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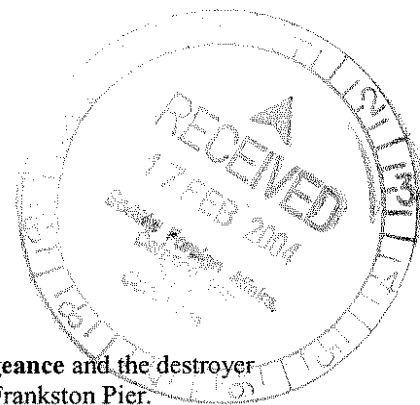
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SINKING of CUTTER 43337

HMAS VENGEANCE

9 March 1954.



On 9 March 1954 two Australian Navy vessels, the aircraft carrier HMAS **Vengeance** and the destroyer HMAS **Bataan**, were anchored in Port Phillip about two nautical miles off the Frankston Pier. Approximately 186 naval recruits (including National Servicemen) from Flinders Naval Depot were to be ferried from Frankston Pier to **Vengeance** for the purpose of witnessing aircraft leaving and returning to the aircraft carrier. Various boats were used for that purpose, including two 32 feet cutters from **Vengeance**. One of those cutters (No 43337)¹ sank while travelling from Frankston Pier to **Vengeance**, resulting in the loss of two lives.

Cutter 43337 capsized approximately one mile out from Frankston Pier, and sank almost immediately. Twenty-eight sailors were on board at the time, and that number was made up of a three-man crew, two regular navy recruits (recruit stokers Collins and Jarvis) and twenty-three National Servicemen. Recruit Stokers Collins (my brother) and Jarvis were lost, presumed drowned. Their bodies were never recovered. At the time of the accident my brother was a few days short of his twenty first birthday, and Jarvis was 18 years of age.

According to a report in "The Herald", March 9, 1954, the cutter was returning to **Vengeance** when it was hit by a freak wave at 10 am. The newspaper report went on to say that another cutter was launched from **Vengeance** to pick-up the occupants of the sunken cutter, and that the rescue cutter took 20 minutes to reach the survivors. Those times conflict with entries in **Vengeance's** Log of the Day (see Appendix "A")², which shows that the accident occurred at 8.35 am, and that the rescue cutter was dispatched (from **Vengeance**) at 8.38 am. The Log does not indicate when the rescue cutter reached the accident scene, but a letter written the next day by Captain Burrell, the commanding officer of **Vengeance**, states that all survivors were recovered "within approximately ten minutes", which I assume to mean around 8.48 am.

There was a great deal of confusion concerning the number of sailors on board the stricken cutter³, and the number ultimately rescued. It is not clear how long it took to discover the absence of recruits Collins and Jarvis, but the Log entries suggest that their absence was noticed at approximately 11 am., which is more than two hours after the rescue operation was said to have been completed. The existence of a significant delay is also indicated by Capt. Burrell's letter of 10 March 1954, addressed to The President, Board of Enquiry. In that letter, at paragraph 12, Capt. Burrell states:

"Under the mistaken impression that all hands had been rescued I could see no objection to proceeding with my flying operations. This intention was soon abandoned when the true situation became apparent".

The Board of Enquiry interrogated survivors and other witnesses on 12 March 1954, and produced an interim report on 17 March 1954. Two survivors, Able Seaman Dean and Stoker Mechanic Lee, were

¹ Incorrectly said to be 20 foot in "The Herald", March 9, 1954, and also "The Sun", March 10, 1954.

² In the footnotes of both this text and Appendix "A", reference to "Q (No) Board's Minutes" is a reference to a question (having the quoted number) which is listed in the Board of Enquiry Minutes concerning interrogation of witnesses on 12 March 1954.

³ Chief Petty Officer Wall, the senior rating on the cutter, did not know for certain how many were on board (Q's 112, 113 and 114, of the Board's Minutes). The officer in charge of embarkation at Frankston Pier, gave instructions that the cutter was to carry 25, plus crew, but he did not verify the number on board the cutter before it left the pier (Q 51, Board's Minutes).

questioned further on 17 March 1954, and the Board decided that the answers given at that time did not justify modification of the interim report⁴.

The interim report of 17 March 1954 was not released to the public. After considerable internal debate the Department of Navy settled on a statement considered suitable for public scrutiny. That statement took the form of a single page Press Release issued 17 June 1954, the essence of which is summarized as follows:

1. The cutter sank as a consequence of running without warning into two "freak" waves a good deal heavier than the rest of the sea.
2. The cutter may not have been swamped if it had been travelling at a slower speed.
3. The cutter sank within one or two minutes of being swamped.
4. The two ratings who were drowned were weak swimmers.
5. At no stage prior to the swamping did any person on board the cutter believe that the cutter was in danger.
6. The number of men on board the cutter at the time of the accident was reasonable for the prevailing weather.

Prior to April 1999 I knew very little of the circumstances of my brothers death. During early 1999 my sister, Patricia Dorz, secured a copy of the Department of Navy file 3211/102/11, which includes the 17 June 1954 Press Release and other documents relating to the 9 March 1954 accident. After a detailed consideration of those documents I have been driven to conclude that the Department of Navy was less than frank in its public explanation of the circumstances of the accident (the 17 June 1954 Press Release). That had the consequence of misleading my family and the public.

In preparing the 17 June 1954 Press Release, the Department of Navy seized upon half truths and information selected to encourage the view that the Navy was not to blame for what happened. Information not helpful in that regard, such as the seaworthiness of the cutter and the level of experience of the crew, was withheld. But perhaps the most distasteful aspect of the Press Release is the suggestion that Collins and Jarvis were the victims of their own inadequacies (the "weak swimmer" point). What better way to avoid criticism than to shift the blame to the victims themselves.

It is my belief that the accident occurred because cutter 43337 was not a seaworthy vessel, and the crew in charge of the cutter lacked the experience necessary to control the vessel in a correct and safe manner. Overlying those factors is evidence that the Navy failed to apply a reasonable standard of care in arranging the transfer of recruits from Frankston Pier to **Vengeance**, and also failed to apply a reasonable standard of care in conducting the rescue operation.

The Navy had known since December 1952 that cutter 43337, and similar boats, were not seaworthy because the level of buoyancy was insufficient to avoid sinking if the boat was swamped. The Navy however, continued to send personnel to sea in such boats. Given what was known about insufficient buoyancy, prudence would suggest adoption of counter-measures to protect the safety of Navy personnel. One obvious counter-measure would be to ensure that each cutter carried a number of floatation devices sufficient for use in emergencies. But the Navy was not so thoughtful or careful. Cutter 43337 carried no more than six lifejackets when it put to sea on 9 March 1954 with 28 occupants, and the evidence indicates that no other form of floatation device was provided.

The following analysis of the evidence (as revealed by file 3211/102/11) is divided into sections, each dealing with a particular topic. Sections 1 to 6 each corresponds to a respective one of the six points mentioned in my summary of the 17 June 1954 Press Release.

⁴ The special attention given to Dean and Lee could be significant – see Section 3 entitled "Rapid Sinking".

1. Freak Waves.

Inclusion of the word “freak” in the press release was the product of the author’s imagination, and does not necessarily reflect the situation existing at the time of the accident. I acknowledge that newspaper reports of 9 and 10 March 1954 referred to a “freak wave”, but I do not know what inspired that choice of words. It may have been inspired by a desire to add drama to the situation, or it may have been inspired by a casual remark by someone on shore having limited knowledge of what actually happened.

When the survivors of the accident were interrogated by the Board of Enquiry on 12 March 1954, no-one used the word “freak” to describe the damaging wave or waves. The same applies to other navy personnel interrogated at that time. Paragraph 10 of the Interim Report of 17 March 1954 refers to a patch of “heavier” waves. Witnesses giving evidence before the Board of Enquiry referred to “heavier” or “larger” waves. The first reference to “freak waves” in the documents of file 3211/102/11 appears in a draft Press Release forwarded to the Secretary of the Board of Enquiry on 26 May 1954. In a note accompanying that draft, the Co-ordinator of Naval Public Relations (the author of the press release) made the following statement:

“ I have used the phrase “freak patch of waves” in the opening sentence, although the word “freak” does not appear in the Board’s report. But the evidence suggested that the patch was of that nature.”

Such poetic license may have been adopted to encourage acceptance of the view that the wave pattern responsible for the sinking could not have been predicted and was unusual. But whatever the reason, the end result was a distortion of the facts, and that served to minimize the appearance of fault on the part of those having control of the cutter at the time of the accident.

The fact of the matter is that the so-called “freak” waves were approximately 4 foot in height. Captain Burrell’s letter of 10 March 1954, refers to a wave height of 4 feet when discussing the waves responsible for sinking cutter 43337⁵. Statements made by other witnesses questioned by the Board of Enquiry, are also consistent on that point. The evidence given to the Board indicates that, at the time the cutter left Frankston Pier, the average wave height in the general area of **Vengeance** was approximately 2 feet⁶, and that waves of 3 to 4 feet were encountered close to Frankston Pier⁷. Lt. Commander McDonald, Navigating Officer of **Vengeance**, said the wave height of the water between **Vengeance** and the Frankston Pier was “about 3 to 4 feet” at the time of the accident⁸.

