



HMAS SYDNEY II Commission of Inquiry
Statutory Declaration of Mrs Beryl Luscombe

Commonwealth of Australia

STATUTORY DECLARATION

Statutory Declarations Act 1959

I, BERYL CAROLINE LUSCOMBE, of [REDACTED]
[REDACTED] retiree, make the following declaration under the *Statutory Declarations Act, 1959*:

1. I was born on 7th of July, 1929 in Richmond, Victoria.
2. I am a cousin of Leading Seaman Stoker Herbert Charles McLeod.
3. I know Herbert joined the Navy in 1939 from Melbourne and was posted to the SYDNEY (II) after about nine months. He served in the SYDNEY (II) for approximately 18 months.
4. I last saw Herbert in Melbourne while he was on leave shortly before HMAS SYDNEY's last voyage.
5. I have been shown a copy of the newspaper article written by Caragh Calder-Potts which was published in the South Burnett Times regarding Keith McLeod who allegedly joined the Navy in World War II and served in HMAS SYDNEY (II) under the name of Herbert McLeod. A copy of that newspaper article is annexed to this Statutory Declaration and marked with the letter 'A'.
6. I refute the suggestion contained in the newspaper article that Herbert McLeod was actually a man named Keith McLeod who joined the Navy under a false name using his uncle's driving license and served in HMAS SYDNEY (II).
7. I do not know of a man named Keith McLeod.

B Luscombe

CP Phillipson 1
JP

8. Herbert did not have any nephews at the time he died. My father, James Henry McLeod was the brother of Charles McLeod who was the father of Herbert Charles McLeod. The children of my uncle Charles McLeod were:

- Evelyn (born 1912)
- Irene Dorothy (born 1914 and married 1941)
- Herbert Charles (born 1916 in Richmond, Victoria, birth registration number: R6881)

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959* and I believe that the statements in this declaration are true in every particular.

Declared at Floreat on *11th* of *March* 2009

Berlyne JP WA 4769
BERYL CAROLINE LUSCOMBE JP

Before me

C. A. Phillipson JP
Witness

C. A. PHILIPSON JP WA 3199
Name, Occupation and Address of Witness

"A"

Ch. Wilkison JP



EXH.248.0003



COI 006 0236

INSIDE TODAY: Hospital 'discharged' elderly woman on streets...p5

T SOUTH BURNETT TIMES

Friday, April 18, 2008

Rec. 01



Forcing back the Japs...

Digger recalls fierce fighting

page 11



Region to fight booze violence

Collaborative approach to combat massive problem

page 3



On November 19, 1941, the HMAS Sydney was sunk and all hands, 645 of our finest, died...But did they? One Kingaroy woman says she has proof of a...

Sydney survivor

By Caragh Calder-Potts

The HMAS Sydney did not go down with all hands according to one Kingaroy woman.

Amid the mass of publicity in the past month, it's commonly believed there were no survivors and 645 of our finest young men died.

But Grace Carr, 79, said three survived. One of whom was childhood friend and neighbour growing up, Keith McLeod.

In 1948 McLeod returned to his home at Ellalong in the Hunter Valley after having been missing for seven years.

He first attempted to enlist with the army when the war began but was turned away because he was a coal miner and was needed for coal production during the war.

He tried again, this time going to the navy. He 'borrowed' his uncle Herbert McLeod's driver's

• Continued page 2



From left, a girlfriend, Keith McLeod, Andy Carr, Steve Carr and Steve's future wife Nell Redman in 1948, Ellalong, after the three men had all returned from the war.

FEATURED INSIDE TODAY!

"A"

Philippa

EXH.248.0004

COL 006 0239

South Burnett link to Sydney survivor

From page 1

leaves so he could enlist under a different name. He was successful and served on two ships before joining the HMAS Sydney.

In 1945 his parents received a telegram from the navy stating their son was missing.

Five years later he turned up on their doorstep. "He just walked in and shocked the hell out of them," said Mrs Carr.

It was after his return that he told the story of the sinking of the HMAS Sydney to friends and family including a then 15-year-old Grace Carr and her older brothers Andy and Steve.

Mrs Carr said on the afternoon of November 10, 1941, the Sydney approached what looked like a Norwegian freight ship, not a Dutch ship as authoritative believe.

After being announced as a friendly ship, the ships drew side-by-side and men on both sides crowded the decks to socialise.

"He said we were there waving and smiling back at one another," said Grace.

The captain had been totally fooled, he was completely convinced.

All of a sudden there were covers ripped off what they thought was cargo on the deck.

"One big gun was fired and took out the captain. The big gun on the Sydney was blown away first, the other ship blew all their big guns away."

Keith said there was nowhere safe, a blast came from underneath him, he said the blast blew him and several others clean off the ship.

Keith, a strong swimmer, and six others swam as far as they could away from the oil surrounding the ship.

