—Why?

Mr Kennedy—It is an accumulation of the evidence that I have read and heard. I am not an expert in that area.

CHAIRMAN—But there were a lot of warships in the area. They all had carley floats. Carley floats were not tightly attached. They could have been washed overboard. Somebody could have tried to jump ship and slipped a carley float. People do run away in war settings.

Mr Kennedy—It depends on the state of the body. We have the evidence of the people on Christmas Island at the time. If they took notes—and they did—they gave descriptions and it would have been possible for the medical people to form an opinion of how long that body had been on the carley float. You would then have to work out the vessels that went down given that time. Now, the Japanese did not come in until 7 December. You would have to work out when the battles were taking place around the Sunda Strait in the Java and Sumatra area. I think you will find that it is supported by one of the people from the War Graves Commission who wrote an opinion that indicated to me that it was from *Sydney*.

CHAIRMAN—All the evidence that that carley float came from *Sydney* is negative evidence. There is no positive identification that it came from *Sydney*. That is the point that I am making. I think if you said, 'Look, it's most likely that it came from *Sydney*,' that is one statement. But to say, 'It did come from *Sydney*,' is an assumption.

Senator MARGETTS—That is not actually the case. A lot of the evidence was oceanographic or climatic. That is positive and is saying, 'It could have been. It could have got there.' That is not negative. That was not a process of elimination. It said that there was a possibility that it could have got there. That needs to be taken into consideration as well.

Mr Kennedy—I think there is more indication that it did come from HMAS *Sydney* rather than that it did not, from the work I have seen done on it.

Mr DONDAS—There was some consideration that the skipper of the *Kormoran* was a bit of a sneak in terms of whether he duped the *Sydney* into coming closer and whether it was a white flag, a Norwegian flag or a Dutch flag, and thereafter there was the evidence taken from the seamen of the *Kormoran*. Do you really think that we should believe the German version of the sinking of the *Sydney*?

Mr Kennedy—That is a big question. I think we have to believe that the German was doing his job, and that when he showed the flag and from where he showed the flag is a question. It could well have been a very short trip up the foremast, and it was legitimate. I think that a captain in his position—being human, with nearly 400 people and all those mines on board—might have cheated a bit.

I also think that Captain Burnett was doing his job. There were conditions at that stage, so far as I can see, where there was encouragement to capture tonnage and gain as many documents, codes and ciphers as possible. Also, imagine the tremendous fillip if the *Sydney* had escorted a raider or German supply ship into Geraldton or Fremantle.

It was in the same month that the American cruiser *Omaha* and the destroyer *Somers* took the *Odenwald*, and *Komet* went through a week later. Maybe they were after *Komet* and they got the *Odenwald*. Maybe *Sydney* was after *Kormoran* and thought it had

Kulmerland, but it turned out to be *Kormoran*. When Captain Farncomb had trouble after shooting long range at *Coburg* and *Ketty Brovig* earlier, Captain Burnett had all signs of encouragement to go in and board. He had been training anti-scuttling parties on his convoy duty up to the Sunda Strait. He went in on the quarter. There is a photograph in the book *The Blockade Runners* of the USS *Omaha* exactly on the quarter of the *Odenwald*. If Captain Burnett had wanted to board, as Admiralty instructions suggested, then he was in the right position to do that.

I think it can be assumed from what Hans Linke says, and from the time taken—according to the Germans—from the sighting to the action, that Captain Burnett had a good look at this suspicious ship. He decided he would go in and board. He went in on the quarter and the underwater torpedo hit him. Bluey Waterhouse was on the *Komet*. He said that you could see where the underwater tube outlets were on the *Komet*. He apparently was not listened to in detail by the debriefing officers.

I think there is a big argument for Captain Burnett having done what was appropriate at the time. It was just that he was probably a victim of that well-placed underwater torpedo tube which Captain Detmers had trialled in the Baltic. He writes that in his book and Heinz Messerschmidt was telling me about it with some great interest.

Senator SANDY MACDONALD—How many survivors did you interview?

Mr Kennedy—There would have been 15 German raider survivors, 15 at least.

Senator SANDY MACDONALD—Do you speak German?

Mr Kennedy—Yes.

Senator SANDY MACDONALD—How senior were they? Were any of them people who were on deck or on the bridge?

Mr Kennedy—Yes. They include: Von Goesseln, who was the battle watch officer; Greter, who was the torpedo officer, and Heinz Messerschmidt, who was the mines officer. Hermann Ortmann was on No. 4 gun as a loader. Bill Elmecker was also loading No. 4 gun, unless he was in the torpedo squad. I have interviewed Dr Biesing, who was a Luftwaffe prisoner in the camps in northern Victoria as well. Also, a number of people from other raiders as well are here, such as from the *Atlantis*.

Senator SANDY MACDONALD—Not all the people you have interviewed have been in Australia, though?

Mr Kennedy—No, both Adolph Marmann and Hans Linke, with most of the others, are in Germany.

Senator SANDY MACDONALD—In your experience as a journalist I guess you have interviewed a lot of people over the years, and you probably have quite a good feel as to whether people are telling the truth or all the truth: do you have question marks in your mind about what you were told, about omissions or changes or concoctions?

Mr Kennedy—Yes, I have found that the accepted version in most cases is followed—more so the first time, and then they look back at the books. An interesting thing has been that they talk at some depth about one aspect, but when there is a change of subject it is as though that aspect is finished, and then some candid things have been said, some things have been unguarded. I have tried not to think, 'Well, I could grab that bit.' Greter, the torpedo officer, said during the interview, 'I hope you are not waiting for me to say something that I do not mean so you can grab on it.' And I said, 'Well, no, I am aware of that problem interviewing some—

Senator SANDY MACDONALD—Perhaps you might have responded by saying, 'Well, you tell me, and I undertake not to say anything about it.'

Mr Kennedy—With all the people that I have interviewed, I think I have only said that once, and that was to a woman who was a friend of one of the Germans. I said, 'I know you are close to him and there is obviously emotional feeling here, but did he say anything that is indicative?' And she actually gave me some information which was informative and, I thought, very fair.

Senator SANDY MACDONALD—Obviously, it would be the more senior people and therefore very few people who would have known what actually occurred. Those people on the bridge might have known at the time. I do not know if the poor Chinese captives are still alive, but they would hardly be people who would be credible witnesses, because they would have been a long way away from the action. People on the bridge certainly would have known what was going on, and officers might have talked about it.

But it seems that the only way that any possible links can be found comes from those existing survivors of the *Kormoran*. And I would just like to get a feel from you as to whether you think there is any chance that the committee or anybody could access from those survivors some information which might provide some of the missing links. Do you believe in your heart that there is no more there, or do you believe that there is something somebody could get that has not come out yet? On your death bed, you can make a will at war without it being signed and sealed in the appropriate way because obviously you are going to tell the truth. Nothing has ever happened. None of these German crewmen, on their death beds or when they have become drunk has ever broken the real theme and story they have stuck to. I find that extraordinary.

Mr Kennedy—Yes they have. Alex Hagerty, the only survivor from the wheelhouse of the *Voyager*, has a German background and was at their 50th anniversary reunion. At the end of the three- or four-day function, he was with Adolf Marmann, a

wireless operator, who said that they had jammed *Sydney*. I spoke to Hans Linke. Linke is a very philosophical individual. He is in north Germany, he has got an orphan dog from Croatia, and his daughter runs a bar in Berlin and he still skindives. It was basically Linke who, to my mind, told me in five conversations in German a story which departs from the official line.

Senator SANDY MACDONALD—Which were?

Mr Kennedy—That the first hit was with an underwater torpedo, that there were messages to Germany from *Kormoran* and that there was jamming. In the last two submissions of mine there is a lot of Linke. There were two times that the *Kormoran* was abandoned, it seems. The first time was when Detmers suggested that non-necessary people get off the ship. I understand that those life rafts were attached with lines for some time. He kept about 100 hard men on, the gunners. Von Goesseln, the battle watch officer, said that the instruction was given not to talk about the operation of raiders but they could talk about the battle. So the word was out to those left on board on what to talk about and what not to talk about.

I really think there is the version by the officers of the *Kormoran* which preserved security of their operation. It was a little bit early in the war, so why give away information about the operations in your vessel, particularly underwater torpedoes? And these things come out now. I do not think there is anybody on the *Kormoran* who would be tried as a war criminal on the evidence we have got.

Senator SANDY MACDONALD—It would not make any difference if our reports said that they would not be tried as war criminals? I suppose we do not have that power.

Mr Kennedy—It would. I think that it would.

Senator SANDY MACDONALD—Do you think that the reluctance of the *Kormoran* survivors to talk about the battle was because they felt that they may incriminate themselves?

Mr Kennedy—I found mostly, with the senior people, Von Goesseln particularly, a frustration with what has not been released by the Australian government and the Australian Navy. This has been reflected by Linke, Marmann and Von Malapert, who was a senior wireless operator in South America. The impression I have got from the remaining officers is, 'Why has the Australian government not told the full story? Why has the Australian government allowed accusations to persist that maybe there were massacres done?'

Senator SANDY MACDONALD—Today, when they talk about the operation, are they surprised that *Sydney* was taken in by their ruse and came as close as it did?

Mr Kennedy—Yes.

Senator SANDY MACDONALD—They were surprised by that. I suppose they were absolutely scared out of their wits because anybody on deck must have known what was going on. Are you saying that these people were absolutely scared out of their wits and therefore it would be cut into their psyche like nothing else, and that they could not believe that this battleship came so close to them? Do they then explain the ruse that they used? Do they give any explanation as to why it happened?

Mr Kennedy—I think that the explanation is in things like Adolph Marmann saying he went to get his shaving gear and then he went upstairs to have a peep. There were things going on that Detmers would have known about. He did not apparently talk a great deal, but some of the other senior officers would have known exactly what was happening. The bulk of the crew who did not know what was going down were amazed and scared. There was a first class cruiser 1,000 metres away. The comments I have had from these people is that they were puzzled. Heinz Herrmann who was on the *Kulmerland* in the Pacific on the way back—

Senator SANDY MACDONALD—How did the *Kulmerland* go back to northern Europe?

Mr Kennedy—It went back to Japan. It went from Japan on to Australia, to 1,100 miles west, and then went back and was waiting for the *Spreewald* for a prisoner transfer.

Mr DONDAS—There were 80-odd seamen lost off the *Kormoran*. When you were moving around Germany and talking to various witnesses and people over there, was there ever an official inquiry carried out by the German Navy regarding the incident between the *Sydney* and the *Kormoran*?

Mr Kennedy—The prisoners were here.

Mr DONDAS—Was any inquiry carried out in Germany?

Mr Kennedy—Not that I know of. The closest thing was Dr Habben's report in the Nazi party newspaper in 1944. There are a couple of interesting things there. He mentions that the first mention by the Australians was four days after it happened, the 23rd, rather than the 24th. I do not think there was an inquiry as such because the prisoners were in Australia and they were not repatriated until after the war.