Another cutter, No 44919, was travelling towards **Vengeance** and was forward of cutter 43337 at the time of the accident. Able Seaman Halliday, the coxswain of cutter 44919, told the Board of Enquiry that 27 persons were on board his cutter⁹. He further advised the Board that he encountered only one potentially dangerous wave during the journey to **Vengeance**, and that was in the area where cutter 43337 went down. Cutter 44919 was travelling at half throttle when the larger wave was encountered. Halliday said that he was prepared to put the engine in reverse if swamping seemed imminent, but there was no difficulty so the half throttle speed was maintained¹⁰. Halliday was specifically asked whether there was an extra rough patch of waves in the area where the accident occurred¹¹. He answered in the negative.

The Victorian Boating Guide provides some assistance to understanding the wave height to be expected in the waters off Frankston under the conditions existing at the time of the accident. According to that Guide

⁵ Paragraph 8 of the Burrell letter.

⁶ Commander C.M.Hudson, Exec. Officer of **VENGEANCE** (Q 27 Board’s Minutes).

⁷ Lieutenant B.P.Johnson (Q 58 Board’s Minutes), and Chief Petty Officer Wall (Q 120 Board’s Minutes).

⁸ Q 328 Board’s Minutes.

⁹ Q 293 Board’s Minutes.

¹⁰ Q 297 Board’s Minutes.

¹¹ Q 299 Board’s Minutes.

the wave height close to Frankston would be 1 to 1.2 meters (3.28 to 3.93 feet) if a north westerly wind was blowing at 20 knots¹². According to **Vengeance's** Log of the Day¹³ the direction of the wind was approximately northwest, and the wind strength was 17 to 21 knots at the time of the accident. But the relevant measuring instrument of **Vengeance** had an error of "2"¹⁴, which means that the actual wind strength was probably in the range 19 to 23 knots. It follows that a wave height of approximately 4 feet was to be expected in the area were the accident happened, and consequently such a wave height cannot be said to be "freakish".

It is also relevant that, at the time of the accident, there was an outward tidal flow at Frankston¹⁵, and the direction of that flow was opposed to the direction of the wind. The two directions (tide approximately 235° true¹⁶, wind 290° true¹⁷) were not opposite in the absolute sense, but were nevertheless opposed to an extent sufficient for the wind to provide an obstruction to wave movement in the direction of the tide. A mariner of even limited experience would know that under such conditions waves would tend to be steeper and more closely spaced than would otherwise be the case. That could explain what was being observed by Commander Hudson just prior to the accident¹⁸, and could also explain his concern about the weather.

It is therefore clear that the waves said to be responsible for the sinking were not overly large given the conditions existing at the time, and certainly do not qualify as "freaks". Furthermore, a boat 32 feet in length should not have difficulty negotiating 4 foot waves, or a group of closely packed 4 foot waves, particularly in closed waters. That is assuming however, that the boat is seaworthy, is travelling at a safe speed, and is under the control of a competent crew. The evidence presented to the Board strongly suggests that none of those requirements were satisfied in this case.

2. Boat Speed.

There is no doubt that the motor cutter was travelling at an excessively high speed at the time of the accident. Also, there is evidence that the Coxswain (Able Seaman Dean) having overall control of the boat, was relatively inexperienced¹⁹.

The Press Release of 17 June 1954, refers to the speed of the cutter, but does not refer to the experience of the Coxswain. Dean had been in the navy for approximately 14 months²⁰, and had approximately 3 months experience as coxswain²¹. The Press Release states that "if the cutter -----had been travelling at a slower speed at the time, it **might not** have been swamped" (emphasis added). A somewhat different emphasis is evident at paragraph 10 of the Board's interim report of 17 March 1954, which states that the cutter was swamped because it was travelling "at too high a speed". Similarly, paragraph 9 of the report states that "There is no doubt that the boat was travelling too fast for the sea at this juncture".

Rear Admiral R.R.Dowling²² forwarded an interesting note (marked "confidential") to the Secretary of the Naval Board on 29 April 1954. The following is an extract from that note.

¹² The Victorian Boating Guide, 14th Edition, November 1999, page 66.

¹³ Appendix "A".

¹⁴ Q's 321 and 322, Board's Minutes.

¹⁵ Q 294, Board's Minutes.

¹⁶ Estimated direction given that the tide was going out. The presence of an ebb tide was confirmed by Recruit Stoker Sparks, who said he was being washed towards **Vengeance** (Q 275, Board's Minutes). The direction of the wind is the direction from which the wind is blowing, whereas the direction of the tide is the direction towards which the tide is flowing.

¹⁷ **Vengeance**, Log of the Day, 9 March 1954.

¹⁸ Q 27 Board's Minutes.

¹⁹ Approximately 3 months experience – Capt. Burrell's letter of 10 March 1954, and the evidence of Commandor C.M.Hudson (Q 17, Board's Minutes).

²⁰ Capt. Burrell's letter 10 March 1954, paragraph 19.

²¹ Q 17 Board's Minutes.

²² Flag officer Commanding, H.M. Fleet.

“The boat was travelling at too high a speed under the prevailing conditions of sea and loading, though it is probable that all would have been well if two successive and unexpectedly high waves had not been encountered.

Although I do not consider that Able Seaman DEAN should be officially blamed for this unfortunate accident, I do consider it likely that a very experienced coxswain would have observed the unexpected waves referred to above, taken action to slow down his boat and altered course in order to ride them better.”

Dowling’s note goes on to indicate that, at the time of the accident, it was standard practice for a Leading Seaman to be in charge of a cutter. In the case of cutter 43337 however, Able Seaman Dean was appointed coxswain because of “a continued shortage of higher rates”²³. Although Dowling’s note stops short of blaming Dean for the accident, it does acknowledge that Dean’s lack of experience was a contributing factor. More direct criticism of Dean’s handling of the boat could not be expected. The Navy had a duty of care and was obliged to avoid exposing personnel to unnecessary danger. Acknowledgement of Dean’s lack of suitability for the position of coxswain would have revealed the Navy’s failure to properly discharge that duty of care.

The Minutes of the Board’s interrogation of witnesses on March, 12, 1954, reveals that the Coxswain (Dean) and the Stoker Mechanic (B.J.Lee) assisting the Coxswain, had different views concerning the speed at which the boat was travelling. The Minutes also reveal that, as the boat approached the rough patch of waves, the Stoker Mechanic was more aware of the need to reduce speed than was the Coxswain.

When questioned by the Board of Enquiry on March 12, 1954, Dean (the Coxswain) said that the boat was travelling at top speed (full Throttle) when it left Frankston Pier, and that the speed was reduced to three-quarter throttle about one mile out from the pier. But Lee (the Stoker Mechanic), who had direct control of the throttle, said the initial speed was three-quarter throttle, and that the speed was reduced to half-throttle about one mile out. Lee also said that the boat had a top speed of 7.5 to 8 knots²⁴, but he could not say what the speed was at the time of the accident because the speedometer had not been working for some weeks²⁵. Lee could do no more than relate speed to throttle position.

There is a significant difference in boat speed between three-quarter throttle (as stated by Dean), and half-throttle (as stated by Lee). Lee had direct control of the throttle, and consequently his statement concerning throttle position is likely to be more accurate than Dean’s statement. On the other hand, Lee may have been concerned about being open to criticism if he admitted that the throttle position was beyond the half-way position. It is possibly relevant that other boats heading towards **Vengeance** at the time of the accident, were said to be travelling at half-throttle when moving through the region where the accident occurred, and not one of those boats encountered difficulty.

Dean, in his position as Coxswain, was entitled to instruct Lee on all matters concerning control of the boat, including throttle position. Dean told the Board he was about to instruct Lee to reduce speed shortly before the swamping occurred, but Lee had already taken that action. Lee explained to the Board that he reduced speed because of his observations concerning the condition of the water into which the boat was heading. He said he reduced speed approximately ten yards before the swamping occurred. That suggests Lee saw the damaging waves before they struck the boat. If Lee had not seen the waves, it is probable that he would have referred to a time spacing rather than a distance spacing.

Dean said that he was giving attention to the waves ahead at the time he was intending to instruct Lee to reduce speed. That suggests Dean also saw danger ahead, but he claimed the damaging waves hit the boat without warning.

It is unlikely that the boat speed was greater than 2.5 to 3 knots when travelling at half throttle, if that was in fact the throttle position. Lee told the Board that the boat was being pushed back by the rough sea before

²³ Rear Admiral Dowling’s note 29 April 1954.

²⁴ Q 148, Board’s Minutes.

