

20 A brief history of the controversy

- 20.1 The loss of HMAS SYDNEY has been the cause of much comparatively recent speculation and controversy. In general terms, the account of the engagement obtained through interrogation of German survivors from HSK KORMORAN was accepted during the war years.
- 20.2 There were, however, exceptions. In 1943 former SYDNEY LEUT Paymaster WH Ross published an account claiming KORMORAN was flying a Norwegian flag and that the battle had taken place on 22 November 1941.¹ In September 1945 rumours that crew members of SYDNEY were held as prisoners of war in Japan began circulating.² In Tokyo, CDRE JA Collins investigated and subsequently reported that all possible inquiries had been made, with a negative result.³ It was considered that SYDNEY ‘... was sunk with all hands’.
- 20.3 In 1957 G Hermon Gill published a volume entitled *Royal Australian Navy 1939–1942*, that being the first of two Naval volumes in the series *Australia in the War of 1939–1945*. The series became accepted as the ‘official history’ of the Navy during World War 2. In relation to the engagement between SYDNEY and KORMORAN, Mr Gill wrote:

From *Sydney* herself no word was ever received, and only one small shell-torn float was found as tangible evidence of her loss, in spite of wide and thorough searching. The story of her last action was pieced together through exhaustive interrogation of *Kormoran’s* survivors. No room was left for doubt as to its accuracy.

Just before 4 p.m. on Wednesday, 19th November 1941, the German raider *Kormoran* was off the Western Australian coast, approximately 150 miles south-west of Carnarvon. There was a gentle S.S.E. wind and slight sea, a medium S.W. swell. The day was very clear, and visibility extreme. Nightfall was some three hours distant. *Kormoran*, with a complement of 393 officers and men, was steering N.N.E. at 11 knots. At 3.55 p.m. the lookout reported a sighting fine on the port bow. It was at first thought to be a sail, but was soon identified as a warship. At 4 p.m. Detmers—*Kormoran’s* captain—sent his crew to action stations, altered course to W.S.W. into the sun, and ordered full speed—about 15 knots, which the temporary breakdown of one engine limited to 14 knots for about half an hour. The warship, now identified as a *Perth* class cruiser, steering southwards and some ten miles distant, altered towards and overhauled on a slightly converging

¹ WAM.070.0010 at 0013

² NAA.012.0733

³ NAA.012.0728

course on *Kormoran's* starboard quarter. She made the letters NNJ continuously on her searchlight. To this *Kormoran* made no reply. When about seven miles distant, *Sydney* signalled to *Kormoran* by searchlight to hoist her signal letters.

Detmers hoped to avoid action by passing *Kormoran* off as a Dutch vessel. He therefore showed Dutch colours, and hoisted the flag signal PKQI for *Straat Malakka* on the triadic stay between the foremast and funnel. So placed it was difficult to read, and *Sydney* repeatedly signalled: "Hoist your signal letters clear." Ahlbach, *Kormoran's* yeoman of signals, drew the halliards to the starboard side to make the flags more visible to *Sydney*. In the early stages, *Kormoran* ranged *Sydney* on a 3-metre rangefinder, but when the cruiser, overhauling on the starboard quarter and showing a narrow silhouette, had approached to within five miles, this was discontinued for reasons of disguise, and a small rangefinder was used.

At 5 p.m., to further the deception, *Kormoran* broadcast a "suspicious ship" message in the name of *Straat Malakka*. This was picked up, faint and in mutilated form, by the tug *Uco*, and by Geraldton wireless station, at 6 p.m. Western Australian time (eight hours ahead of Greenwich, so that sending and receiving times tally, *Kormoran's* time being only seven hours ahead). In the mutilated portion read by Geraldton only the time and part of a position were readable, and there was no indication that it was a distress message. When, after ten minutes, there was no repetition, Geraldton broadcast all ships asking if there was anything to report. No reply was received. Apparently no significance was therefore attached to the original message, of which the Naval Board did not learn until the 27th November.

Soon after 5.15 p.m. *Sydney* had drawn almost abeam of *Kormoran* to starboard, less than a mile distant. Both ships were steering approximately W.S.W. at about 15 knots. The cruiser was at action stations with all guns and torpedo tubes bearing. Her aircraft was on the catapult with, apparently, the engine running. She signalled, both by flags and light: "Where bound?" *Kormoran* replied: "Batavia." The crucial moment was approaching. *Sydney* made a two-flag hoist, the letters IK, which the raider could not interpret. They were in fact (and their being quoted correctly under interrogation is corroboration of the German story) the centre letters of *Straat Malakka's* secret identification signal, which was unknown to the Germans. They made no reply.

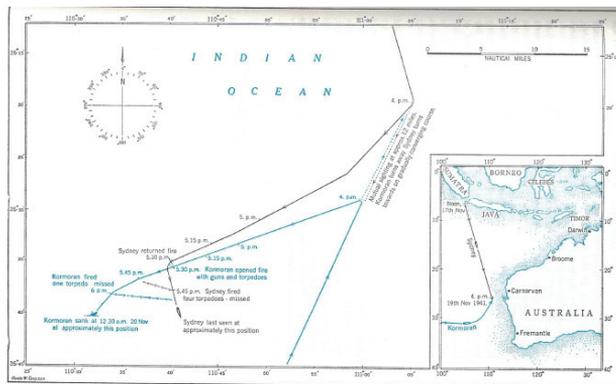
Sydney then made by light the fateful signal: "Show your secret sign." It told Detmers that he would have to fight. He answered immediately by dropping all disguise, striking the Dutch colours and hoisting the German and giving the order to open fire with guns and torpedoes. It was then 5.30 p.m.