Mr TAYLOR—What did you mean in your submission of 22 December last year when you said this:

. . . maybe Barbara Winter could detail a relationship to the *Kormoran* crew, how her research was funded and the extent of access to documents.

Mr Kennedy—That was in reply to what I thought was a rather unfortunate attempt by Barbara Winter to shoot out of the water somebody who perhaps she perceived as seriously challenging her version. There had been much speculation about Barbara's reasons for writing a book that was so close to the German version, and which had been translated into German by Otto Juergensen, the chief petty officer on the *Kormoran*. I thought, 'Well, if Barbara Winter is asking me to show my cards, which I am only too prepared to do, then maybe she should produce her own hand,' and she has done that in one of the late volumes.

CHAIRMAN—Thank you very much, Mr Kennedy. Thank you for your attendance here.

[2.33 p.m.]

TEMPLETON, Mr Alaistair Rankin, 65 Brentwood Avenue, Turramurra, New South Wales 2074

CHAIRMAN—Welcome. Mr Templeton, would you please state the capacity in which you appear before the subcommittee?

Mr Templeton—I appear as an individual who served on *Sydney* and who knows the Germans of the *Kormoran* fairly well.

CHAIRMAN—I must advise you that the proceedings here today are legal proceedings of the parliament and warrant the same respect which proceedings in the respective houses of parliament demand. Although the subcommittee does not require you to give evidence under oath, you should be aware that this does not alter the importance of the occasion. The deliberate misleading of the subcommittee may be regarded as a contempt of the parliament. The subcommittee prefers that all evidence be given in public but, should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will give consideration to your report.

We received two submissions from you and both were authorised for publication. Are there any additions or corrections to those two submissions that you wish to make?

Mr Templeton—A few additions, Mr Chairman, if I may. The first one, which I did not include in my prior submissions as I was relying on my own knowledge, concerns the approach of *Sydney* too close to certainly one ship. I am moved to make a further comment on that in as much as certain people have used the letter of Keith Homard, the aircraftman, in a limited fashion, and the substance of that letter has not been disclosed. I would like to read you two paragraphs, if I might:

That night as it was very hot we all slept on the deck and were soundly asleep when at ¼ past 1 'Action Stations' was sounded again. It was a pitch black night but everybody hopped to it and in about 10 minutes we were ready to go again.

That is the plane.

Suddenly, our searchlights were switched on—

There was only one actually.

and outlined in the beam some hundreds of yards away—

Note the distance.

was another ship. While we were signalling to each other—

Which did not happen; *Sydney* was signalling to *Islander*.

our ship was slowly cruising around the other one in ever narrowing circles and all guns trained and it was just like a cat playing with a mouse. I have often wondered how I would feel if we went into action and whether I would be scared or not, but I was very excited and feeling disappointed because if we did fight, as it was night time and I wouldn't be able to get any photographs.

He was also an RAAF photographer.

However, it turned out to be another false alarm as it was also a friendly ship, so back we went to bed to get what sleep we could before our usual 'hour before dawn action stations'—

I have had this for years. It is back-up to what I have said about approaching too close to strange ships irrespective of what they might have been. Whether there was knowledge of it—whether the, let us call it, mercantile plot was common knowledge, which it tended not to be, it was a bit erratic in 1941. But this approach to this ship was the one on which I have relied as evidence because of my own eyes and here is this other man saying exactly the same thing, in even more stringent terms. That has been omitted by other people; that is their business. The letter goes on:

That same day about 4 we had another alarm and as this was the third within 24 hours, we all thought that at last we were going to have a fight. What we had sighted though turned out to be a gunnery target, and we sent a sea-boat off to pick it up.

Note in there 'just another alarm'. The aircraft was not readied. I have said in this instance *Sydney* was not at full action stations, had main armament manned—nothing else—and I was down below on my mess deck when, had we been at action stations, I would have been on my gun on the upper deck and we were not. And yet this incident is held out to be evidence to Burnett's caution.

This letter goes on, just to finish it off:

They had apparently put it out for shooting practice and then spotted us coming and went for their lives without waiting to pick it up.

Which of course was a nonsense anyway.

As the target had only been in the water for about three hours and we knew that an enemy raider was somewhere in that vicinity it looks as if that was the case. Like all the rest of the boys I was very disappointed, especially as we had missed it by such a short time. However, we might have better luck on our next trip and run into it.

We were very well aware of the risks that were being run and all the old hands on the ship, on my quarter deck where this target thing was discussed, shook their heads sadly and said, 'This is too risky for words.' I just add that to my statement.

There is the matter of signals. I do not go into all of those because there have been so many fairy stories about so many. They may or may not have been fairy stories; a lot of them sound as though they were. The one which was thrust at me years ago was what I call 'The *Sydney* calling Darwin saga'. This got right up Gordon Laffer's nose. Until the day he died, he believed this had been HMAS *Sydney*. It was not HMAS *Sydney*. As I have said, it was the PMG in Sydney. The evidence of that I have tabulated here briefly because they are log messages from the SWACH log where messages were sent concerning this signal. The time shown is GMT:

Dec 4 1520 W/Area phoned message received from Geraldton: Geraldton heard a call on 24.50 metres possibly from *HMAS Sydney* and requested Pearce call Darwin for bearing.

1543 Received following by telephone from W/A.—

That is western area.

S/L Cooper at Geraldton reports one of his operators listening 24.5 metres heard R/T telephone signal calling Darwin or technical telegraph operator. Signals weak and operator thought it may be from *HMAS Sydney*. Later Geraldton report strength of signal increasing.

1545 On instructions from Lt/C. Morris, Naval Duty Staff Officer signalled Darwin: Immediate: Establish watch on 24.5 metres immediately Geraldton heard R/T signal calling Darwin or technical telegraph operator and thinks call possibly from Sydney: 1500 Z/4.

1555 W/A area phoned following received from S/L Cooper at Geraldton: Geraldton Aeradio opinion call coming from Sydney Aeradio on 25 metres. Following heard, "Calling Darwin or technical telegraph operator from sea. Sydney calling send carrier men on board calling Frazer D/F Darwin cannot detect you Singapore call Darwin" . . .

The rest does not matter much.

Dec 5 0930 Rcd signal from Darwin: Your Z126—

That was the SWACH.

4/12—

That is 4 December—

Station identified as P.M.G Darwin & P.M.G Sydney telegram channel: 0230 Z/5.

That is time of origin.

Dec 6 0054—

that is 8.54 Perth time.

Signalled CWR:—

Central War Room

> Information received from Darwin that short wave broadcast overheard on 4th of December was from P.M.G. Sydney to P.M.G. Darwin. In view of confusion caused request information whether this a regular or authorised channel: 0054 Z/6.

So that is timed at 0054 Z/6. I have no doubt that Laffer and others saw something about Sydney calling Darwin but it is a nullity. Yet much has been attributed to that call. *Sydney* did not even have an R/T capability so any words heard were not from *Sydney*.

Laffer in his statutory declaration—it was made in 1984—talks about the people who heard this message; the three men and two women and a Corporal Dawson at a pub in Geraldton who could actually read morse and rapidly jotted this all down, hence it is quite okay. There was no morse sent. I find the presentation on this matter and what has been drawn from it, which in my opinion has put the action area in doubt—it has put it closer inshore; it has done all sorts of funny things—quite improper.

There is a matter of lowering lifeboats which I happened to put in my notes in that order.

Enlarged photograph of 'Sydney' was then shown—

Mr Templeton—I was particularly moved to talk about this because of Pastor Wittwer's account of Grossman's interview. I have no doubt the interview did take place, none at all, but what is made of it? Grossman, I believe, is an imposter: he was not *Kormoran*'s gunnery officer. That is repeated three times by Wittwer. Skeries was *Kormoran*'s gunnery officer, and he knew what he was about. Given that, one of the things that is supposed to have happened in this encounter by the Japanese submarine torpedoing *Sydney* was that *Sydney* was lowering lifeboats. Now, even if she was stable at sea, lowering lifeboats on a ship like that is a major operation and is almost unachievable, depending upon the sea.

I am showing you a photo of a famous port lifeboat, the cutter, which probably was dangling over the side at some point, in the account of the *Kormoran*. All the others had to be lifted out by aircraft crane. If you had a couple of tonnes or more of lifeboat dangling in the breeze in a rolling sea, it would be a nightmare. No ship like that lowers boats at sea. So I just make the point that I believe it was a fiction.

CHAIRMAN—But that lifeboat is on davits, is it not?

Mr Templeton—That one is.

CHAIRMAN—Yes. Why could that not have been lowered?

Mr Templeton—It could have been, with care, but that is not what I am saying. Grossman was reported to have said that *Sydney* lowered lifeboats—plural—and that they were all machine-gunned in the water, or something like that. You might have got that boat away, but even that would be difficult: I suppose that if she heeled over to port it could have been lowered. The one on the other side probably could not have been, as it would not have cleared the ship's side. It is just real seamanship, it is not imagination.

Senator MARGETTS—In a ship like that, if they had lifeboats that could not actually be used, how would they normally abandon ship?

Mr Templeton—With great difficulty. This was one of the lessons learned by the navy in World War II: quite often you could not get the lifeboats away on a ship like that at all. Maybe, if the ship sank under them, or something like that, they would float off, but a lot of them could not be got away.

Senator MARGETTS—Surely there would have been some sort of drills and things that would have established that they had next-to-useless lifeboat facilities.

Mr Templeton—They would have had drills to establish it?

Senator MARGETTS—Yes.

Mr Templeton—The abandon ship station drill meant mustering near your boat or near your raft—there were some rafts in the after part of the four-inch gun deck which could be pushed off racks. In fact, my abandon ship station was on one of them. We had 32 on that, and I often wondered whether I would fit. We had that station, but it was very difficult to lower lifeboats in a ship like that. Today, you will not find lifeboats: they have got inflatables. When you fold them out, they open up. I think that was one of the reasons for them: they found that lifeboats did not work. And even later, if they were on fire, that did not work either. Lifeboats are not very easy. That was the only point I wanted to make on lifeboats.

Looking at this area of action again—and I shall give you some further views shortly—I was rather intrigued by the Knight Industries report. I have a photographed copy of it. There seemed to be inconsistencies in it, quite apart from a bit of carelessness in presenting coordinates. It concerns distances between the prospective site somewhere near the Abrolhos—with which I do not agree—and where lifeboats or survivors were picked up. On page 2209 of the submissions, which is linked to page 2217, there are diagrams of distances from where Detmers said the action occurred, something called a 'popular site' which I do not understand, and the Abrolhos site. The distances taken were from one of the sites of the action through to certain northerly points where survivors or

debris were recovered.

What caught my eye at first was that the carley raft was plotted way up north, but it was a full degree of latitude out: it was plotted north of where it was actually picked up. I thought that was false. It was practically on the same latitude as the alleged lifebelt from the tanker *Evagoras*. That is also false. I looked at it for years and wondered why *Evagoras* should be up there, why she should be so far north of all the others.