²⁵ Q’s 147 and 149, Board’s Minutes.

he reduced speed to the half throttle position²⁶, thereby indicating substantial resistance to forward travel. Assuming Lee did see the larger waves ten yards ahead as indicated, and further assuming the boat speed at half throttle was approximately 3 knots, that would have given Lee, or Dean, almost 7 seconds within which to take corrective action. That is sufficient time within which to achieve a significant reduction in the speed of a boat being driven through rough water, and to alter the course of the boat as suggested by Rear Admiral Dowling in his note of 29 April 1954. But it seems that both Dean and Lee simply stood and waited for disaster to wash across them.

The Press Release refers to the fact that four other boats were travelling towards **Vengeance** around the time of the accident, and that each of those boats reduced speed before moving into the wave pattern said to have been responsible for the sinking of cutter 43337. That has some bearing on the experience of Coxswain Dean, and the confusion between Dean and Stoker Mechanic Lee concerning boat speed. The other boats consisted of another motor cutter and a motor boat from **Vengeance**, and two work-boats from the naval base HMAS Lonsdale, Port Melbourne.

3. Rapid Sinking.

No explanation is given in the Press Release concerning the speed with which the cutter sank. The evidence presented to the Board suggests two possibilities. One relates to the buoyancy of the cutter, and the other relates to the distribution of the occupants of the cutter. But there is another possible explanation for the way in which the boat sank. I believe the Board suspected this third possibility, and deliberately chose to remain silent on the point.

The evidence revealed that the basic buoyancy of the vessel was below the recommended standard. The Navy was aware of that before the accident, but decided that the buoyancy of naval cutters could be increased on a progressive basis spanning a number of years. That buoyancy upgrade program was accelerated immediately following the accident. Paragraph 19 of the Board's report of 17 March 1954, states that "Motor Cutter 43337 was fitted with buoyancy tanks in accordance with ---- drawings D.N.C. N43/1181, dated May 1950, and D.N.C. N43/1032, dated June 1950, allowing for a flotation capacity of 33 cubic feet, but not in accordance with D.N.C. 10/105, dated December 1952, which lays down a flotation capacity of not less than 45 cubic feet, **and this is why the boat sank**" (emphasis added).

There is no mention of the foregoing point in the Press Release. The Press Release also fails to mention the fact that a number of the cutter's buoyancy tanks broke loose, although it is not clear whether, or to what extent, that occurred during the initial swamping of the cutter. A sketch of the salvaged cutter shown to the Board of Enquiry on 12 March 1954 indicates that the cutter had 16 buoyancy tanks, and that 8 of those tanks were not in place when the cutter was salvaged. A report prepared 17 March 1954 by Shipwright, A.J.Ham, and presented to the Board, states "It is possible that pressure exerted by water on initial inrush was sufficient to split housing board or boards along line of screws, allowing board or boards to float free". The report explains that the "boards" secure the buoyancy tanks in place.

According to paragraph 11 of the Board's report of 17 March 1954, "The distribution of passengers in the boat was reasonable for the normal sea, then running, but had there been more weight aft, it is possible the boat would not have swamped". The evidence presented to the Board on 12 March 1954, suggests that all but 6 or 7 of the passengers were located aft at the time of the accident. One witness, Able Seaman W.P.Dean, said he was trying to shift passengers aft at the time the two big waves struck the boat. But there is something odd about the suggestion that more load was required in the stern, because the evidence shows that the boat sank stern first.

Mr R. Chipperfield of Frankston, who was watching the cutter from the shore, said that the cutter "reared like a bolting horse" as it sank²⁷. In his letter of March 10, 1954, to the Board of Enquiry, Capt. Burrell said

²⁶ Q 165, Board's Minutes.

²⁷ Reported in the 10 March, 1954, issue of "The Sun", at page3.

the cutter "sank by the stern". When questioned by the Board on March 12, 1954, the Coxswain, Able Seaman W.P. Dean said "The bows were about four feet out of the water, stayed there for a couple of minutes and sank"²⁸. Chief Petty Officer Wall told the Board of Enquiry that a wave lifted the bows "and the boat sank by her stern like a stone. Last I saw was the kitchener (sic) gear floating in the water"²⁹.

The dramatic lifting of the bow referred to by Chipperfield, Dean and Wall has not been explained. It may have happened because the weight in the stern of the boat was greater than the weight in the bow. Another possible explanation is sudden loss of buoyancy at the stern because the buoyancy tanks in that area failed or were dislodged under shock loading caused by the inrush of water when swamping occurred.

Lt. Commander M. J. Gregory, the officer in charge of the salvage party, told the Board that cutter 43337 was found "resting on the buckets of the kitchener (sic) gear in 30 feet of water with the bows approximately 10 feet below the surface"³⁰. Another member of the salvage party, Petty Officer R. C. Foord, reported that the position of the cutter when found indicated that it had negative buoyancy in the stern, and positive buoyancy in the bows³¹.

I previously referred to a third possible explanation for the way in which the cutter sank. The evidence of Dean (the Coxswain) is critical to this point. It is also relevant that Dean and Lee (the Stoker Mechanic) were the only witnesses required to attend a second sitting of the Board of Enquiry for further questioning. That second sitting took place on 17 March 1954.

Before referring to the relevant information extracted from the Board of Enquiry's Minutes, it is necessary to explain the relative roles of the Coxswain and the Stoker Mechanic.

The Coxswain is the person having overall responsibility for control of the boat, and the Stoker Mechanic responds to instructions given by the Coxswain. The Coxswain has direct control of the steering mechanism (the rudder), and the Stoker Mechanic has direct control of the engine, and in particular the throttle through which the speed of the engine is regulated. As previously indicated, Able Seaman Dean was the Coxswain of cutter 43337, and B.J. Lee was the Stoker Mechanic.

The rudder mechanism of cutter 43337 included devices known as "kitchen plates"³², which are two curved plates located on respective opposite sides of the boat's propeller. The coxswain can control the plates so that their outer edges can be moved towards and away from one another. When the plates are fully open, they are arranged parallel to one another and do not impede the rearward thrust of the stream emerging from the boat's propeller. When the plates are fully closed, their outer edges are close to one another so that the stream emerging from the propeller impacts on the plates and thereby tends to push the boat in the reverse direction. The significance of that form of control mechanism was not lost on the Board of Enquiry, and clearly inspired the Board to question Dean and Lee further on 17 March 1954.

Paragraph 6 of the Board's Interim Report 17 March 1954 states that cutter 43337 proceeded towards **Vengeance** with the "Kitchen rudder plates fully open". Paragraph 7 of the same report states that "the Coxswain did not alter the setting of his rudder plates". Paragraph 8 then refers to the swamping of the cutter, and ends with the statement "The engine was not cut and Kitchen gear not reversed. (To be confirmed)". I have no idea as to the source of the information concerning the Kitchen rudder plates. Such information was not included in Captain Burrell's letter of 10 March 1954, and was not revealed by either Dean or Lee when questioned by the Board of Enquiry on 12 March 1954. On the other hand, when questioned on 12 March 1954 Lee told the Board that he did not cut the engine as the cutter sank³³. Dean provided information concerning the position of the rudder plates when questioned by the Board of Enquiry on 17 March 1954, but it seems that the Interim Report of 17 March 1954 was prepared prior to Dean being questioned that day.

²⁸ Q97, Board's Minutes.

²⁹ Q126, Board's Minutes.

³⁰ Q437, Board's Minutes.

³¹ Q447, Board's Minutes.

³² Interim Report 17 March 1954, paragraphs 6 to 8.

³³ Q's 154 to 156, Board's Minutes.

On 17 March 1954, Dean was asked to explain the setting of the kitchen rudder gear at the time the cutter left Frankston pier. He answered "wide open". Dean was then asked whether the setting was subsequently changed. He answered "no". But the Board members present at the time clearly wanted to put the matter beyond doubt, and asked Dean to describe the setting of the rudder gear at the time the boat was sinking. Again Dean said "wide open". No further questions were asked of Dean.

Lee was asked a single question during the 17 March 1954 interrogation, and that was whether he took any action to stop the engine when the cutter sank. He answered "no". The question had no apparent purpose if the Board members were satisfied with Dean's answers. If the kitchen plates were wide open as alleged by Dean, continued rearward thrust of the motor driven propeller would retard rearward sinking of the vessel. On the other hand, such thrust would promote rearward sinking if the kitchen plates were closed. Able Seaman Halliday, the coxswain of cutter 44919, told the Board of Enquiry on 12 March 1954 that he encountered one potentially dangerous wave when travelling through the area where cutter 43337 got into difficulties, and that he was prepared to put the engine in reverse if swamping seemed imminent.

The questions asked of Dean and Lee on 17 March 1954, indicate that the Board was concerned that Dean had attempted to avoid the sinking by closing, or partially closing, the kitchen plates and thereby reducing the forward speed of the cutter. If Dean had closed the kitchen plates, intentionally or otherwise, that could explain why the cutter sank so quickly stern first, particularly if the bow had lifted due to concentration of weight, or loss of buoyancy, at the rear of the cutter. That explanation would have no merit if Lee had stopped the engine before the cutter started to sink, but Lee said he left the engine running.