From a distance they heard two small guns firing from behind the Sydney.

They were quickly silenced.

"Keith said he heard rifle shots from the Sydney. Those left on board fired shots, he said they were brave to the last, fighting back with rifles," said Grace.

Some of the horrific stories that Keith recounted to Grace and her brothers included jobs that he did with men in their mid-20s dying in water covered with oil

and ablaze.

"That German ship just slaughtered them, it was murder," said Grace.

The group watched the Kormoran turn and sail away.

About two hours later they watched an American warship sail over the spot where the Sydney had sunk but they were not sighted.

The men floated at sea for almost six hours until an English warship arrived in the early hours of the morning, almost running over the top of them before it sighted them.

Only three remained out of the group of seven.

Grace said she remembers asking Keith how he managed to stay afloat all that time.

"He said the water was really salty there, it holds you up, he was a good swimmer, a typical country kid," said Grace.

"Keith said the captain told them you'll have to stay with us until we get to the next safe port," said Grace.

A few days later, the captain received orders to quickly return to England.

After being on board the English warship for about two weeks, the three survivors were dropped off in Sydney where the English ship headed before returning to England.

The two other survivors both had family on the outskirts of Sydney.

"The two other blokes just wanted to head home and they didn't report," said Grace.

Keith's stakeout in the Sydney and the more senior of the three reported to the nearest Navy office.

"They called him a drunken bum that had been AWOL," said Grace.

"They said they didn't believe a word he said, that he'd just been on a bender and was thinking up a cock and bull story."

11 days after the sinking of the HMAS Sydney, the government announced the ship had gone down with all hands.

"They said we have it on official report there are no survivors," said Grace.

"They said we have no record of a Keith McLeod and didn't bother to look for the other two men."

Shut-shocked and exhausted Keith did not remember he had enlisted under Herbert McLeod.

That day he was re-assigned and within hours was back at sea.

"He said something was weird, they didn't want to know, they weren't even interested in the longitude and latitude."

He served out the rest of his time in the navy under his own name and spent the next few years drifting around Australia.

After his return to Ellalong in 1948 he took up coal-mining again, working at Kallings Colliery in Ellalong along with Grace's brothers Steve and Andy who had also returned from service.

The three were good friends but Andy later told his sister, Keith was a broken man.

He did not speak much more about the Sydney after first telling them the story in 1945.

He received demobilisation pay from the navy in 1948 for the time he served on two other ships after the sinking of the Sydney.

He married a few years later and had a son who was born in Ceasnock Hospital.

Later he moved to Sydney and was believed to have died in the early 1980s.

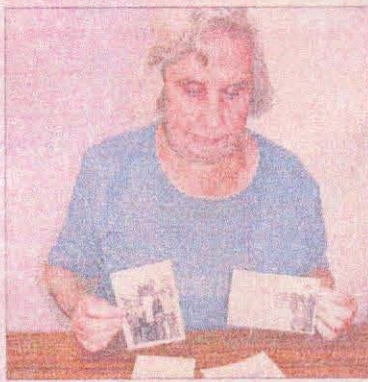
Listed on the roll of those who died on the HMAS Sydney is a Herbert Charles McLeod, acting landing Stokes.

Included on the Australian National Archives's register of Navy personnel who served in World War II is a Keith McLeod, born September 29, 1925 in Bellbird, New South Wales, a town nearby to Ellalong.

Place of enlistment was Sydney.



Grace Carr as a girl in Ellalong in 1940 with older sister Violet and brothers Steve and Andy Carr, home on leave from the army.



Kingaroy's Grace Carr was a childhood friend and neighbour of Keith McLeod who returned from the war in 1948 and told of his survival aboard the HMAS Sydney.