Because it appeared that her sighting report of a British life raft was picked up from an aircraft, I thought it quite possible that mistakes in transmission had occurred. In those days it was extremely difficult to signal between an aircraft and a ship. Radio was not used; lamp was. I have been in the situation many times of an aircraft flying around trying to signal you with a lamp and you had to try to reply back. It was a very difficult job. Errors crept in all the time.

I thought maybe that was the reason, but the reason was better than that. In the SWACH log there was another signal to the central war room. It was on 5 December. This was the South-West Area Combined Headquarters telling the Central War Room with:

> My 1554Z/27/11

a signal on 27 November, when *Evagoras* was sighted

> and my 0405Z/29/11

a couple of days later

> Investigation now reveals that *Evagoras* did not pick up lifebelts. HMAS *Wyrallah* picked up one lifebelt, which was apparently the only one recovered.

I take that as fairly accurate, yet all the books that have been written and all the plans drawn say that *Evagoras* picked up the lifebelt, way up to blazes to the north. No way! That had me looking a bit further at drift patterns. I have largely left this to the experts, but I will show you a draft chart shortly. I will call it a brief presentation, if I might—not with lots of words: I will just show you.

Mr DONDAS—Can I ask you a question?

Mr Templeton—Certainly.

Mr DONDAS—How many carley rafts were there on the *Sydney*?

Mr Templeton—I do not know. There could have been six or eight. I have been through this with the War Memorial. There were the three or four on the quarterdeck; two

large ones, with two little ones inside, I think.

Mr DONDAS—The one on Christmas Island is one of the small ones, obviously.

Mr Templeton—Yes. That is even disputed by some of the chaps from the ship, but I cannot argue against it—put it that way. There were some, I think, around the forward funnel. There may have been some in the after end of the four-inch gun deck, but I cannot be certain. It is just something that I do not know.

Going back to the drift, on page 2209, I have to eliminate both B examples from that. With the A examples, which ignore the carley float and *Evagoras*, they come back down about 75 miles. The first one is 100 miles from the 'Official' site—that is, to picking up something—and it says:

This rate of drift is possible **only in calm conditions with an Ocean Current of not more than 0.5 Kn**.

From Detmers' site it is 134 miles, and it says:

This rate of drift is possible **only in almost calm conditions and an Ocean Current of not more than 0.5 Kn**.

The average from Detmers' position is 0.7, which I think is about right; for the previous one it was 0.5. Then, from the 'possible *Kormoran* site', we have a distance of 290 miles and an accelerated speed, to 1.5 knots—and this is regarded as possible. Well I cannot be kidded by that. Someone has done something wrong or someone is kidding themselves. All I can say is that if this submission is to be taken seriously, and I guess it is, someone should have a damn good look at it because it does not stack up. If you are doing searches on that basis, boy, you are going to run around for a long, long time.

What further got up my nose was that the preface to that, on page 2203, says, 'The fact that two lifebelts were found about 75 nautical miles apart after eight days suggests something.' The fact is that they were not. I do not particularly enjoy that sort of thing. Having got that one off my chest, let me see what the next one is. No, I think that will do for that part.

I would like to show you a routeing chart. Is that familiar territory? It is probably simple-minded but when this *Sydney* thing started to pop up, I had a look and said, 'Well, what is real and what isn't?' I had no intention of digging into it at all—and still regret doing so, in a way—but how real was what *Kormoran* was saying; how real was the pick-up of survivors; how real was the drift? I work the other way: I say, 'Where was the likely starting point'—I had no real quarrel with the *Kormoran* position—'and how could those other things have got to where they did with currents and winds?' Starting the other way around, seeing where these things got to and working back, is to adopt uncertainties to try and prove a certainty of position. To me, that is going about it the wrong way.

I would like to hold up a drift chart. You will not be able to read all the things but it will show you what I am on about. On these charts—which we did not have during the war by the way; we just went—the red roses are wind, the green arrows are currents. This is the chart for November—the critical month. The drift of current is northerly, veering north-west, and I think that is fairly standard. The site of the action, according to Detmers, is where the point of the stick is. Of course, with currents you cannot always measure exactly; you hope. Here, you have about one-third certainty that that is the current; here, it gets to about two-thirds. It is better than half a knot—it can vary from a half to one. So you have, from the site of the action, a drift somewhere up this way.

The rafts and things were picked up about there. I will show you a larger-scale chart shortly. But you can see that the wind pattern indicates southerlies—southerlies are predominant—and the current at that time of year is fairly static. So it did not ever occur to me that there might be anything funny about the position of the action because, doing some quick arithmetic, yes, they could have got there—not all evenly, because they were different types of rafts, but they finished up in that area.

I might add something, by way of a joke. Mr Taylor, you know the navy well enough to know what a bosun's 'rabbit' would be. The bosun of *Kormoran* was a very practical soul. *Kormoran* took on board a lifeboat from *Kulmerland* which was refitted. That lifeboat had been one of *Rangitane*'s which had been passed over to *Pinguin* or *Orion* or someone and then to *Kulmerland*. *Kulmerland* had had it and said, 'This is spare—would you like it?' The *Kormoran* captain said that, yes, he would. So it was a damn good boat. The only trouble was that when it got into the water, when *Kormoran* was being abandoned, it leaked like a sieve because the bosun had got to work on it—he had the stern gland out, he had everything out—and they had an awful problem keeping the thing bailed. This has the ring of truth about it, it just so adds up. That is just by the way, but they had trouble with that boat.

This is another chart, just to show you on a larger scale the sort of things that I have been talking about. That is the area in which all the survivors from *Kormoran* were picked up. That is the *Evagoras* one, which is invalid. This is the action site. Forget the miles—they tally fairly well, in this type of drift. Trying to head east in whatever they had, the current up this way, the wind probably predominantly southerly—because it changes, as you know—that adds up. For survivors to be picked up in that position from this mooted idea of near the Abrolhos beggars description. I think it is not physically, navally or seafaringly possible, so I tend to dismiss that area for that reason.

I broke with Montgomery on this; from my submission, you probably gather, I was not terribly fond of him in the end. He tried to get me to agree that *Kormoran* got in behind the Abrolhos and was waiting to leap out on *Sydney*, or something to that effect. He accounted for this disparity of drift for the survivors by having a Japanese submarine loitering nearby and towing these boats and things up so that nothing would be found out.

My patience snapped at that point and we did not have any further words. But every seaman will know—and I would say every seaman particularly in charge of a capital ship—that, for one thing, you do not ever get inside the 100-fathom line or the 200-metre line. That is why I have said in my submission somewhere at great length that the idea that *Sydney* came from Sunda Strait somewhere down here is simply not on. It is not something which any captain, Burnett or anyone else, would ever do. While I am on that—

CHAIRMAN—Will you be much longer on this because the committee have a series of questions they would like to put to you?

Mr Templeton—I will show you one more thing and then I will dry up. This is the same chart and these are *Sydney*'s events, if you like. I was on board for the penultimate trip. That is the line which she took and I see no reason for her to deviate. The only argument is about Christmas Island. Some people think she might have gone east of Christmas Island, some think west. I do not think so because there are log records showing drifts of eight or nine miles to the west, up here. I think she would have picked that course and come down here and somewhere about there she sighted *Kormoran*.

I will leave that there for the moment. I want to make one more point. The sighting of gunfire from Port Gregory is, I think, a no-no. What it might well have been is summer lightning or something like that. Inset here are patterns of tropical storms. There is a red line there that goes right around. There is a special mention that tropical storms in the month of November are frequent. So I will just put that as a possibility. Now I am prepared to be fried.

Mr TAYLOR—Mr Templeton, firstly, I thank you for your written and detailed evidence. We give you full credit for everything that you have put forward. However—and please do not take this as a personal attack—what I find rather difficult is that the weight of your argument could have been just as strongly put without the personal dimension that was injected into it. Appendix C in which you talk about anecdotal observations of the commanding officer—

Mr Templeton—They are better than anecdotal.

Mr TAYLOR—Well, they are anecdotal. Let me just say to you that I think the weight of your argument could have been just as forcefully made had you not included some of these things. It is a bit like saying, 'Taylor used to throw stones at dogs when he was five years of age.' You will disagree with me—and you can respond in a moment—but I think some of this is quite offensive and I do not think it adds to your argument. People reading your submission, a very good submission, might come up with the impression that maybe Mr Templeton has got a bit of a chip on his shoulder. I want to hear your reaction to that sort of perception.

Mr Templeton—I was prepared for that and I weighed up what I would do about it, not over a period of days or weeks but for years. I have been accused of 'having chips on my shoulder' or 'of being down on Burnett'. Well, far from it; I am actually rather sorry for the man. I think he was in an unenviable position in some respects, and I put that in. I admit that I am writing a book on this. It has got a long way to go yet, as it turns out.

My purpose was not to denigrate the captain totally. My purpose was to illustrate what can happen in an organisation where conformity was, in my book, too great and also in the planning by governments of inadequate naval forces. These combined to limit the experience of a lot of naval men. They were thrust into jobs for which they should have had more training or should have been more aware somehow or other. Also, not to be conformist; conformity was one of the things that always hurt me. I could have stayed on and did it but I knew I would not conform. So I thought that I had to make this point fairly hard. I accept and recognise that it is offensive, or that it could be taken as such.

What has tipped the balance, in a way, is that so many of the men who served in the ship, and other naval men, have almost begged me to do it. They have said, 'You have got to do it for us; you have got to do it for the boys. If you do not say what you think, we will all be let down, because we agree with you.' And that is why I put it in.

Mr TAYLOR—Let me interrupt. Just to balance what you are saying, in the Perth hearing, which I chaired in Senator MacGibbon's absence—and the other three members were there as well—the captain's bridge messenger, from your particular penultimate passage, gave evidence. He indicated—as did the oldest serving survivor of the *Sydney*—that Captain Burnett was a very careful man albeit that he had not had command experience at that particular level. Nevertheless, he was somebody who was not going to do something just willy-nilly. In fact, there he was, a lower deck sailor, talking about his commanding officer with whom he had a lot of personal contact.

You and I, and others in this audience, would know that some of this stuff is anecdotal. You are going to get cooks and stewards saying what they want to say about the Old Man. And they will always say, to be crude, 'that bastard' or 'the Old Man is a bastard' or something like that. The point that I am making to you—and I hope you take it in the spirit in which it is meant—is that I do not think that sort of thing adds anything to the weight of your argument. You have done it and we cannot take it away. I just feel that there is nothing in there. In fact, in some ways, it detracts from the very distinct merits of the rest of your arguments which we have been hearing about in the charts this afternoon.

Mr Templeton—I think I had a particular point for everything that was said from a particular person. It was not just scuttlebutt. I was particularly wanting to make the point that, for whatever reasons—and you can all ascribe them—when *Sydney* approached *Kormoran* she was not at full action stations, and no-one could ever convince me

otherwise—no-one.

Mr TAYLOR—But that was standard procedure. She was probably at cruising stations.