It therefore seems that the Board was concerned that the cutter was being driven in reverse at the time of the sinking. There is no other plausible explanation for the decision to further interrogate Dean and Lee, and the questions asked of those two on 17 March 1954, make little sense if the Board had something else in mind. But Dean's answers concerning kitchen plate position effectively shut-down this line of enquiry, particularly as there was no way of determining whether or not he was telling the truth. Witnesses giving evidence before a Naval Board of Enquiry are not bound by the same strict code of conduct as applies to witnesses before a court of law. By way of example, a witness giving evidence before the Board of Enquiry can refuse to answer any question, and all witnesses were so advised before questioning on 12 March 1954.

4. Weak Swimmers.

This is a pathetic point, and says very little for the compassion of those who endorsed it. There appears to be no purpose behind including the point in the Press Release other than to suggest that Collins and Jarvis were victims of their own inadequacies. Quite apart from any justification for such an allegation, inclusion of the point in the Press Release shows an appalling lack of concern for the families of the deceased. It takes little thought to imagine the emotional distress caused to the parents of Collins and Jarvis by a public announcement suggesting that their sons contributed to their own death.

One witness told the Board he believed Jarvis to be a weak swimmer³⁴. Another said Collins had recently graduated from the backward swimmers class³⁵. Still another said he heard some in the water call out that they could not swim³⁶, but it seems that neither Collins nor Jarvis was amongst those who called out in that way. One witness, Recruit Stoker Warton, said he spoke to Jarvis when they were in the water, and had handed Jarvis a life jacket. Warton did not know whether Jarvis had put the life jacket on³⁷.

It appears that some survivors of the sinking of cutter 43337 may have been wearing life jackets when they were rescued³⁸, but the number in that group must have been very small. On the day of the accident, cutter

³⁴ Q 213, Board's Minutes.

³⁵ Q 237, Board's Minutes.

³⁶ Q's 136 and 141, Board's Minutes.

³⁷ Q 208, Board Minutes.

³⁸ Q 106, Board's Minutes.

43337 carried six life jackets³⁹, which is a ridiculously small number given the number of personnel the cutter was able to carry. There is no evidence of the cutter carrying other types of floatation devices for use in an emergency. In fact, Commander Hudson made the extraordinary admission that cutter 43337 did not carry a life buoy⁴⁰. The Navy's failure to provide the cutter with such a standard safety device is difficult to understand, and is indicative of a casual approach to safety in general.

Recruit Stoker R. E. McGrath told the Board he saw Collins in the water and that "he had a lump over his left eye and grease down the right side of his face. He seemed to come up just above the wreckage". McGrath said he then swam towards where the others were congregated in the water, and that "Collins seemed to come up beside me but he didn't say anything and I lost him straight away". A Board member then asked whether Collins appeared unconscious, to which McGrath answered "He seemed alright sir". McGrath was next asked whether Collins spoke, and he said "no"⁴¹.

Stoker Seaman T. F. Morris told the Board that "About five minutes after the boat had gone I saw Collins get hit on the head with a bit of wood. He went behind a wave and I didn't look around to see if he came up or not sir". In answer to a subsequent question, Morris said a part of the flooring hit Collins on the head⁴².

McGrath's description indicates that Collins had the lump over his left eye and grease on the right side of his face when he first came to the surface after the cutter sank. Morris on the other hand referred to Collins being struck on the head by floating debris about five minutes after the cutter went down. It therefore seems that Collins may have received two blows to the head. The first occurring, possibly beneath the surface, when he dived over the side of the sinking cutter⁴³, and the second occurring some minutes later at the surface.

Recruit Stoker Wright said he saw Collins "Some time after (the boat sank) but he seemed all right at the time"⁴⁴. Presumably, that was before Collins received the blow to the head referred to by Morris. It is therefore evident that Collins was able to support himself for at least five minutes after the cutter sank⁴⁵, or for however long it was before he was struck on the head by a section of flooring⁴⁶. Everything leads to the conclusion that the blow to the head at least contributed to, if not caused, Collins' failure to survive. If he was not a proficient swimmer, as is alleged, that lack of proficiency may have played a part in his failure to survive, but it was not necessarily the cause of that failure. Collins was a strongly built young man who was active in several fields of sport before joining the Navy, and he would not have succumbed easily to the conditions confronting him.

The matter of whether Collins and Jarvis were weak swimmers is a matter of little consequence in the total scheme of things. The Board however, thought the point to be of sufficient importance to include in the Press Release of 17 June 1954. That press release is arguably characterized by what it does not say, rather than by what it does say. Why mention swimming skills and neglect to mention the fact that Collins was struck on the head by floating debris?

Paragraph 15 of the Board's interim report sent to Rear Admiral Dowling on 17 March 1954, states:

"There is evidence that Recruit Stoker Collins may have been hit by floating debris. Neither Recruit Stoker Collins or Recruit Stoker Jarvis were seen to sink. The Board notes that Recruit Stokers Collins and Jarvis were weak swimmers."

³⁹ Q's 105 and 106, Board's Minutes.

⁴⁰ Q 32, Board's Minutes.

⁴¹ Qs 190 to 194, Board's Minutes.

⁴² Qs 222 to 225, Board's Minutes.

⁴³ Q 254, Board's Minutes.

⁴⁴ Q 287, Board's Minutes.

⁴⁵ Q 225, Board's Minutes.

⁴⁶ Q 227, Board's Minutes.

Why did the Board say that Collins “**may** have been hit by floating debris” (emphasis added)? The evidence of Recruit Stoker Morris leaves no doubt that he was hit on the head by floating debris. Further, Recruit Stoker McGrath told the Board that Collins “had a lump over his left eye”, which may have been caused by a blow to the head at a time preceding the incident observed by Morris. It is difficult to ignore the possibility that the Board deliberately played down the evidence of Morris and McGrath so as not to dilute the proposition that Collins and Jarvis drowned because they were poor swimmers.

Rear Admiral Dowling took notice of the second point made at paragraph 15 of the 17 March 1954 document, and chose to ignore the first. In his note of 29 April 1954 to the Board, Rear Admiral Dowling said:

“The two ratings who lost their lives were poor swimmers. If they had been more proficient and confident swimmers it is likely they would still be alive.”

The Department of Navy followed Dowling’s lead when producing paragraph 16 of the Minute Paper of 18 May 1954, and the “weak swimmers” point was repeated in the Press Release of 17 June 1954.

The public was thereby encouraged to believe that both victims contributed to their own demise. The Navy achieved that result by means of selective reporting that may have been aimed at minimizing possible criticism of the Navy⁴⁷.

5. No Apparent Danger.

The Press Release of 17 June 1954 includes the statement that “at no stage up to the swamping of the cutter did anybody in her believe that there was any danger”. There is absolutely no basis for that statement. Only one occupant of cutter 43337, B. J. Lee, was asked whether he considered the situation dangerous before swamping occurred. Two others, Ordinary Seaman H. H. Baker and Recruit Stoker J. Britton, were asked whether they were worried before swamping occurred⁴⁸. No other occupant of the cutter was asked whether there was a perception of danger.

What is particularly surprising is the failure of the Board of Enquiry to put the question to either Chief Petty Officer Wall, the senior rating on board, or Able Seaman Dean, the coxswain. Wall and Dean each had a position of such responsibility as to demand an attitude of vigilance and care. But no member of the Board considered it necessary, or appropriate, to question either Wall or Dean on the matter of imminent danger.

It is nothing short of presumptuous to say that no one on board the cutter believed there was any danger. The fact is that the Board members did not know what the majority of the occupants of the cutter thought about their exposure to danger in the period of time leading up to the accident.

In fact Lee, the Stoker Mechanic of cutter 43337, appeared to have a sense of danger before the damaging wave struck the boat. Lee was asked to explain what happened after the cutter left Frankston Pier⁴⁹. He said that he reduced the speed of the boat about halfway to **Vengeance** because “it was getting a bit too rough”. The first of the damaging waves struck the cutter shortly after Lee reduced the boat speed to half throttle. Lee was asked whether he reduced speed because he saw the big waves coming⁵⁰. He answered “I just thought it was getting too rough”.

⁴⁷ No mention is made of the fact that immediately following the accident, some of those in the water called out for help because they could not swim (Qs136 and 141, Board’s Minutes). The evidence reveals that neither Collins nor Jarvis called out at any time.

⁴⁸ When questioned on 12 March 1954, both referred to the fact that the occupants of the cutter were getting very wet from spray coming into the boat (Qs 172 and 258, Board’s Minutes).

⁴⁹ Q150, Board’s Minutes.

⁵⁰ Q153, Board’s Minutes.