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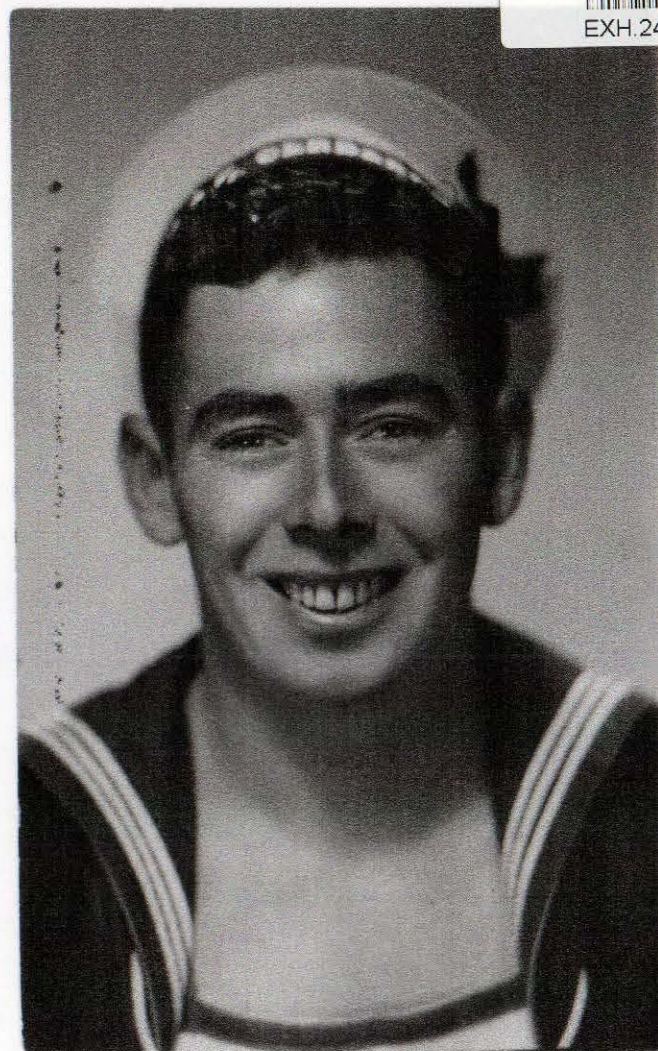
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MY COUSIN: HERBERT CHARLES McLEOD
Brisbane J.P (WA 4769)



EXH.248.0005





EXH.248.0006

1944.

ROBINSON—On November 23, at his residence, 155 McKinnon Street, East Geelong, George Edward Sembrina, loved father of Dorothy, father-in-law of Arthur and grandfather of Elizabeth, Hilary and Helen.

ROBINSON—On November 23, at Geelong, George E. S., loving father of Maud and Harry McLeod, of 320 Victoria Street, Richmond, grandpa of Harry, Thomas, Ada, Allan (A.I.F.), Don (R.A.A.F.), Dorothy, Marjorie, Joyce, Betty and Alma, great-grandpa of Ian, Margaret and Allan, aged 88.

ROBINSON—On November 23, at Geelong, George E. S., loving father of Maud (Mrs. McLeod), George, Garrie and Don (Mrs. Richardson), aged 88. Late Education Department.

WATE AGAIN—Sept. 30, Wmbl. (5½), All Show Cup, to Tinto (5½), Dinty (5), Ben Guard (2); 20 4-5. Oct. 23, won twice, from Setaire and West Wing; 3 lengths, length; 21 7-10. Oct. 25, second, sixth, to Civic, War Limes; 3; length; 21 4-5.

ROBINSON—On July 13, at Beach Road, Sandringham, Thomas Gresham Durnford Robinson, M.A., the beloved husband of Mrs. Robinson, late Principal Carlton College and St. Thomas' Grammar School, Essendon.

ROBINSON—On October 11, Mrs. Robert of the late Gresham Robinson, formerly of Carlton College and St. Thomas' Grammar School, Essendon, privately cremated.

1987.

OBITUARY

Mr. T. G. D. Robinson

Mr. T. G. D. Robinson, M.A. who died at his residence, Beach road, Sandringham, at the age of 85 years, was a native of Sydney. He came to Melbourne early in his career, and in 1883 became associated with Mr. Alex Sutherland, principal of Carlton College, Parkville. In 1910 the late Mr. Robinson took over St. Thomas's School, Moonee Ponds removed the scholars to that centre, and for 23 years conducted the combined colleges with marked success. In 1935, when an amalgamation of St. Thomas's and the Northern College took place, Mr. Robinson was appointed principal of the combination under the name of Essendon Grammar School, which position he relinquished in 1938. Since then he has been living in retirement at Sandringham. Mrs. Robinson survives him.

WILKEY, Charles Gilbert. — On September 29, passed away peacefully at his residence, 103 Hurd Street, Portland, beloved husband of Lillian May, beloved father of Roy (Edithburg, S.A.), Eva (Mrs. Earle, Coburg), Arnold (Melbourne) and Doris, aged 76 years (late War veteran).

Nov. 19th 1941.

CASUALTIES AMONG R.A.N.



F/O. W. J. Allen, A/L. Stoker H. C. McLeod, A/L. E. M. Dunlop, A/D. A. E. Fitzmaurice, A/R. E. R. Williams.
(R.A.N.S. Parramatta) (R.A.N.S. Sydney) (R.A.N.S. Parramatta) (R.A.N.S. Sydney) (R.A.N.S. Sydney)

Acting Leading Stoker H. McLeod, 23, of Preston, is the son of Mr. and Mrs. C. McLeod. He had been in the navy for three years and a member of the crew of the Sydney for 18 months. Previously he was in the Naval Reserve for three years.



Acting Leading Stoker H. McLeod.
(N. Richmond).
Preston.

From My Mother's
BOOK

Annabelle JP