Mr Templeton—She may have been at cruising stations, or something a bit better. She possibly had main armament manned; I am almost certain she did. But she was not at full action stations and it was over that that I wanted to make a very strong point, that the thinking at the top did not quite tie up with what people believed, which was why I was so severe.

CHAIRMAN—Can I interject there and ask what is the significance of not being at full action stations? Does it mean that the watertight doors were not closed in the bulkheads and that, when the torpedo came, the damage was greater than it should have been?

Mr Templeton—The watertight doors would not all have been closed and my gun was certainly not manned. The four-inch guns were certainly not manned; they never fired a shot—never. I suspected it, but I got it from the Germans.

CHAIRMAN—Can we look at this business of the target: what is the significance of that? Even Admiral Nelson using his blind eye would have known it was a target not a ship once they got close enough to it. Why would they have to be closed up at full action stations to retrieve it?

Mr Templeton—They did not have to be, Mr Chairman, but it was made out as though we were. That was my point.

CHAIRMAN—The situation was represented that you were fully closed up when you went to recover—

Mr Templeton—Yes, and we were not. That was my great objection. I was down on the mess deck and we discussed this down below. I think that I mentioned somewhere there that someone came down and said, 'What's going on up there?' The answer was, 'They are buggerising around with something in the water.' It is in my submission. That was what I objected to. This has been trotted out by various authors of how cautious Burnett was, that even in going to the target, he closed up actions stations. But he did not. My point is that he did not really have to. So what was he doing? Pointing some big guns at something which did not matter.

Senator SANDY MACDONALD—Mr Templeton, with reference to a suitable memorial for HMAS *Sydney*: do you have any particular views that you would like to put forward about the way that the *Sydney* should be commemorated?

Mr Templeton—It depends whether one needs another memorial. There is a very good one on Bradleys Head.

Senator SANDY MACDONALD—That is to *Sydney* number one, I think.

Mr Templeton—All *Sydney*s—one, two and three—we have not got any fours yet.

Senator SANDY MACDONALD—Three is still going, isn't it? I will ask the question again: do you feel that HMAS *Sydney* number two has been suitably memorialised?

Mr Templeton—I would have to give you a biased answer to that. Yes, because I happened to compile the list for the memorial at Bradleys Head and I thought that was not a bad effort.

Senator SANDY MACDONALD—That was the names of all people who had served on the *Sydney*?

Mr Templeton—Yes.

Senator SANDY MACDONALD—And not the people who had lost their lives, as such?

Mr Templeton—All the ones who had lost their lives, as such.

Senator SANDY MACDONALD—As such?

Mr Templeton—As such. Yes.

Senator SANDY MACDONALD—But other members of the *Sydney* association?

Mr Templeton—Anyone.

Senator SANDY MACDONALD—Anybody who had served on *Sydney*?

Mr Templeton—Yes. What I think would make a lot of people happier would be a more formal memorial, say, in Canberra. I would not object to that. People like to see the names of their kin somewhere.

Senator SANDY MACDONALD—Of course, in Canberra all people who lost their lives have their names in the War Memorial.

Mr Templeton—Perhaps I am too wide of the mark sometimes. I do not really get terribly upset with this *Sydney* loss. It was bad, but other ships have been lost all over the

world. I think the *Sydney* loss has attained cult status and I do not like it. I understand it, but I do not like it, so I do not go overboard for memorials or things like that. Nor do I go overboard for masses of searches and theories about it. I have tried to reduce it to what I see as the essentials and hopefully I can get there—I do not know. There is a great tendency to say, 'This happened we think—we do not know—therefore the Germans are liars.' I cannot come at that. As one German joked with me earlier on, 'One hundred and twenty of us could not have told you the same story.' I did not speak to every man of the 120, but I did generally address them. I used to joke with them that they were such a good crew they should have been on our side, which produced a few laughs. But they were a damn good crew and they were knitted together by a first-class man, as our own men from *Sydney* have said.

I have been back to Germany a couple of times and I mentioned that people still go to his grave. The boys do not do that for anyone they do not thoroughly respect. Detmers had the absolute respect of the men. He was tough and he was hard and he did not necessarily communicate what he was doing even to some of his officers, which always raised the question: why did she turn up where she did near Shark Bay?

The best answer I ever got out of that—this is slightly diversionary because it is just a feeling—was that 'we think he just had to have somewhere to go.' He had not had any success. He had not anywhere else and it was somewhere to go. Maybe he was steered away from Fremantle, as he probably was, but he was well out to sea and came in somewhere around Shark Bay just to lay some mines, and that was what he did. But unfortunately the two ships met. I have regarded it as a mutual tragedy. It is a tragedy for them; it is a tragedy for us, and we were very friendly on that basis.

I go back to Mr Taylor's mention of caution. I have spoken of the overkill of the zealous man, or something like that. With main armament, having loaded masses of buff-coloured shells—and my memory of colour coding says that was semi armour-piercing—before we left Sydney, it did not surprise me at all when I heard from so many of the *Kormoran* men that some of the *Sydney*'s shells did not explode. I got that from men on No. 1 gun, No. 3 gun, from the bridge, and from the engine room, all at separate times. They were not cooking these things up to impress me. They just said, 'Why did your shells not explode?' The only answer I have thought about was that maybe they were semi armour-piercing when HE would have done the job much better. Gunnery people tend to agree with me. Certainly my man in the National Maritime Museum in Britain did.

Burnett was brought up in the era of gunnery training when there was a reaction against Jutland. At Jutland our shells tended to bounce off before exploding. As they said in Britain, the Germans were a lot smarter than we were. They worked it out. They had delayed action fuses: shells penetrated and then exploded. So Britain turned around and suddenly got carried away with DA shells, as they are called, and this was during Burnett's training. I think that there was a touch of overkill in it.

I was living in France at the time and rang one of my good friends for a chat about things I was still working on and I said, 'It seems to me that *Sydney* might have been using the wrong ammunition.' He let out a great roar and said, 'I have not heard that for 45 years. Our gunnery officer thought that. He was absolutely certain that *Sydney* was using the wrong ammunition. We would have gone with HE.' In that context, this simplistic expression that *Sydney* hit *Kormoran* in the engine room and did some damage was really a case of a shell going into *Kormoran*—the hole was not very great—and a bit of a cement lining going in. Midships somewhere in the engine room there was a fire and bilge pump. It wrecked that, but did not explode, went off out the other side, and still did not explode.

As I mentioned briefly in my submission, it destroyed *Kormoran*'s fire main system. There were two fire mains about 10 metres apart with no power, no puff, no nothing. The shell which did explode somewhere on the upper deck punctured the long-range fuel tanks in the funnel uptakes. That allowed tens of thousands of litres to cascade down to *Kormoran*'s engine room and a later shell ignited it. That is what killed *Kormoran*. That is why so many of the engine room people never got out. That completely wrecked her. It was through the use of a semi armour-piercing shell indirectly.

Mr TAYLOR—Is it not true that the command team, as such, had the ultimate responsibility—yes, the buck stops with command and Captain Burnett had the ultimate responsibility. I think the committee's understanding is that apart from the commanding officer, the entire command team from the Mediterranean was still retained.

Mr Templeton—That is right.

Mr TAYLOR—Are you saying that this was always the practice of the command team? For example, in terms of the wrong ammunition, surely it was an experienced command team. What are you actually saying?

Mr Templeton—My impression is that Burnett may not have listened. Perhaps the command team did say, 'Shouldn't we be doing this, sir?' Burnett would probably say, 'No, I know what I'm doing. This is what we will do.' His direction was to load SAP. I cannot prove that but just from the encounter I observed on the bridge, he was not going to be told by anyone what he ought to be doing. Of course, there are times and places when you can suggest to a captain what he might do, but the bridge is not one of them, as you well know. I think he was fairly set in his ideas and he carried them out to the letter.

This is anecdotal, but a lot of this came out in talking to the—

Mr TAYLOR—You said before that a lot of this was not anecdotal.

Mr Templeton—What I am about to tell you is. I was sent off the upper deck for wearing non-service socks under my overalls. A leg went up and a meniscus of grey

knitted sock came up. The commander had a seizure and said, 'Go below, you are wearing non-service equipment.' This produced a lot of stories. Of course, Burnett said, 'Nothing non-service in my ship, anywhere.' That gets me to this other point. I—

Senator MARGETTS—Was that including boiler suits?

Mr Templeton—I was working—

Senator MARGETTS—We have been given evidence that a lot of people had non-service boiler suits because they were the most comfortable. It was accepted practice to have non-service supplied boiler suits.

Mr Templeton—That did not apply to overalls. The boiler suits were not comfortable.

Senator MARGETTS—So why would they be allowed to wear non-service supplied boiler suits and you be in trouble for your socks?

Mr Templeton—It was pretty unusual. The non-service boiler suits were usually worn below in the engine room. On deck we had overalls, ill-fitting, and leg showing. This non-service equipment business became a bit of a joke. You have seen that picture. It is in volume 7, at the end. I think it is there to illustrate canvas shoes. Of course, those are non-service canvas shoes. It is not regular issue at all. They probably came out of some Egyptian market. They were allowed by Collins to be worn. But we were not allowed to wear anything like that.

What is significant about this picture is that there is a buoyancy tank fitted underneath there. There were several of those benches, and I have sat on them. There was no buoyancy tank there. They were taken off by Burnett because they were non-service equipment. Those benches were very heavy and would not have floated terribly well. They would probably submerge a bit. Collins had that tank put on to save men's lives, but Burnett took them off because they were non-service equipment. As I said in there, he did not get too many Brownie points for that.

Mr TAYLOR—Did the commander change?

Mr Templeton—Hilton went back to England. Thruston was promoted from Lieutenant Commander to Commander during my time. There was that change from Hilton to Thruston. It was Thruston who sent me off the upper deck, but with a laugh, I must admit, because it was not serious.

CHAIRMAN—Just a quick question in closing. What was the state of *Sydney* from a battleworthiness point of view? It has been raised to me by one of the former crew members—not as a witness before the committee formally, but informally—that the main

armament was completely worn out. They tried to change the barrels of the six-inch guns at the Malta refit but there were not any reserves there, and when they came back to Australia there was nothing they could do to them. Is that true? Is it likely to be true and, if so, would it have influenced in any way the tactical approach Burnett would have taken?

Mr Templeton—I will answer your last question first. No, it would not have altered the tactical approach. But also I do not believe it was true; I never heard anything about deficiency of the armament for that reason. Sure, A turret was out of action for a while, but that was fixed. After doing this submission, I checked back on *Sydney*'s log. She did a full calibre shoot on the 31 October after I had left the ship, with everything working. I had no reason to think that all that main armament was not working. I am sure it was. For a close encounter it would have been fine, anyway.

Senator SANDY MACDONALD—What was your position on *Sydney*?

Mr Templeton—Very lowly. I was there for officer training and I was given a very good run around the ship—navigation class, anything at all. I did my full signals course as a qualified signalman, plus a seaman, and was selected to go back in the shortest time on board for any officer trainee, back to do my officer course. I passed out of that, became a gunnery officer of one of the corvettes. I was later first lieutenant of a smaller ship and then a corvette. That was my last ship. First lieutenant mine sweeping officer, navigator of one of the divisional leaders, the 20th minesweeping flotilla. So I had all the time at sea.