Following that answer, Lee was asked a number of questions concerning the engine and the nature of the floating wreckage he observed after the cutter sank. One member of the Board then said to Lee "And at no time up till you struck those two waves did you consider there was any danger". Lee responded "No sir. We were taking a fair bit of spray and water". The question, or statement, clearly encouraged a negative response from Lee. But regardless of whether or not Lee was led to respond in the negative, Lee could not be expected to say that he saw danger ahead. That would be tantamount to a confession of negligence on his part. On the other hand, Lee's previous reference to rough conditions, and his decision to reduce boat speed, suggest that Lee considered the conditions to be relatively unsafe.

The Board of Enquiry asked a number of non-occupants of cutter 43337 whether they considered the conditions to be dangerous at the time of the accident. Those witnesses included Captain Burrell, the officer in command of **Vengeance**, Lieutenant B. P. Johnson, the officer in charge of embarkation at Frankston Pier, and Able Seaman Halliday, Coxswain of cutter 44919. The relevant issue is whether the occupants of cutter 43337 had a perception of danger. The observations of Burrell, Johnson and Halliday, are of little relevance.

Commander C.M. Hudson, Executive Officer of **Vengeance**, was questioned on a number of issues, and his response to one question is of some interest. When asked to indicate the time at which the cutter left **Vengeance**⁵¹, Commander Hudson said he was uncertain because he "was more concerned with the weather". Such concern about the weather suggests recognition of potentially dangerous conditions.

Both Captain Burrell and Commander Hudson were asked about the weather conditions on the morning of the accident. Captain Burrell said there "was a fresh breeze and some sea"⁵². Commander Hudson said the wind strength was 18 to 20 knots at about 8am⁵³, which was approximately 30 minutes before the accident. He also said "there was some sea" and that the waves were shorter than he would normally have expected. By contrast however, he estimated the average wave height to be about 2 feet⁵⁴.

The documents in my possession do not indicate whether the Board of Enquiry inspected the entries made in the Log of HMAS **Vengeance** on the day of the accident. According to the Log, at 0800,

- The wind direction was 290° true, and the wind strength was force 5 (17 to 21 knots).
- The wave height was 3 feet.
- The swell was 4 foot, and had a direction of 250° true.⁵⁵

Given the position of **Vengeance** at the time, approximately 25 nautical miles of open water lay to the windward side of the vessel. Also, the swell was advancing along a direct line from the entrance to Port Phillip. Those facts coupled with the existence of a fresh breeze and a counter flowing tide⁵⁶ would have created robust conditions.

Port Phillip is well known for the short chop that develops in a fresh breeze. Assuming Commander Hudson possessed that knowledge at the time, his reference to unexpected shortness of the waves indicates the existence of relatively severe conditions on the water. There is no doubt that the conditions were such as to indicate the need for caution, but there is no evidence that anyone on board cutter 43337 took serious notice of the warning signs. That is with the possible exception of Lee, but his response (reduction of boat speed) was too little and too late.

6. Cutter Not Overloaded.

⁵¹ Q11, Board's Minutes.

⁵² Q5, Board's Minutes.

⁵³ Q26, Board's Minutes.

⁵⁴ Q27, Board's Minutes.

⁵⁵ See Appendix "A".

⁵⁶ Q 294, Board's Minutes.

The Board's Interim Report of 17 March 1954 gives little attention to the issue of whether the cutter was overloaded. Paragraph 5 of the Report simply states that "The written orders allowed for 25 plus crew to be carried by Motor Cutter 43337 and the Board considers that this number, which was embarked, was reasonable for the prevailing weather".

On 29 April 1954, after reading the Board's Interim Report, Rear Admiral Dowling sent a "Confidential" note to the Secretary of the Naval Board in which he said the following points needed to be emphasized:

- a) The cutter was not overloaded.
- b) The boat was travelling at too high a speed under the prevailing conditions of sea and loading.

The two points are somewhat contradictory because the standing orders concerning carrying capacity stipulate a different number of occupants according to the prevailing weather conditions. Someone (not identified) marked the two points made by Rear Admiral Dowling, and added the margin note "Is the crux of the matter". Two other margin notes added to the memo have been blanked-out.

Rear-Admiral Dowling's remarks clearly influenced what followed. A Minute Paper prepared by The Department of the Navy on 18 May 1954, repeats Dowling's point (b) word for word. The Minute Paper also acknowledged point (a) by inclusion of a paragraph reading:

"The boat was not overloaded or overcrowded, having on board 28 men without kitbags or hammocks. Her loading capacity being 35 for fair weather (as in this case), 22 for foul weather and 40 life-saving capacity."

The first draft of a Press Release included the above quoted paragraph, and repeated Rear Admiral Dowling's point (b), but in a modified and less damning (for the Navy) form. Someone added a margin note to the draft beside the aforementioned paragraph. The note reads: "Para 5 of the Board's report refers to this point, but does not treat it so full".

The second draft included the paragraph dealing with Rear Admiral Dowling's point (a), and included a still further diluted version of point (b).

The final version of the Press Release handed to the Victorian Press on 17 June 1954 included Rear Admiral Dowling's points (a) and (b) in substantially the form adopted in the second draft. A Minute Paper prepared by the Department of Navy on 26 May 1954, states that the Press Release was not to be "issued to the press unless they ask for it and until after their request has been referred to (the Secretary of the Navy)".

The Department of Navy Minute Paper of 18 May 1954 is surely not correct in stating that fair weather existed at the time of the accident. Rear Admiral Dowling's point (b) relates boat speed to "prevailing conditions" in such a way as to indicate that the conditions were far from ideal.

I do not know how the Navy distinguished between fair weather and foul weather, but there seems little doubt that the conditions existing at the time of the accident did not justify a "fair weather" categorization. There are several reasons for that view.

- (a) Commander Hudson was concerned about the weather at the time cutter 43337 left **Vengeance** to make the pick-up at Frankston Pier.
- (b) Captain Burrell said there was a fresh breeze and some sea at the time of the accident.
- (c) Commander Hudson said the wind strength was 18 to 20 knots at about 8.00 on the morning of the accident. He also said there was some sea, and the waves were shorter than he would have expected.
- (d) The log entry for 8.00 on the morning of the accident indicates that the wind strength was 17 to 21 knots.

- (e) Lt. Commander McDonald, the Navigator of **Vengeance**, said that the wind strength indicator had an error of "2", and that a reading of 20 knots possibly indicated a wind strength of 22 knots⁵⁷.
- (f) It is generally accepted that wind blowing at 25 knots qualifies as a "strong" wind.

It is therefore apparent that the weather was anything but fair. In fact, Able Seaman Akers, one of the sailors questioned by the Board of Enquiry, described the conditions as "rough"⁵⁸.

Able Seaman Akers was in charge of No 2 work boat, one of the boats used to ferry the recruits from Frankston Pier to **Vengeance**. Akers told the Board that his boat carried approximately 58 passengers, and that he left Frankston Pier before Cutter 43337, I do not know the size of the work boat, but judging from the number of people on board it must have been substantially larger than Cutter 43337.

The Board asked Able Seaman Akers to describe the state of the weather during the time his boat was travelling from Frankston Pier to **Vengeance**. Akers said the weather was rough. He also said that he kept the boat at half throttle because the boat was shipping some water, and he did not consider it prudent to drive the boat any faster. Akers also said that the wave height was 5 to 6 feet, which is well above the estimate given by other witnesses, and is not to be favoured over those other estimates.

The statements made by Able Seaman Akers are interesting because he was in a relatively large boat that would have less difficulty than the smaller cutter 43337 in adverse weather conditions. In spite of that favourable protection from the discomfort of bad weather, Akers still described the weather conditions as rough.

The impression conveyed by the Press Release is that fair weather conditions existed at the time of the sinking, and it was reasonable for cutter 43337 to carry up to 25 passengers. Rear Admiral Dowling seemed to disagree, but it was obviously not a good idea to make that disagreement known to the public.

No-one seems to have looked at the synergistic affect of the various factors influencing the conditions to which cutter 43337 was exposed. Every mariner knows it is not appropriate to judge sailing conditions on one factor alone. The conditions at sea are influenced by the combined affect of several factors, including wind strength, wind direction, tide, current, wave height, wave spacing, water depth, and the distance over which open water extends on the windward side. In particular, it is a well known fact that wave height is increased when the wind direction is opposite to the flow of the tide, and that situation existed at the time cutter 43337 went down.

7. Condition of the Cutter.

Commander Hudson, Executive Officer of **Vengeance** told the Board of Enquiry that cutter 43337 was "In first class condition, and was considered our best cutter"⁵⁹. In spite of that note of confidence, when questioned by the Board of Enquiry, Commander Hudson admitted that cutter 43337 sank because of a complete lack of buoyancy⁶⁰.

