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27th May 2008

The Secretary
HMAS Sydney II
Commission of Inquiry
Level 18
Defence Plaza
270 Pitt Street
SYDNEY NSW 2000

Dear Ms / Sir,

SUBMISSION TO INQUIRY BY WARREN PECK

This submission is based on my detailed study of the full report of the First Inquiry into The Loss of HMAS Sydney, conducted over the period 1997 – 1999 by the Joint Standing Committee on Foreign Affairs, Defence and Trade of the Parliament of Australia, combined with recent news reports and the various ABC TV Documentaries screened over the past ten years. The purpose of my making this submission is to suggest a line of inquiry that could be pursued by staff assisting the President of the Commission of Inquiry, the Honourable T.R.H. Cole AO, RFD, QC. Whilst I do not seek leave to appear before the Commission of Inquiry, I would be prepared to answer questions (orally or in writing) as to how I formed the views set out in this submission.

I am concerned that, as matters currently stand, Captain Burnett of the HMAS Sydney appears to be entirely blamed for approaching the Kormoran to a position where HMAS Sydney no longer had the advantage of its superior speed and the superior range of its armament. I have formed the view that Captain Burnett should not be the only person to be blamed for this, and I suggest that he was either following the RAN's Standing Orders that existed at the time, or acting upon specific orders received by wireless telegraph from Naval Headquarters as HMAS Sydney was pursuing and closing with the Kormoran.

There are two references that lend support to my proposition that Standing Orders may have existed that dictated the actions that Captain Burnett did take on 19 November 1941. The full report of the First Inquiry into the Loss of HMAS Sydney, refers to Captain Farncomb being criticised in March 1941 for standing off and shelling two German ships (Coburg and the Ketty Brovig) with a significant expenditure of ammunition (Para 4.16). Additionally, Captain Burnett had been training anti-scuttling parties a few days prior to the encounter with the Kormoran (Para 4.90 of the full report of the First Inquiry into the Loss of HMAS Sydney), possibly in response to orders received from some Higher Authority, such as RAN Headquarters.

I have also formed the view that HMAS Sydney was preparing to board the Kormoran at the time that Kormoran unleashed a devastating attack on HMAS Sydney. The evidence to support this view comes from statements made by captured members of the Kormoran's crew, to the effect that persons in white uniforms were seen lining the rails of the upper deck of HMAS Sydney (Para 4.76 (ii) of the full report of the First Inquiry into the Loss of HMAS Sydney). I am unable to provide the specifics as to which captured Kormoran sailors made these statements.

The full report of the First Inquiry into the Loss of HMAS Sydney stated, in Chapter 3, that there is a staggering 21.6 shelf kilometres of documents relating to HMAS Sydney. I strongly recommend that these documents be searched for : -

- standing orders for Australian warships, should a possible enemy merchant vessel or armed raider be encountered and
- for telegraphic traffic between the Australian mainland and the HMAS Sydney that refers to actions that should be taken when in pursuit of a suspected enemy merchant vessel, on or before 19 November 1941.

This might include orders about boarding such a vessel in a manner to prevent its crew from scuttling it and/or orders not to open fire in order to stop such a suspected enemy vessel proceeding.

My submission can be summarised as suggesting that Captain Joseph Burnett was following orders from Higher Authority that dictated how he should approach a suspected enemy vessel and that he should board it with an anti-scuttling party. Hence Captain Burnett should not be judged solely responsible for the loss of HMAS Sydney.

Yours sincerely,

A handwritten signature in black ink that reads "Warren Peck". The signature is written in a cursive, flowing style with a large initial 'W' and a distinct 'P'.

Warren Peck