Senator SANDY MACDONALD—When did you leave the navy?

Mr Templeton—In February 1947. I was asked to stay on, as I mentioned in my submission somewhere, because the minesweeping was getting difficult and dangerous, and my captain said, 'Well, I see you're not terribly keen to go ashore. Would you care to stay on for 12 months as my first lieutenant?' So I did. I had some even more exciting times then than occurred during the war. My last ship, of course, was sunk later on, on one of our mines. I had 6½ years of fairly exhaustive naval service.

Mr DONDAS—Can I ask how old you were when you went in?

Mr Templeton—Just 20.

Senator SANDY MACDONALD—And what did you do after you left the navy?

Mr Templeton—I became a chartered accountant—for my sins.

CHAIRMAN—If there are no further questions, I would like to thank you very much for coming along, Mr Templeton, and for appearing before the committee.

Mr Templeton—Thank you for your patience, Mr Chairman.

[3.35 p.m.]

BURNETT, Mr Patrick Richard, 2/14 Tunks Street, Waverton, New South Wales 2060

CHAIRMAN—Welcome. Mr Burnett, you appear as a private individual, do you?

Mr Burnett—Yes, I do.

CHAIRMAN—I must advise you that the proceedings here today are legal proceedings of the parliament and warrant the same respect which proceedings in the respective houses of parliament demand. Although the subcommittee does not require you to give evidence on oath, you should be aware that this does not alter the importance of the occasion. The deliberate misleading of the subcommittee may be regarded as a contempt of the parliament. The committee prefers that all evidence is given in public, but should you at any stage wish to give any evidence in private you may ask to do so and the committee will give consideration to your request.

We received your submission and it was authorised for publication. Are there any additions or corrections to that submission?

Mr Burnett—No, there are not.

CHAIRMAN—I invite you to make a short opening statement before we proceed to questions.

Mr Burnett—I do not really think I have anything to add to the statement as it appears in submission No. 17. That sets out my opinions on the matters and my position, and I really do not have anything to add to that.

CHAIRMAN—Thank you very much. Have you done any extensive research into the loss of the *Sydney*?

Mr Burnett—No, I have not. Naturally, I followed it all with great interest since my father was the captain of the ship. I have read all the books that have been published on the subject and most of the articles that have appeared in the media. I have also taken part in a number of television programs about it over the years. But I have not done any in-depth research, apart from that.

CHAIRMAN—What kind of memorial do you think would be appropriate, if anything is done to commemorate the loss of the *Sydney*? Do you have a view on that?

Mr Burnett—I personally believe that the memorial arrangements that have already been made are quite suitable and appropriate. Should a search be made for the

ship, and should she be found, then I would recommend that she be left as a war grave. I do not see the need for any additional commemoration beyond what has already taken place.

Mr DONDAS—Since the parliamentary committee has been taking evidence on HMAS *Sydney*, and its history, has any new information been brought to your attention through the evidence that has been given to the committee in the last couple of months?

Mr Burnett—I cannot really say that that is the case. There are a number of minor matters of detail that have been put forward in submissions which I had not been aware of before, but nothing that I would call very significant. In fact, I do not believe that we can find out any more about it and answer the unanswered questions because the only people who could tell us the answers, of course, died in the action. I really think you have been given an impossible task, and I certainly sympathise with you in your efforts.

Mr DONDAS—Thank you.

Senator SANDY MACDONALD—Do you think the body on Christmas Island should be exhumed?

Mr Burnett—I do not have any strong feelings about that. If it could be identified, and if it was found to be a member of the *Sydney*'s ship company, then at least one family would be put out of their uncertainty and that in itself would be a good thing. I am not convinced personally that what would be involved in that exercise would really be worth it.

Senator SANDY MACDONALD—In your brother's submission, he left open his interpretation of why your father might have brought his ship so close to the *Kormoran* but he suggested that there may have been some sort of a ruse involved. After all your time of being in the navy, and thinking about it, do you have any other theories or any particular theories that might explain why the *Sydney* came so close to *Kormoran*?

Mr Burnett—Not really. Naturally, I have thought about it a great deal because, from my knowledge of my father, I do not find it credible that he would have put his ship in a dangerous position without some good reason. There are a number of possibilities that occur and I am sure that they have already been presented. The only other thing that occurs to me is that it does seem possible to me that Captain Detmers may in fact have been in possession of *Straat Malakka*'s secret call sign and may have given it in reply to the challenge, and that that may have been a factor in the events leading up to the action. Apart from that, I cannot give any explanation.

Senator SANDY MACDONALD—I am not sure whether it would be a pleasure but have you had the opportunity to meet and speak to any of the more senior members of the *Kormoran* crew?

Mr Burnett—Only one and that was a member of the ship's company that stayed on in Australia after the war and became a master in the Australian merchant service, and I taught him radar when I was still in the navy. When we found out who each of us was, we did have some conversations about it and that was one of the factors that led me to accept the German version as one that was substantially correct.

CHAIRMAN—Do you have any views as to where the site of the battle took place?

Mr Burnett—I have no special views. I have seen a lot of theories and speculation about it, but I am still to be convinced that there is a more reliable or more likely position than that given in the official history.

CHAIRMAN—Thank you.

Mr LEO McLEAY—I apologise for not being here earlier. You may have already answered this: what is your view on the argument about the Japanese submarine?

Mr Burnett—I do not believe that it is correct.

Mr LEO McLEAY—Could you tell us why?

Mr Burnett—I have yet to see any convincing evidence that there was a submarine involved and now I feel that a lot of the evidence that has been advanced to refute the argument is convincing.

Mr LEO McLEAY—Thank you very much.

Senator SANDY MACDONALD—I want to ask a very brief question about the *Sydney* trust, Mr Burnett. The *Sydney* trust, I think it is fair to say, created a favourable impression with the committee, as I read the committee's disposition. How do you feel about their proposal? If we were to deal with a group of people in terms of looking for the site of the vessel, is their proposal credible and should it be supported?

Mr Burnett—I think it is credible. I have not had the advantage of examining it in detail but, from what I know, it would seem feasible to me. I think unless they were extremely lucky, it would be a very long and expensive project. My own personal wish would be that the matter be left in peace after over 50 years and that the search not be carried out. I quite appreciate the desire of next of kin to know as far as possible the truth of what happened and the whereabouts of the *Sydney*. I would certainly not oppose such a scheme.

Senator SANDY MACDONALD—As far as you are concerned, you have signed off?

Mr Burnett—I think it would be fair to say so, yes.

CHAIRMAN—You have exhausted the questions, I think. I would like to thank you very much for coming along, Mr Burnett.

Mr Burnett—I wish you luck in your endeavours.

CHAIRMAN—Thank you very much.

[3.46 p.m.]

TURNER, Mr Rex Herbert, 233 Memorial Avenue, Liverpool, New South Wales 2170

CHAIRMAN—Welcome. I must advise you that the proceedings here today are legal proceedings of the parliament and warrant the same respect as the proceedings in parliament. Although the subcommittee does not require you to give evidence on oath, you should be aware that this does not alter the importance of the occasion. The deliberate misleading of the subcommittee may be regarded as a contempt of parliament. The subcommittee prefers that all evidence be given in public, but should you at any stage wish to give your evidence in private you may request to do so and the subcommittee will give it consideration.

Mr Turner—Thank you. I am a retired senior naval architect of the navy department overseeing inspection branch. I am appearing as a private individual.

CHAIRMAN—We have received your submission and it was authorised for publication. Are there any additions or corrections you wish to make to your submission?

Mr Turner—I do wish to make some additions.

CHAIRMAN—Go ahead.

Mr Turner—I had difficulty with the terms of reference. Although I have information to offer this committee, it did not fit in with your terms of reference so I went to see Mr Ted Grace, prior to doing it, to ask whether he was interested in this sort of information and he said, yes. So, if you are happy, I will proceed on that basis.

CHAIRMAN—Please.

Mr Turner—My original submission dealt with the vulnerability of the valve hand wheels on HMAS *Sydney*. They were constructed of aluminium alloy which was found in service to melt in a fire which meant that, if a fire passed through a compartment, the valves in that compartment would be useless from that point onwards. I came across this from my experience with HMAS *Hobart*, which was a sister ship of *Sydney*. I was overseer on the refit of that ship in Newcastle from 1953 to 1955. One of the jobs we had to do was to replace all of those hand wheels with malleable cast-iron items.

CHAIRMAN—When was the *Hobart* paid off? Was it 1960 or 1962?

Mr Turner—She was paid off in the 1950s. She went to Newcastle in 1953 and came back in 1955. She was not commissioned but she was sold in 1962 or something like that. I have not found any official documentation on those hand wheels but I got the

references, which I have quoted in my submission, from the handbook of the RN Engineering College. I have turned up a paper which was published in the 1957 transactions of the Royal Institution of Naval Architects. This is a paper on naval procedure in relation to fire organisation by the Assistant Director of Naval Construction and the Assistant Engineering Chief at Admiralty. The pertinent comment states:

It is relevant to note that one of the lessons learned in the last war was the danger of fitting aluminium hand wheels which were liable to melt if involved in fire.

So we can assume that *Sydney* could have been a lame duck in so far as fire fighting and pumping out flooded compartments.

CHAIRMAN—It lived on for a long while because it was one of the problems in the Falklands War—the aluminium superstructures and companionways.

Mr Turner—That was when a missile came in board and failed to detonate and acted like a blowtorch. I have had personal experience with aluminium alloy superstructures and fires and it is very bad. I propose to move on now to the next section that I question the battle worthiness of, and that is the ship's mast. The importance of this is that the ship's mast carried all the radio aerials. If the mast collapsed, the ship would have been stricken dumb virtually. You may have seen this photograph in the *Weekend Australian* some weeks ago. You may notice a lot of black spots in the atmosphere there. That is not dirt on the negative. They are insulators. The particular type of mast which was fitted on the *Sydney*, *Perth* and *Hobart* was known as a pole mast and it was supported by wire guys and shrouds.

CHAIRMAN—It was a steel mast, though.

Mr Turner—Yes, a hollow steel mast. That type of mast was fitted in RN cruisers between the late 1920s and the late 1930s. At that point, the Admiralty decided against them. They became obsolete from that point onwards. The danger with them was that the shrouds, particularly, fouled the arcs of fire of the guns so that in service you had to let go of the shrouds and bring them in board, which immediately degraded the mast structure. It is my opinion that one 5.9 at the base of that mast would have brought it down, complete with all the aerials.

I have a feeling that is what happened because, if you look at the Admiralty CB which is copied in the Department of Defence submission, you find that two merchant cruisers there—HMS *Alcantara* and HMS *Caernarvon Castle*—both had their aerials shot away very early in the piece. I think that may well have been the tactic but, in my view, it puts a knock on a lot of the stories that have circulated about signals from *Sydney*. Submission No. 22 by a Mr Greave, who was a wireless telegraphist on *Sydney* prior to her sinking, gives a very good description of all the aerials and puts the view that they would be a prime target and easily knocked over. I am sure that is what happened.