Other evidence revealed that the structural integrity of the buoyancy tanks was uncertain. Indeed, no one knew for certain how many buoyancy tanks were installed on the cutter. It was also revealed that the Navy had not conducted buoyancy or swamp tests on the cutter since the Navy took delivery of **Vengeance** in 1952. Further, the cutter's speedometer had not been working for several weeks⁶¹, and that was in spite of the fact that the cutter had been refitted 6 January 1954. If Commander Hudson was serious in his

⁵⁷ Q's 321 and 322, Board's Minutes.

⁵⁸ The questions asked of Akers and the answers given appear in two pages of the Board's Minutes immediately following question 454. For some unknown reason, the questions asked of Akers are not numbered.

⁵⁹ Q 19 Board's Minutes.

⁶⁰ Q 207, Board's Minutes.

⁶¹ Q's 147 to 149, Board's Minutes.

assessment of cutter 43337, I can only wonder as to the state of the other lesser quality cutters carried by **Vengeance**.

The Press Release of 17 June 1954 refers to rapid sinking of the cutter, but offers no explanation. In particular, the Press Release does not refer to the condition of the cutter, whereas the Board of Enquiry considered that point in detail. It is a point referred to in the Board of Enquiry Minutes and various items of correspondence⁶². The Board focussed attention on the buoyancy rating of cutter 43337, and the integrity of the buoyancy tanks⁶³.

Three factors appear to have contributed to the Board's interest in buoyancy. First, there were eyewitness reports of the cutter sinking rapidly by the stern⁶⁴. Second, there was evidence of the cutter being found in 30 feet of water with the stern resting on the bottom, and the bow approximately 20 feet above the bottom, thereby indicating negative buoyancy in the stern and positive buoyancy in the bow⁶⁵. Third, a Department of Navy notice of December 1952 stated that the buoyancy of cutters such as 43337 was inadequate to prevent sinking when the boat was swamped, and should be increased from the existing capacity of 33 cubic feet to a capacity of 45 cubic feet. The Navy however, did not act on that notice immediately, but decided to upgrade the cutters on a progressive basis⁶⁶.

It is not clear how many cutters (if any) were upgraded before the sinking of cutter 43337 on 9 March 1954. It is clear however, that cutter 43337 had not been upgraded at that time⁶⁷. Interestingly, a Department of Navy Minute Paper of 26 March 1954 reads as follows:

"Initiate urgent action to ensure that all motor cutters in service are fitted with 45 cubic feet buoyancy in accordance with D.N.C. 10/105 December, 1952."

The Board's interim report of 17 March 1954, paragraph 19, acknowledges the critical nature of inadequate buoyancy. Also, a confidential note signed by Rear Admiral Dowling 29 April 1954 includes the following statement:

"The boat sank after being swamped, solely because the buoyancy tanks fitted were of insufficient capacity."

That statement was repeated in the Department of Navy Minute Paper of 18 May 1954.

The Navy was remiss in deliberately delaying rectifying the buoyancy deficiency of cutters. That delay placed the lives of Navy personnel at risk, and it took the loss of two lives to shake the Navy out of its lethargy.

Inadequate buoyancy was not the only problem affecting the seaworthiness of cutter 43337. Statements made by witnesses during the 12 March 1954 interrogation reveals that maintenance of the cutter was casual at best.

The Navy took delivery of cutter 43337 during December 1952⁶⁸, the same month that the Notice concerning inadequate buoyancy was issued. In spite of the Navy's prior knowledge of the buoyancy problem, the Board of Enquiry found that "the boat was in good condition and fitted with the correct buoyancy tanks"⁶⁹. The fact of the matter is that the boat was not in good condition, and was not fitted with the correct buoyancy tanks. The buoyancy tanks actually in place had a capacity 36% less than that recommended December 1952.

⁶² Examples include the Board of Enquiry interim report 17 March 1954, Rear Admiral Dowling's confidential note 29 April 1954, and the Department of Navy Minute paper 18 May 1954.

⁶³ Board of Enquiry interim report 17 March 1954, paragraphs 19 to 23.

⁶⁴ Section 3 of this document.

⁶⁵ Q 437 Board's Minutes.

⁶⁶ Department of Navy Minute Paper 18 May 1954, paragraph 3(b).

⁶⁷ Q 430, Board's Minutes.

⁶⁸ Department of Navy Minute Paper 18 May 1954, paragraph 3 (b).

⁶⁹ *ibid.*

The buoyancy tanks were fitted to cutter 43337 during August 1950⁷⁰. It seems from the evidence of Commander Hudson (Executive Officer of **Vengeance**) that the buoyancy tanks may have been tested at the Devonport (UK) dockyard shortly before the Royal Australian Navy (RAN) took delivery of **Vengeance** in December 1952. But the RAN did not carry out further tests in the period December 1952 to March 1954⁷¹. Evidence arising out of the 12 March 1954 interrogation of witnesses also reveals that the RAN had not at any time conducted a swamp test on cutter 43337⁷².

The failure to conduct a swamp test is particularly difficult to understand given the warning contained in the December 1952 Notice concerning buoyancy. That Notice positively states that a buoyancy tank capacity of 33 cubic feet is insufficient to prevent the cutter sinking when swamped.

Still further, there is reason to doubt that the buoyancy tanks of cutter 43337 were secure and in good condition at the time of the accident. At least three of the buoyancy tanks broke loose from the cutter during the accident⁷³. When the cutter was salvaged however, another five buoyancy tanks were found to have separated from the hull⁷⁴. But only seven buoyancy tanks separated from the hull of the cutter were recovered⁷⁵, so there is some doubt as to whether seven or eight tanks were dislodged during or following the sinking⁷⁶.

The doubt exists because no-one could be certain as to the number of buoyancy tanks originally installed in the cutter. An official drawing of the buoyancy tank layout was not provided when the RAN took delivery of **Vengeance** during December 1952⁷⁷, and no such drawing had been produced up to the time of the accident⁷⁸. The only indication of the buoyancy tank layout is that shown by a rough sketch prepared by Lt. Commander Wogan-Brown on the basis of his inspection of the salvaged cutter⁷⁹. That sketch shows eight tanks in place and eight missing, but Lt. Commander Wogan-Brown could not be absolutely certain as to the number of buoyancy tanks in the cutter before the accident⁸⁰.

A.J.Ham, Temporary Commissioned Shipwright, RN, was asked to inspect the salvaged cutter and report on his observations. His brief written report of 17 March 1954 commences with a description of the manner in which the buoyancy tanks were secured in place. Immediately following that description the report states that "Timber being of very straight grain tendency to split is very great if subjected to strain". Inclusion of that statement makes no sense unless Ham observed the use of straight grain timber in the assembly that secured the buoyancy tanks in place. The very next passage of the report, which is quoted below, leaves little doubt that Ham believed, or suspected, that the buoyancy tanks were not properly secured in place.

"It is possible that pressure exerted by water on initial inrush was sufficient to split housing board or boards along line of screws, allowing board or boards to float free."

The penultimate paragraph of Ham's report is also interesting, and is quoted below in full.

"Condition of some of the buoyancy tanks under foremost thwarts show that they were subject to excessive pressure resulting in tanks becoming irregular in shape and exerting additional pressure on already weakened boards".

⁷⁰ Q 23, Board's Minutes.

⁷¹ Q 422, Board's Minutes.

⁷² Q 423, Board's Minutes.

⁷³ Q 433, Board's Minutes.

⁷⁴ Q 437, Board's Minutes.

⁷⁵ Q 412, Board's Minutes.

⁷⁶ *ibid.*

⁷⁷ Q 45, Board's Minutes.

⁷⁸ Q 410, Board's Minutes.

⁷⁹ Q 411, Board's Minutes.

⁸⁰ Q 412, Board's Minutes.

The “foremost thwarts” referred to by Ham must be located close to the bow of the cutter, which according to the evidence was approximately ten feet below the surface of the water⁸¹ when the cutter was found. Since the cutter sank stern first, it is unlikely that the buoyancy tanks under the foremost thwarts would have been submerged beyond fifteen or twenty feet at any time. It says very little for the strength of those tanks if they could be seriously distorted by pressure exerted at that depth.

Contrary to the statement made by Commander Hudson, cutter 43337 was not in first class condition “at the time of the accident”. It was not a seaworthy vessel because, based on the Navy’s own standards as revealed by the 1952 Notice concerning buoyancy levels, it could not survive swamping. Further, the evidence of Temporary Shipwright A J Ham raises serious questions concerning the integrity of the assembly by which the buoyancy tanks were secured to the hull. Then there is the matter of the continuing fault with the speedometer, the existence of which indicates a less than careful maintenance program.

Captain Burrell criticized the seaworthiness of cutter 43337 at paragraph 25 of his 10 March 1954 letter to the Board of Enquiry. The relevant part of paragraph 25 reads as follows:

“I find it hard to understand that a well tried and reliable aircraft carrier sea boat and one on which I must depend showed such poor seakeeping qualities”.