CHAIRMAN—Can we turn to the argument about the teak decking of *Sydney*. What was the actual construction of that class of ship? Was there a steel deck on which the teak was laid or was the deck entirely of teak?

Mr Turner—It was a steel decking but it was not teak. That was my point.

CHAIRMAN—What was it?

Mr Turner—Borneo whitewood.

CHAIRMAN—I see.

Mr Turner—I brought along, Mr Chairman, an extract, again from that book—

CHAIRMAN—It was really there as—

Mr Turner—Insulation.

CHAIRMAN—Insulation. It was not there structurally in any sense?

Mr Turner—This says '2½-inch Borneo'. We took a lot of that off *Hobart* and at Newcastle. The dockyard superintendent up there found that he could not get it to burn in his fireplace. It was impregnated with fire retardant chemicals.

Mr TAYLOR—What do modern ships have on their decking? Is it steel?

Mr Turner—We do not use it at all now. The insulation now is all under the deck head. The only thing you put on the decks, in crew spaces and that sort of thing, is vinyl or vinyl tiles and perhaps some composition on the weather decks. But, by and large, weather decks are only painted.

CHAIRMAN—Can we move into some general observations then on design features of that class of ship. Is it a fact that Royal Navy designs up to the Falklands really were quite deficient in battle damage control measures from a design point of view?

Mr Turner—I do not think so, sir. There was some criticism after HMS *Ark Royal* was lost. She was torpedoed off Gibraltar in 1941. At that stage of the game, damage control people did not seem to be well and truly organised as they are now. They did put out a series of posters for display around establishments and what not and one of them, I recall, said HMS *Ark Royal* could have been saved with effective damage control. But I do not believe the British Navy has anything to learn in that respect.

CHAIRMAN—What about the stories that there was very little protection between the director and the turrets and all the cabling?

Mr Turner—The cabling is a problem, yes, if I am to believe what I have heard about it. The cabling was a problem. The director tower, as I recall it, had about one-inch plating on it but you have to understand that these ships were built within limitations. They were built down to a displacement and they were built for speed, which meant that you could not carry a lot of armour around. *Hobart*, *Perth* and *Sydney* only had a small armour belt on them, which was there to protect the machinery spaces alone. There is a limit to how far you can go with armour. After all, these days it is a little bit pointless. One flash and you are ash.

CHAIRMAN—Compared to ships of the same generation by the German Navy, the British ships just did not seem to be able to take the battle damage that the Germans did.

Mr Turner—Which one do you have in mind?

CHAIRMAN—The heavier ships in particular. They did want so many light ships involved. They seemed to have survived for quite a long while in action.

Mr Turner—*Hood* went with a rush, of course, but you have got to remember that *Hood* was one of Fisher's foolishness things. He got this idea of building battle cruisers which were intended to rush ahead of the fleet and draw off the enemy's cruisers and then they would rush back behind the cover of the battleships. It did not work out that way and Britain lost about three of them at Jutland, I think. The trouble with them was that they were so lightly armoured. *Hood*, as I understand it, went because of the detonation of a four-inch ready-use locker adjacent to—it must have been about X turret, somewhere like that. Somehow or other the flash found its way into the working chamber and blew the stern off the ship. *Repulse*, for instance, was another battle cruiser. She was lost off Malaya; she was lightly armoured.

CHAIRMAN—*Prince of Wales* was in a different class.

Mr Turner—*Prince of Wales*, again, was designed within limitations, lightly armed and lightly armoured. She only carried 14-inch guns as against the Japanese 18-inch and that sort of thing. The Japanese had much bigger ships, of course. As far as armour was concerned it was the old argument of aircraft versus admirals. I understand, when *Prince of Wales* was in the death throes, that Admiral Phillips sent off a signal to Singapore, 'Under air attack, send more destroyers'. What he was going to do with them I do not know.

CHAIRMAN—Do you have any other matters that you wish to bring to our attention?

Mr Turner—There are a few small matters, sir. I have been deeply troubled by reading these 12 volumes. People are getting themselves into areas in which they are

obviously not qualified and they are tending to mislead this committee. Several of the contributors have dug up this old wives' tale about ships drifting along under the surface and drifting for many kilometres and so on. That is a load of nonsense. It is a physical impossibility. I would suggest earnestly to this committee that where you are looking at any technical matter—anything to do with the stability or construction of ships—you treat it with a grain of salt because it is quite obvious to me that most of these people would not have a clue.

The carley float is not strictly something I want to get involved with. At first I thought that carley float on Christmas Island could not possibly be a navy float because all the carley floats I had seen were copper. It was not until I saw the technical investigation report from the AWM that the penny dropped with me that they were obviously a wartime expedient.

On 9 March I attended a Garden Island reunion and there I talked to the former sailmaker of Garden Island. Reg had started there in 1937 so he had been at the island all through the war and he was at the repair point for those life rafts or carley floats. I asked him had he ever seen these and he said yes. He was quite well aware of them; they were brought in as a wartime expedient with a limited service life. So this life raft, in my view, definitely could have been an RAN raft.

The technical report mentions that five of these rafts were taken aboard *Sydney*: four on the four-inch gun screen and one in the starboard aft, a large carley float. In the normal order of numbering of things they would have been numbered one, two, three, four and five in the carley float. The Department of Defence report mentions the number on the Christmas Island raft was five and that seems a little bit significant to me.

CHAIRMAN—Most of the evidence we have had is that there were no identifying marks on carley floats ever because they were a piece of equipment that was changed very regularly. They had neither the ship's name nor a number on them.

Mr Turner—I am going only on the Department of Defence report which stipulates the one in the AWM was No. 2 and the one on Christmas Island, allegedly, was No. 5.

CHAIRMAN—It is true the evidence given to us is that that float at Christmas Island did have a number on it. What I am saying is that other evidence we have had given to us is that carley floats on a particular ship were not numbered or identified with the ship's name.

Mr Turner—No, they would not be identified with a ship's name. That was not normal because if any of them went over the side and was picked up, the enemy could detect that the ship had been through the area recently.

CHAIRMAN—We put big numbers on them, though, didn't we? So they could still work it out.

Mr Turner—Not in wartime. They were quite small. About that particular life raft on the quarterdeck of *Sydney*, Mr Collins, in his volume 11, again insisted there was no life raft in there. I cannot quite understand what is going on because here is an official photograph of the quarterdeck of HMAS *Sydney* with the life raft stowed there.

CHAIRMAN—Yes, we have all seen it.

Mr Turner—It is up to the committee, I guess, to find out what is going on there. One small thing, I notice, in volume 11, is that Mr Farquhar-Smith is having a bit of a go at me because I mentioned the little mistake in Barbara Winter's book about the teak decking. He said I failed to mention the cortisone that was laid in the crews quarters. First up, there was no earthly reason why I should have mentioned that since I was only talking about what Barbara had said about the weather decks. He says the decks of the accommodation areas below were covered with cortisone. Cortisone is an antibiotic; it is the last thing in the world you would lay on a deck. The material in fact was corticene, which was a product of Nairn Linoleum of Scotland.

Mr DONDAS—A misinterpretation made in error.

CHAIRMAN—What was corticene?

Mr Turner—If we are looking at misinterpretations, he said it was ripped out after the loss of HMAS *Canberra*. I do not know what it was supposed to have been ripped out of, because it was still in use in Garden Island five years after *Canberra* was sunk, to my certain knowledge. I think he just wanted a cheap shot.

One other thing is a lot of armchair admirals coming up with conjecture and their views on what the captain would have done in accordance with some operating procedure they dreamed up for themselves. If you bear with me for a minute, I will read a little extract from a book, an eyewitness of an incident that occurred:

Sighted a ship, something to break the monotony. Closed her and read her name painted on the bow as *El Libertador*. Hoisted signal: Where bound and where from? She then ran up the Dutch flag and stopped. This was strange for a Dutchman. Perhaps our Dutch friend, de Rodas, had been telling his pals these English are very persistent and it is best to answer them without delay. She replied, 'Bound Curacao from Aruba'. We steamed very close to her and circled around her stern to make sure all was well. She had on board quite a large number of passengers who were now lining the guardrails and some of the fairer sex even went so far as to wave. I guess this was no time for waving, if they could only realise the grimness with which we were steaming around them, guns manned ready to bark at a moment's notice. To the womenfolk this was most probably the one big thrill in their lives, but to us it was our daily task and not a matter of play. We then hoisted the signal 'You should continue your voyage.

HMAS *Perth*, in the Caribbean. That was Captain H.B. Farncomb, in command, by the way—the same Captain Farncomb who had a bottle later on for using eight-inch shells.

CHAIRMAN—Thank you very much, Mr Turner. I would like to thank you for coming along today.

Ladies and gentlemen, we have now moved to the final part of today's public hearings. Because of the very high level of public interest in this inquiry—and I have been doing inquiries as a member of committees now for nearly 20 years in the parliament and I have not served on any committee in which there was a higher level of public interest than in this *Sydney* inquiry—the subcommittee agreed, starting at the Perth hearing, to set aside a period of time for members of the general public who were not called to give evidence to make a contribution to these proceedings. So I am inviting anyone here today, particularly anyone who has not been called as a witness, who has anything to say about a particular point in relation to the terms of reference of the subcommittee or to raise an issue that is pertinent, to do so now.

[4.08 p.m.]

HUGHES, Surgeon Lieutenant Carl Ferguson, PO Box Q687, Queen Victoria Building, New South Wales 1230

Mr Hughes—I am a Surgeon-Lieutenant, retired, Royal Australian Navy. I have come to this committee to address a particular issue with respect to the exhumation of the body reported to have been from HMAS *Sydney*. I listened carefully to Professor Hilton this morning and I have read extensively about, and have been interested in, HMAS *Sydney* for a long time.

It seems to me that there are two main reasons for even attempting an exhumation of this body. The first one, of course, is from a forensic and evidential point of view: that it may be possible to show that there was a male body within a certain range of age and, if there are dental records, I understand that there were particular dental features about this particular body, that he had almost perfect dentition. Having had some experience of dentistry in the navy, I believe that that would have been unusual at that time and that would help identify that body as perhaps being from that ship. Also, it would be to see if were any artefacts such as buttons. The type of dentistry that might have been done in the navy might make it peculiar—there were certain dentistry procedures done in an emergency procedure which may still be available. If there was a shrapnel piece, in particular, a bullet from a small weapon rather than a large weapon, I believe that would be historically very important.

Having served on board a number of ships, I also know of the camaraderie. The Chairman has just mentioned the unusual nature of this particular inquiry. All hands were lost. If it was possible to identify this man, then, from my experience in disasters where we have been able to find one body—in an aircraft crash, for example, where I have been involved in organising post mortems and exhumations—the representation of one of the bodies, where it is not possible to identify other bodies, is helpful to the relatives. I make that point from a psychological and humane point of view.