8. Delayed Rescue.

The Navy mismanaged the transfer of recruits from Frankston Pier to **Vengeance**, and that had a negative impact on successful implementation of the rescue operation. The foundation of the problem lay in the failure of those in charge of embarkation at Frankston Pier to prepare a list of the occupants of each boat used in the transfer operation. That failure stemmed from what can only be described as an extremely lax attitude towards the safe and orderly transfer of a relatively large number of recruits. In the result, the rescue operation was conducted in two phases, the second of which did not commence until approximately two hours after the first phase was completed.

At paragraph 6 of his 10 March 1954 letter to the Board of Enquiry, Captain Burrell said that he was informed of the sinking of cutter 43337 at 0835. At paragraph 8 of the same letter he said that the sinking occurred about 0835. The original entry in **Vengeance’s** Log of the Day⁸² gives the time of sinking as 0840, but that was subsequently changed by hand to read “0835”. It may be that nothing of significance turns on that change, but it happens to be one of three hand written changes to the Log of the Day having a bearing on the speed and effectiveness of the rescue operation.

At paragraph 9 of his letter, Captain Burrell said that all those “who had been swimming in the water had been recovered (within approximately ten minutes) mostly by my other motor cutter (44919)”. It is not clear whether the ten minutes commences at the time of notification of the accident, or at the time rescue boats arrived at the scene of the accident. Two of the survivors, Recruit Stoker Baker and Chief Petty Officer Wall, each said that he was in the water for approximately twenty minutes⁸³. Another survivor, Able Seaman Dean, said he was in the water for ten to fifteen minutes⁸⁴. Assuming the recollection of Baker and Wall to be accurate, the rescue operation was completed at approximately 0855. That time estimate compares reasonably well with entries made in **Vengeance’s** Log of the Day.

According to the Log of the Day, motor cutter 44919 was dispatched from **Vengeance** at 0838⁸⁵ to rescue the occupants of the sunken cutter. The Log of the Day also indicates that cutter 44919 and one work boat returned to **Vengeance** with 27 survivors⁸⁶ at 0910, and that another work boat delivered a single survivor

⁸¹ Q 437, Board’s Minutes.

⁸² Appendix “A”.

⁸³ Q’s 183 and 132, Board’s Minutes.

⁸⁴ Q 95, Board’s Minutes.

⁸⁵ Initially noted in the Log as 0841.

⁸⁶ The initial entry referred to 23 survivors, and that number was subsequently changed by hand to read “27”.

to **Bataan** at 0920. But, Able Seaman Halliday, the coxswain of cutter 44919, could not say how many survivors were brought aboard his cutter⁸⁷

A proper understanding of the rescue operation depends heavily on two matters of importance. One is the time at which certain events took place, and the other is the number of survivors said to be picked up by the various rescue boats. It is an unfortunate fact however, that changes made to the Log of the Day, and inconsistencies in Captain Burrell's letter of 10 March 1954, create uncertainties as to the accuracy of the information given in respect of each of those two matters of importance.

At paragraph 11 of his 10 March 1954 letter, Captain Burrell said that cutter 44919 picked up 21 survivors, and that the two work boats picked up another 3. That total of 24 accords with the original entries in the Log of the Day (ie 23 plus 1), but as indicated in footnote 86 the number "23" was subsequently changed to "27". Neither the time of that change, nor the reason for the change, has been explained. It is significant however, that the change resulted in a number equaling the actual number of occupants of cutter 43337.

It is relevant that no one questioned by the Board of Enquiry on 12 March 1954 could be absolutely certain as to the number of occupants of cutter 43337.

Lt. Johnson, the Officer in charge of embarkation at Frankston Pier, was instructed to put 25 recruits into each of the two cutters⁸⁸. He did not personally conduct a count of heads, but accepted the advice of Petty Officers in charge of the various groups to be embarked that they had complied with the "25" requirement. Chief Petty Officer Wall told Lt. Johnson that he had 15 (including himself) to board cutter 43337. Lt. Johnson then instructed another Petty Officer (Petty Officer Clark) to take 10 from his group and put them aboard cutter 43337, but he did not check whether Clark followed that instruction⁸⁹.

When questioned by the Board of Enquiry, Chief Petty Officer Wall said that he and 15 recruits from his group boarded cutter 43337⁹⁰, but he could not identify any of the 15 recruits by name⁹¹. He also said that 8 or 9 of Petty Officer Clark's group boarded cutter 43337⁹², and that he could not be certain of the total number of occupants of the cutter⁹³.

Cutter 43337 put to sea without either the embarkation officer, Lt. Johnson, or the senior rating on board, Chief Petty Officer Wall, knowing the precise number of occupants of the cutter. Further, neither Lt. Johnson nor Chief Petty Officer Wall knew the names of the recruits on board the cutter. It is therefore not surprising that confusion reigned supreme after the various rescue boats returned to **Vengeance**.

At paragraph 12 of his 10 March 1954 letter, Captain Burrell said that he initially believed all occupants of cutter 43337 had been rescued. That is odd given that in paragraph 9 of his letter he said that a total number of 24 individuals had been rescued, which number must include the 3 members of the crew. At paragraph 18 of his letter however, Captain Burrell acknowledges that Lt. Johnson was instructed to place 25 passengers, including the crew, in each cutter.

Leaving aside the curious disparity in numbers, the critical point is that Captain Burrell continued for some time to be unaware that two recruits were missing. According to paragraph 11 of his 10 March 1954 letter, it "took time to establish a nominal list of the personnel actually embarked in the motor cutter". In fact, the time delay was approximately two hours after completion of the first phase of the rescue operation. That is evident from an entry in the Log of the Day that a work boat was dispatched at 1100 to resume the search for survivors.

⁸⁷ Q 305, Board's Minutes.

⁸⁸ Q 48, Board's Minutes.

⁸⁹ Q 51, Board's Minutes.

⁹⁰ Q 112, Board's Minutes.

⁹¹ Q 318, Board's Minutes.

⁹² Q 112, Board's Minutes.

⁹³ Q 114, Board's Minutes.

The absence of accurate information concerning the number and the identity of the occupants of cutter 43337 obviously presented a problem for Captain Burrell. That lack of information necessitated preparation of the "nominal list" referred to by Captain Burrell. Preparation of that list should have been given precedence over all other matters, particularly as no one needed reminding that survival in the sea diminishes with time. Captain Burrell however, seemed more intent on getting the so-called "flying operations" under way, and he initiated that activity before the nominal list was completed. Such action on the part of Captain Burrell must have diverted attention and resources away from the more pressing task of determining whether all occupants of cutter 43337 had been rescued. It is inevitable that the time required to complete the nominal list would be extended, and that the probability of finding Collins and Jarvis alive would be reduced accordingly.

The Press Release of 17 June 1954 does not mention the fact that the search for survivors was conducted in two phases separated by a significant period of time. I have no doubt as to the reason for that silence. The extraordinary delay in discovering the absence of Collins and Jarvis would not have occurred if the Navy had required those in control of the transfer operation to maintain a list of the occupants of each boat involved in the transfer.

The Navy however, was prepared to answer any criticism should the public learn of the two-hour delay in conducting the second phase of the rescue operation. Paragraph 17 of the Interim Report of 17 March 1954 refers to the delay in discovering the absence of Collins and Jarvis, and explains why that delay could not have had adverse consequences. The explanation given is that "the Board are of the opinion that Recruit Stokers Collins and Jarvis had already drowned before any rescue boats arrived". That must be a reference to the initial arrival of rescue boats prior to 0900.

There is absolutely no basis for believing that Collins and/or Jarvis could not have survived for 20 minutes or more. The evidence does not provide indisputable support for such a belief. The explanation given in paragraph 17 of the Interim Report appears to be a fabricated excuse rather than a reasoned explanation based on the evidence.

The critical point is that the evidence does not enable a definite conclusion to be drawn concerning the time at which Collins and Jarvis lost their respective struggles for survival. It is therefore not possible to say with certainty that neither survived for twenty minutes or more after the sinking, just as it is not possible to say with certainty that either survived for that period of time.

9. Compensation.

I was not aware of the series of events to which this section is devoted before my sister Patricia Dorz obtained a copy of Department of Navy file 4835/3/53 in 1999. Having read that file, I can now better understand the depths of despair suffered by my parents in the months, and years, following the death of their eldest son. My parents (now deceased) spoke very sparingly of the accident in my presence, and certainly never revealed the events discussed below.

On 18 March 1954, the Department of Navy wrote to my mother asking whether she was interested in claiming compensation in respect of the death of her son. Two documents accompanied that letter. One was a Statutory Declaration, and the other was a document entitled "Claim By Dependant Of Employee". Both documents had blank spaces into which my mother was required to insert prescribed information. The Department of Navy letter advised my mother to complete the two documents if she was "in any way dependant upon the earnings of (her) son".

It so happens that my brother had allocated part of his salary to be forwarded to his mother. The allocation was four pounds per fortnight. In completing the declaration my mother said the allocation "was used for household expenses". She gave details of my father's earnings and how those earnings were divided on a weekly basis, leaving a surplus of one pound ten shillings to be set aside each week for clothing and other extras. In answer to the final two parts of the declaration my mother said there was no other source of income, and that she possessed no other assets (cash in hand or bank, property, bonds, etc) at the time of the death of her son.