However, as you may be aware, I did put in a small submission urging the committee to consider doing a reconnoitre prior to carrying out a full exhumation. It seems to me that a lot of information is known but there is still some more information to be looked at. I believe an advance party—if you want to use a military analogy—should go to the island to take photographs and to check what knowledge there is in the light of historical information which has been brought up in this inquiry so far. It should also check carefully with the relatives of other people in graves there that may need to be disturbed. I believe it is not only a matter of HMAS *Sydney*'s relatives; I believe the feelings of those relatives should also be considered. Having organised these before, I know that there is a lot of cost involved. I believe it would well serve the committee to do that research and study, and I believe that that should be done. That is my submission.

[4.11 p.m.]

WATERHOUSE, Mr Stuart Charles, 24 Lakeside Drive, McMasters Beach, New South Wales 2251

Mr Waterhouse—What I say now is gospel, because I was there. I was aboard a ship called the SS *Holmwood*, plying between New Zealand and the Chatham Islands. We knew that there had been a raider around because of the *Orion*, which we eventually found out laid the mines in Auckland Harbour for the *Niagara* and then in Wellington; there was nothing sent there, but several men were killed in the trawlers, minesweepers. Then there was the *Turakina*, of course; she lost 36 men in the fight with the *Orion*. She damaged *Orion* a little bit with her one popgun and then she went round south of New Zealand to do a bit of repairs. She came up around the South Island of New Zealand and met the *Komet* off the Chatham Islands.

We sailed from the Chathams at 2.30 a.m. I was on the four to eight watch and there was the skipper and the engineer was relieving down below. The chief and I went around and saw the man on the wheel, and I came in and I said, 'We've got a couple of visitors, Captain.' He said, 'Where?' 'Just have a look back there.' There was one ship coming up starboard, another one port, and one behind us. The chief engineer came up on deck—I am going to swear in a minute—and he said, 'Oh, Jesus, there's the *Hector*.' I said, 'That's no so-and-so *Hector*. She's German.'

Then the next thing, the German dropped something like a blind over the Japanese flag on the hull—I have a photo here—and next thing the Japanese flag came down and the Nazi flag went up. Then he opened the side. I do not know whether any of you know where the guns were. Part of the deck and the ship's side raise, and the guns come out underneath. You have got to look closely when you see a hunk of steel rising up and the gun turning around, 5.9- or six-inch. There were signals came over, 'Don't do any radio or anything, we're coming aboard.' This is where this other gentleman was wrong. They did have motor boats. The *Komet* had two, also two aircraft, Larado float planes.

So they decided to tell the engineer. When this boarding party came aboard, they said, 'You go down and take the flag down,' and they took our flag down and put the Nazi one up. The chief engineer went down with two Germans and was told, 'Keep the steam up,' and I was told to go down to the cargo hatch and show the young German officer our cargo hatch. We had 1,400 live sheep; that would make anybody spew. Then he came down to the freezer and he said, 'You open.' I said, 'It's your ship now, mate. You open it.' So he went to work undoing the nine dogs, pulled it open: 'Mein Gott, nein Fisch.' There is a reason in this. He turned round and he said, 'No fish.' He raced up to the skipper and they had a talk and he said, 'Oh, no, we took the fish last trip.' This is the knowledge that they had. It is also knowledge that the ship was always carrying fish from the Chathams and live sheep back over. So, right, they did not get any fish. Normally we would have carried 1,400 cases of beautiful New Zealand blue cod.

Then they told the chief engineer, Stanley, we were going two hours away from the island, because we were not very far. So he turned round and away we went. Then they started transferring us off the *Holmwood* onto the *Komet*. The other two ships were out at the perimeter, about two miles. He was only a little over a mile, or it would not have been a mile. They killed some of the sheep—took 250 live sheep and skinned them. When everybody was off, he sent us down below. He said, 'Look, boys, it's not very nice to see your own ship sink. It is very emotional.' And I'll tell you, it is. Then we went down below and they started shelling our ship. They used it for target practice, and don't let anybody tell you that those German gunners did not know what they were doing.

Next day, when we got aboard the raider we went down to the accommodation, then we had to go and get our food. Two or three of us were appointed to bring the dixies from the galley to No. 1 hatch. I said to my mate, 'Jesus, look at that. There are two 5.9 guns, that way in the ship.' I looked to see how they lifted that side, and it was hydraulically controlled. Then we went down and got our food and we came back.

The next day we were there, and at about 4 o'clock the following morning there was a heck of a lot of rumpus and those guns certainly started firing. They sank the *Rangitane*. They sent a party aboard her and they tried to get enough food off her—butter and all that—but she went over. Then we had 300 women and kids and crew members and everything on besides our little crew. She steamed away from New Zealand to the Kermadec Islands, and the *Kulmerland* and the *Komet* went together. We were able to put all the children off our ship and the other ships onto the *Kulmerland*, all the civilians, but they kept naval personnel and merchant marine on board the *Komet* unless they were wounded. Then away we go again. We knew we were going into the tropics because it was as hot as hell down in No. 1 hatch. It was like having a Turkish bath. On the third or fourth day out, they got the *Triona*. There were five ships sunk while I was on board that ship.

Mr Taylor asked how they got the supply ships out here. The *Komet* left Germany, came over through the North Sea, down through the Bering Sea, to Japan. I have got another bit of interest. When they came over, they had Russian icebreakers. I think the *Kulmerland* was with it, or the *Rensberg*, I am not sure which. The two ships came through. The Russians must have seen something about the guns, and they boarded the *Komet*. They said, 'No, we're right.' They would not let them go down below. So Heysen told them, 'You go back, take your icebreakers back, and we'll go through on our own.' That was over Siberia, and they came through that way down to Japan and then down south of New Zealand where they sank us. But they also shelled Nauru, and before the shelling of Nauru they took us to the Marshall Islands. I cannot think of the name of the island particularly. Again the two raiders and the *Rensberg* were there. That was the Japanese. We did not see any other Japanese ships there, though.

Then the *Komet* went her way. She went over to the Panama and she sank some ships—I do not know whether it was the *Ringwood* and the *Australind*. She was 500 and

something days from the time she left Germany till she got back. When she got back, she was recommissioned for a second trip. She was up in the Baltic doing all these things, and the Norwegians and Swedes had a pretty good idea where she was.

So when she came down the English Channel she was followed by long-range Sunderlands and they picked her up. She was then attacked by MTBs and she was blown up and sunk with a big loss of life. Since that period I have had correspondence with the master, the captain of the *Orion*. That was a long time ago.

I was construction boss for the harbour board in Adelaide when the first German ship came here after the war. I went aboard and wondered if there were any of the German kids there, because we were all 20 at that time. There was this captain there and he recognised me. He said, 'Yes, the *Komet*.' He was a survivor of the *Komet*.

There is another thing. When we came back to Townsville on the *Nellor*, the navy came aboard for interrogation. While I was on the German raider I saw they used to smash all the glass bottles and everything. I was sitting on the poop. There was a bloke there with a gun. They would throw it overboard at night and it would not float. They would also punch holes in any tins with a spike. I could see the whole of the starboard side from fore to aft. She had the two 5.9 guns and twin mountings for torpedoes on the starboard side, 21-inch torpedoes. As for this having to be under way, she could not drop her torpedoes, she had to be stationary.

I am assuming but I have a pretty good idea. I asked the Germans. This is a supposition. Once the *Sydney* started coming across to inspect the *Kormoran*, they just opened up the doors, the two four-inch guns, and they were good at it. They were very quick. They would get four torpedoes away if the *Sydney* was there. Do not worry about whether she was this far or not. But the story of the bow torpedo, she could only hit something dead ahead. She could not manoeuvre. There was one torpedo, to my knowledge. We used to have our recreation period on the foredeck for two hours a day. We could look down and watch the porpoises, and that gave us a bit of recreation, going around the bows.

There was a protrusion about 10 foot under the water which to me looked like a torpedo tube. I have photos of the ship then and now. They landed 496 prisoners from the raiders—the *Comet*, the *Orion* and the *Kulmerland*—on the island. That was not bad for a few weeks. There were seven ships sunk by the *Comet* and the *Orion* sunk four, plus the two off Newcastle. She went and got two more after that but I was not there.

I have met some of those crew since. It was 48 years ago. We just say, 'Let's have a beer.' What else are you going to do? You could not say, 'Up you mate, you sunk the ship.' I have got a photograph here of the chief officer of the *Rangitane*. I went to visit him in his old age. He was 92 when I last saw him. I used to see him because he worked in Sydney. He was a liaison officer between the Yanks and the Aussies for the cargo

during World War II.

We signed a document before our release that was supposed to be under the Geneva conference. They said, 'You sign this and we will let you go.' We were not going to be idiots and stay behind for a bit of paper. I got home, and was only home a fortnight, and the schoolkids were giving me hell so I went back.

CHAIRMAN—Thank you very much. There are a few other people who wish to give evidence.

Mr Waterhouse—There is one thing I did not mention. There were two naval officers who came aboard to interrogate us when we got to Townsville. Chief Officer Hopkins said to me, 'You go and have a talk to them,' because I used to walk to where the guns were and then I would give the distance to him in the evening. This bloke said to me, 'What were you on the ship?' I said, 'Sailor, seamen.' He said, 'Oh, we don't want to talk to jackshits!' That is the impression I got, and I was not allowed to say anything. Afterwards he told me to shut my mouth. If you want anything on that inquiry that was held in Wellington, you will get it from the New Zealand government or from the New Zealand Navy inquiry.

CHAIRMAN—Thank you very much.

[4.27 p.m.]

BICKLE, Mrs June Isobel, PO Box 112, Toronto, New South Wales 2283

CHAIRMAN—We have at least three people who want to speak, so could you all please keep it brief and succinct.

Mrs Bickle—I have only got a few moments to spare as I have to catch a train. I want to speak on behalf of my sister Daphne and myself. We both support the search for the *Sydney*. My brother was 18 when the *Sydney* was sunk, 18 in October and gone in November. I am the sister next to him, my other sister is younger, and then there is my younger brother. My younger brother wasted his life, died at 50, through my mother spoiling him because she had lost her first son. She could not see what she was doing.

When I first read in the Veterans' Affairs newspaper that they had found that body in the raft on Christmas Island, I got so upset that I was in a physically depressed state crying about it. Recently I have gone through a grief situation because I have become involved. I am getting the books from Joanne here. The stress has caused me illness. I want you to know what stress can do to a person, even though something has happened a long time ago. But it has never been brought to a conclusion. I put a plaque on the memorial wall in Brisbane, I went up especially for it. I placed a cross at our Field of Remembrance in Newcastle at the War Widows Guild, and I placed a cross for him in the Unknown Warrior section. All those things are to help me. My sister and I would both like to know where he is resting before we go to our rest. That is all I want to say, thank you.

CHAIRMAN—Thank you very much.

[4.29 p.m.]