The second document required insertion of similar information. Both documents were signed by my mother 19 March 1954 and returned to the Department of Navy. The Department acknowledged receipt by letter dated 25 March 1954, and advised my mother that the "matter is receiving consideration".

On the same day (25 March 1954), The Department of Navy wrote to the Officer-in-Charge, Commonwealth Investigation Service (CIS)⁹⁴, 159 Flinders Lane, Melbourne. The entire text of that letter is repeated below.

"Consideration is being given to the question of payment of compensation under the Commonwealth Employee's Compensation Act to Mrs. E. Collins, mother of the late Recruit Stoker C. N. Collins, O.N. 49737. Mrs. Collins and her husband Mr. A.A. Collins reside at 2 Botany Street, Morwell, Victoria.

It would be appreciated if you could arrange for discreet enquiries to be conducted in the locality and a report furnished to indicate whether, in the event of Mrs. Collins claim being admitted, she is considered to be a suitable person to have the handling of a comparatively large sum of money.

The circumstances of the case are not such as arouse suspicion and it is requested that the enquiries may be conducted with a view to the avoidance of any discomfort to Mrs. Collins and family."

A hand written file note dated 28 April 1954 refers to telephoned advice from CIS indicating that no action will be taken until a CIS officer happens to be in or close to Morwell. The note adds that some months may elapse before such a situation arises. That inspired the Department of Navy to forward a further letter to CIS on 13 May 1954 suggesting that CIS recruit the assistance of local Police in gathering the required information.

On 17 May 1954 the Deputy Director of CIS wrote to the Department of Navy advising as follows:

"Both Mr. and Mrs. Collins are well known and respected in Morwell, and Mrs. Collins is considered to be suitable and capable of handling any compensation which may be awarded to her."

On 26 May 1954 the Department of Navy wrote to The Commissioner for Employees Compensation (the Commissioner), Department of Treasury, giving some background information concerning my mothers claim. The penultimate paragraph of the Department of Navy letter reads as follows:

"The Commonwealth Investigation Service has reported that Mrs. Collins is a fit and proper person to handle a comparatively large sum of money but it is considered that she was not dependant upon her son's earnings. Accordingly, it is recommended that her claim for compensation be disallowed."

The Commissioner accepted the recommendation of 26 May 1954 without demur. On 4 June 1954 the Commissioner issued a decision refusing my mothers claim for compensation. The Department of Navy so advised my mother by letter dated 15 June 1954, the final paragraph of which reads as follows:

"Although it is noted that your son had an allotment of four pound per fortnight in your favour the Commissioner considered that in view of the comparatively high rate of earnings of your husband and the obligation of a husband to support his wife that payment of compensation to you in respect of your son's death is not warranted. A copy of the determination, which has been made disallowing your claim on the ground that you were not dependant upon your late son's earnings, is attached."

⁹⁴ Possibly a predecessor of the Australian Security Intelligence Organisation (ASIO).

There is no element of compassion in the language used in the paragraph quoted above. My mother is rebuked for having the audacity to make the claim for compensation. No matter that she was invited to make the claim, and no matter that the invitation indicated entitlement if my mother was "in any way dependant" on the earnings of her deceased son. Neither of my parents had anything but a very basic education, and would not have understood the subtle nature of the language used in the letter of 18 March 1954. Both parents would have believed that compensation was available even though my mother was not totally reliant on the fortnightly payment of four pounds.

I am intrigued by the suggestion that my father enjoyed a comparatively high rate of earnings. My parents lived in rented accommodation from the day of their marriage until my father retired from the work force. At that time they used the bulk of their life savings to purchase "duration of life" accommodation in a retirement village. Their material possessions were meagre during the entire time they spent together. My mother passed away in 1982, and my father died three years later. At the time of my father's death there were no assets of value and there was not enough money to meet funeral expenses.

My sister Pat tells a story that provides an indication of my parent's financial position at the time of the accident. Mum and Dad traveled to HMAS Cerberus on two occasions following the accident, and on each occasion my sister's wages were required to help pay for petrol and other expenses. I was in the Army doing my National Service training at the time of my brother's death. I was allowed a few days compassionate leave immediately following the accident, but I was back in Army camp when my parents were traveling to HMAS Cerberus.

My father was not satisfied with the decision to refuse compensation, and so advised the Department of Navy by letter dated 3 August 1954. A copy of that letter was not included in the copy of file 4835/3/53 received by my sister, but there is a copy of the Department of Navy's reply dated 24 September 1954. That reply is very brief (4 lines), and informs my father that the decision will not be varied.

I can but imagine the confusion and despair caused to my mother by the correspondence referred to above. The somewhat brutal tenor of the 15 June 1954 from the Department of Navy would have shaken her considerably. Her feeling of despair would have been compounded a few days later when she became aware of the contents of the 17 June 1954 Press Release and learnt of the suggestion that her son had contributed to his own demise.

It is my recollection that the Department of Navy did not communicate directly with my parents concerning the contents of the Press Release. I believe my parents learnt of that Press Release one evening while listening to a news broadcast on the radio. I further believe that was the first and only time my parents received a formal explanation of the circumstances surrounding the death of their son.

Two aspects of the events referred to above are curious. One is the involvement of the CIS, and the other is the fact that the Navy preempted the decision making process supposedly reserved for the Commissioner.

Involvement of the CIS is curious because that involvement was requested at a time when the Navy possessed all of the information necessary for it to make the recommendation (reach the decision) to deny my mother compensation. Perhaps the Navy hoped the CIS report would be negative and thereby assist the denial process. But CIS provided a favourable report, which obviously did not have a persuasive affect on the Navy.

The CIS could not produce the requested report without obtaining information from at least one Morwell resident having knowledge of the Collins family. That person would naturally wonder why the Collins family was being investigated, and there can be no doubt that unfavourable thoughts would have emerged. It is possible that the person concerned told others of the investigation and his/her thoughts, in which event the reputation of the Collins family may have been forever tarnished. Morwell was quite a small town at the relevant time.

As to the second of the two aspects mentioned above, it was not the function of the Navy to decide whether my mother was entitled to compensation. Such decision making was the province of the Commissioner.

The Department of Navy was only required to provide the Commissioner with the information necessary for the Commissioner to reach a decision. In my mother's case however, the Navy was not leaving anything to chance and advised the Commissioner of the decision he/she was expected to hand down. I can only wonder why the Navy was so intent on ensuring that no compensation would be paid.

My parents did not discuss the death of Colin when in the presence of either myself or my sister Pat. Mum's sister, Doris, recently told me that the Navy had instructed my father not to discuss the accident with anyone, and he did as he was told. Dad was an ex-serviceman, having served in the RAAF during WW2, and it appears he continued to respect the instructions of an officer.

10. Epilogue.

There was no body to bury and grieve over, and there was no acceptable or understandable explanation of the circumstances of the accident. So there was no closure for the family. The agony that accompanies uncertainty persisted and was my mother's companion for the rest of her life.

The unexpected death of any young person in the prime of life is tragic, and will always cause deep emotional stress. But the degree of that stress is magnified considerably in circumstances where there is no body to bury and there is no reasonable explanation of the cause of the tragedy. The family is left to wonder why and how the loss occurred, and there will be the occasional thought (or hope) that he or she is still alive. Such questions and thoughts persisted in my mind for many years following the accident, and I have no doubt they also persisted in my mother's mind.

Following the accident, we continued to live in the house in Morwell that had been my brother's home for so many years. That had a debilitating affect on my mother. There was no escape from the memories. They emerged from every part of the house, every street of the town along which my mother walked, and I dare say from every conversation she had with friends and neighbours. The pressure was intense, and her health deteriorated.

My mother's doctor became concerned and urged my parents to leave the district of Morwell and make a fresh start in another place. The doctor's advice was accepted, and my parents moved to Burnie, Tasmania, in 1956. They had assumed that my sister and I would move with them, but that was not to be. The only child to accompany my parents was the youngest, a third son born 1950. The resulting disintegration of the family unit caused further distress to both my mother and father.

In the years that followed every member of the family, including the youngest, was adversely affected in various ways by issues directly related to the death of my brother. Having lost one son, my father was obsessed with the fear of losing his youngest son. That obsession had serious ramifications when my younger brother was called-up for National Service during the Vietnam War. There were other unfortunate consequences of my father's over-protective behaviour that contributed to my younger brother's premature death in 1994.

I am saddened by the fact that my parents died without having answers to the questions that must have plagued them. On the other hand, their ignorance of the facts known to me at this time was something of a blessing. They would not have derived comfort from whatever answers can be found in the Department of Navy documents discussed above. Those documents lead to the inescapable conclusion that the death of their son could have been, and should have been, avoided.

Terrence J. Collins.

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