RICHARDS, Mr Vaughan, 6 Rossford Avenue, Jannali, New South Wales 2226

Mr Richards—Thank you, Mr Chairman, and members of the committee for this opportunity to speak to you this afternoon. I would like to try and throw a little bit of light onto a couple of things that may help the inquiry.

As a POW captured by the *Komet* in 1941 in the Pacific, I would like to say to the inquiry how efficient these armed raiders were. It was certainly not a David and Goliath affair. Nobody should be embarrassed because a naval vessel was sunk by an armed merchantman. They have got nothing to fear as far as being sunk by an inferior ship is concerned.

Let's have a look at the record of the German raiders during the war. There was the *Carnarvon Castle*, of 22,000 tonnes, fitted out in Great Britain, that was sent steaming away because of an altercation with an armed raider. There was the *Alcantara*, a Royal Mail boat of 19,000 tonnes fitted out as an armed raider. She was sent scurrying into Buenos Aires or Montevideo while on fire. The *Voltaire*, of 15,000 tonnes, was sunk in an altercation with the raider called the *Thor*, a ship of only 3,000 tonnes. So let's set the record straight—it was no great defeat being sunk by an armed merchant raider. Bluey Waterhouse and I know how they functioned. We know the great degree of efficiency to which they carried out their functions.

This is why I cannot agree that Detmers would have put a white flag over the side. That would have been below their dignity; they would not have done that. The very first thing that went over the side before a shot was fired from the midship section—never worry about running a flag up on a halyard—went straight over the side and covered up the Japanese flag. There was a special person there designated to carry out that operation.

In the light of the facts presented, I am going to say a few words of complete confidence in the Kriegsmarine, which is the German Navy, because if it had not had been for their efficiency, and the quality of the seamanship that they applied, I would not be sitting here today. I was taken prisoner on the *Komet* and had a five-month holiday cruise on it, eventually making the shore of France in Cherbourg and then on to Le Havre. Contrary to the general thought that the first German ships to steam through the channel were the *Gneisenau* and the *Scharnhorst* in 1942, we went up there, with a full German flotilla of E-boats, corvettes and destroyers in company with the *Komet*, through the channel in November 1941 from whence we had a four-hour engagement in the channel. We were locked down below; we could not see what was going on. I owe my life to the efficiency of those people.

What I am trying to illustrate before the inquiry this afternoon is the fact that on both sides of the war there were anomalies, there were blunders. We have got blunders on

our side that people really do not know about. I will conclude on this note—the sinking of the German raider *Pinguin*, which was almost a sister ship of the *Steiermark*, which was the *Kormoran*. It was confronted by the *Cornwall*, eight eight-inch guns, which could have stood off two or three miles out of range of the *Pinguin*. *Pinguin* would have been instructed in relation to the situation, where they have said, 'The game is up. Now what do you want to do?' But, no, they did not, on the *Cornwall*. With a great degree of bravado, they sailed in, and they got smacked, they got spanked and they had to withdraw. But they did not give the *Pinguin* the opportunity to scuttle their ship and get off the ship and evacuate it. Hence, about 200 lascars lost their lives because of sheer incompetence on the navy's part. This is what hurts: when people are willing to give their lives and do their bit for their country, their lives are sacrificed.

We can read books today from any library of the blunders that went on on both sides. I am very sorry to say that but we have to look at these things in their entirety. It is no good saying what a mob the German people were in the way they treated seamen. There is only one excursion where there was a German commander that was dealt with after the war and that was von Rucketschell, and I believe he got 10 years.

I have complete sympathy for those people who lost their lives on the *Sydney* and people who were left in the shadow of doubt. I was reported missing for seven months before my parents were advised that I was alive. My complete sympathy goes to those people. But let us have a little respect for those people who were our captors and who operated in the way they did. I can find no fault with the way we were treated. As a matter of fact, I will say this: when I went aboard the German raider I was better fed than I was on the British ship on which I was sunk. Thank you very much.

CHAIRMAN—Thank you very much.

[4.37 p.m.]

O'SULLIVAN, Mr Bernard, 72 Bellevue Street, Shelley Beach, New South Wales 2261

Mr O'Sullivan—I have submitted in writing one to three supplements. One of them was about the rafts. They talked about rafts on merchant ships and they declared that they were rubber. I have also stated there that rubber rafts were not really in action until 1960, although they were unofficially used on fishing boats in the North Sea. They were the greatest things and we said that, if we had them during the war, we would have had a lot more survivors. Last night, I remembered to find a picture of crossing the line, and in the background is a raft. You may have it, sir.

CHAIRMAN—That raft was the standard merchant marine raft, though, with the drums.

Mr O'Sullivan—That is the thing standing up at the back.

CHAIRMAN—Yes.

Mr O'Sullivan—You can see that is quite prominent. So any German ship that was going to disguise itself as an Allied vessel would have some on board the ship. Whether they were erected or not would depend on what national identity he was going to adopt. If he was going to have a British identity, the ship had to be painted grey, and that was the grey raft. They were carried on the starboard side of the ship because most merchant ships go port side to. It is also why international class ships such as the *Kormoran* and other German ships—not only those ships—have side port doors on the port side. It was there on the upper deck that the torpedo apertures were situated. You open the side door on the port side. Therefore *Sydney* must have been showing her starboard side.

In regard to this business of the underwater one, I cannot understand how they could handle that. It was too awkward. As I have submitted, the ships were stopped or nearly stationary because of the transfer of a boat, and the *Kormoran*'s forward gun port door would have been abreast of the fore end of the *Sydney*. The torpedo was fired and she was struck and that was her major damage. I have just realised today that, as she was on fire, she went away. Obviously, she had to get away.

In my original document, which was about the *Kormoran*, I talked about the seamen. You have got to remember that the crew of the *Kormoran* was made up of approximately 10 prize crews who were all merchant seamen. They were not part of the fighting force. They were there because the main object of the *Kormoran* was to capture ships not to sink them. People have lost sight of that. People say that she was a warship and she did this and that. But her main thing was to deprive us not only of cargo but also

to gain the ship for themselves. That is the major point. They had all these crews on board the ship. When she was struck, we have got to remember—I have also stated this in the document—that, in the German ships, they had these deep tanks. I do not know exactly the disposition of the tanks on the *Kormoran*, but she would definitely have had one pair. They could either have been at the after end of No. 3 or the fore end of No. 4, but they would have been butting onto the engine room.

They are usually used for carrying fine oils and latex. One of the things about that is that, being close to the engine room, it would stop the oil or the latex from completely solidifying. There is no cofferdam. So you have got these deep tanks containing about 2,000 tonnes of diesel oil. We already know about the tragic circumstances last week with the *Westralia*, and she has got cofferdams between her engine room and her tanks, which is the space. She did not have it. You have got these approximately 300 seamen who were not part of the Kriegsmarine as such, they were just conscripts, suddenly realising they have got 300 mines plus this lot. I reckon those people realised it and started to abandon ship—I would not say it was panicking—and the captain realised it, too. That is why I stated in my original statement, 'The *Sydney* recognised these people running on deck and thought they were about to be boarded.' Anyway, the *Sydney* went off.

Another thought came today when I saw a picture of it: the fires on board the ship. The only thing they fought fires with was water. We now note this, after the fire on the *Normandy* in the dry dock during the war and then again postwar on the *Empress of Scotland*, I think, in Liverpool dock. Up to then we really did not realise what happened to these ships. As you fight the fire with water, so the water accumulates in the upper decks. With the hole in the ship's side, up forward, on the *Sydney*, there was a very great loss of stability. Any slack water in a ship causes a great loss of stability, and as it grew nobody was thinking of that. Everybody was concentrating on putting the fires out. She was steaming away and what could have happened was that the angle of the hull would not have been noticed until suddenly she was completely unstable and she turned upside down. So this is another thing that could have happened to the *Sydney*. She could have capsized and sunk. There are lots of cases in war where warships that caught on fire did capsize, so that is another thing we have got to look at.

There are so many things that after looking at these submissions I find it is amazing. There has been a lack of technology in it or practical application to it. I have written up mine. I am a professional seaman. I studied as a boy. I started at 12 years of age and left the ANL as coastal superintendent in 1988—the whole thing, tramp ships, passenger ships, even the Australian National Line and their coastal ships—and I do know the area of Western Australia at sea.

As you leave Fremantle, no matter which way you go, except close to the coast, you almost immediately go off the continental shelf. No matter what anybody says, *Sydney* and *Kormoran* are in deep water. There is no argument about it. That is about all. If I can think of anything else, can I write to the committee?

CHAIRMAN—Yes, you are at liberty to write to us.

Mr O'Sullivan—I have been writing as they come up and I thought I had finished, but you can sit down all day long and keep on thinking and thinking. I hope it has been of some help.

CHAIRMAN—Thank you very much.

[4.46 p.m.]

CREW, Mr Neville Douglas, 103 Grosvenor Street, Wahroonga, New South Wales 2076

Mr Crew—I would probably be more interested in asking questions, because I have not been able to examine much of the information that is available in the archives. What I would like to know is whether the committee knows what constituted the ship's company and what constituted the prize crew. We have got a list of the survivors and those that were killed aboard the *Kormoran*. My thoughts have always been that the only way in which you could have convinced the *Sydney* to come close to the *Kormoran* without having its suspicions aroused is that you must put a boat into the water and possibly be still lowering boats as the *Sydney* comes alongside.

As regards the torpedo into the *Sydney*, by all the definitions that I have seen it has been very close to either the A or the B magazine. The *Barham*, the British battleship, was sunk by a torpedo into the magazine. The USS *New Orleans* returned to Sydney with the bow missing from in front of the B barbette because it took a torpedo into the A magazine. With the *Sydney* being a much lighter cruiser, I would doubt that she could have been possibly sailing away after taking a torpedo into a magazine. I would have thought that firing 5.9-inch guns at close range—it is almost point blank—you would not need to be a particularly good gunner to make sure that you hit, and I do not think you would need too many 5.9-inch shells into a light cruiser to really put it on fire and put it out of action.

With regard to *Sydney* turning towards the *Kormoran*, it would be more likely that the *Kormoran* would turn to starboard in order to get away from the rear guns, the X and Y turrets, of the *Sydney*. There was a report, I think about 1991 for the 50th anniversary, on Sydney television—I do not know what commercial station it was at this stage—where they allegedly interviewed a survivor of the *Kormoran*. The only little bit that I can recall of it was that he made mention that the action was over in about six minutes, which meant that in general, I should imagine, the *Kormoran* drifted away once her engines were out of action. She would have been firing until such time as she was out of range, and they would only be firing at wreckage which would be left of the *Sydney*.

The other one is the missing naval court of inquiry on the *Sydney*. I should imagine that there would be a copy of that in the British Admiralty. If it cannot be found in Australian Archives then maybe the British Admiralty can give us some information on that. That is about all I can mention.

CHAIRMAN—Thank you very much. There being no further witness coming forward, I thank you very much for your attendance here this afternoon.

Resolved:

That this subcommittee authorises publication of evidence taken by it at the public hearing this day.

Subcommittee adjourned at 4.50 p.m.