Simultaneously with opening gun fire, *Kormoran* fired two torpedoes. Lieutenant Fritz Skeries, the raider's gunnery officer, directed the gunnery from the control position above the bridge in this last engagement. According to his and corroborative evidence, *Kormoran's*

initial single gun ranging salvo at just over 1,400 yard was short. A second at 1,750 yards was over. Hits were scored, within about four seconds of opening fire, on *Sydney's* bridge and director tower, at a range of 1,640 yards. These were followed immediately by a full salvo from *Sydney* which went over and failed to hit. *Kormoran* again scored quickly with two salvos which hit *Sydney* on the bridge and amidships: "Fifth shot the cruiser's aeroplane (burnt) – motor ran and then shut off - shots fired systematically - lucky shot that aeroplane was hit."

The range was so short that *Kormoran* used her anti-aircraft machine-guns and starboard 3.7-inch guns effectively against *Sydney's* bridge, torpedo tubes, and anti-aircraft batteries. For a few seconds after her initial salvo *Sydney* did not reply. It would seem that her "A" and "B" (forward) turrets were put out of action (according to Skeries by *Kormoran's* third and fourth salvos); but after the raider's fifth or sixth salvo the cruiser's "X" turret (foremost of the two after turrets) opened fast and accurate fire, hitting *Kormoran* in the funnel and engine room. "Y" turret fired only two or three salvos, all of which went over. At about this time one of the raider's two torpedoes struck *Sydney* under "A" and "B" turrets. The other passed close ahead of the stricken ship, which was being repeatedly hit by shells.

Her stem low in the water, *Sydney* now turned sharply towards *Kormoran* as though attempting to ram. As she did so, the top of "B" turret flew overboard, blown up, Skeries said, by the raider's tenth salvo. The cruiser passed under *Kormoran's* stern, heading to the southward and losing way. *Kormoran*, maintaining her course and speed, was now on fire in the engine room where the hits by *Sydney's* "X" turret had caused severe damage. Smoke from the fire hid *Sydney* from *Kormoran's* bridge, but the raider continued to engage with her after guns at a range lengthening to approximately 4,400 yards.



Sydney/Kormoran Action⁴

At about 5.45 p.m. *Sydney* fired four torpedoes. Detmers was then turning to port to bring his broadside to bear, and as he did so

⁴ PUB.016.0001 at 0455

Kormoran's engines began to fail. The torpedo tracks were sighted, but *Kormoran* just cleared them and they passed close astern. Simultaneously the raider's engines broke down completely. *Sydney*, crippled and on fire from the bridge to the after funnel, steamed slowly to the southward. Apparently her turrets were now out of action, but she continued to fire with her secondary armament, and Skeries stated: "Shots from 1-inch guns of cruiser mostly short." She was constantly hit by gun fire from the raider, whose forward control position was working with the port broadside in action at 5.50 p.m., when the range was about 6,600 yards. Ten minutes later, at a range of 7,700 yards, *Kormoran* fired one torpedo, which missed *Sydney* astern.

The action had then lasted half an hour. Both ships were crippled and on fire, the raider in the engine room, now untenable; and *Sydney* far more extensively. *Kormoran* fired her last shot at 6.25 p.m., at a range of about 11,000 yards. In all she fired 450 rounds from her main armament, and probably some hundreds from her anti-aircraft batteries. She was now in a bad way, her engines wrecked and her engine room ablaze, and with her full equipment of mines, some 200, still on board. Dusk was creeping from the eastward over a sea that was rising with a freshening breeze. At 6.25 p.m. Detmers ordered abandon ship, and lowered all boats and life-saving equipment. With the gathering gloom the form of *Sydney* disappeared from view, last seen about ten miles off, heading approximately S.S.E. Thereafter, until about 10 p.m., a distant glare in the darkness betokened her presence. Then occasional flickerings. Before midnight they, too, had gone.

By 9 p.m. most of *Kormoran's* boats and rafts were lowered, filled and cast off. Almost all the officers, and enough ratings to man the guns, remained on board while the final scuttling arrangements were made. At midnight, with smoke increasing heavily on the mining deck, the scuttling charge was fired, and the last boat cast off. Half an hour later the mines exploded, and *Kormoran* sank rapidly stern first. Of her complement of 393 officers and men, 78 lost their lives, about 20 killed in action on board and the remainder drowned through the capsizing of an overloaded raft. Two of the four Chinese from *Eurylochus* were also lost. Of *Sydney's* total complement of 42 officers and 603 ratings, not one survived.

The story of how *Sydney* was lost would appear to be straightforward. What induced Burnett to place her in the position where her loss in such a way was possible must remain conjecture. Burnett had the usual peacetime sea experience of an R.A.N. officer on the permanent list, both in ships of the R.A.N. and on exchange with the Royal Navy; but by reason of his wartime appointment at Navy Office, and the employment of his first wartime sea command in routine duties in an area which for nearly twelve months had known no enemy action, he lacked that experience which, gained in a recognised war zone, sharpens suspicion and counsels caution on all chance meetings. Yet, as Deputy Chief of the Naval Staff at Navy Office, he had participated as a behind-the-scenes-operator in the earlier raider attacks on or near the Australia Station. He would have realised that a repetition was

always possible. From the fact that he went to action stations and approached *Kormoran* with his main armament and torpedo tubes bearing, it would seem that he had suspicions of her *bona fides*. If it were just a routine measure, other routine measures of greater importance in such a situation were neglected.

Why Burnett did not use his aircraft, did not keep his distance and use his superior speed and armament, did not confirm his suspicions by asking Navy Office by wireless if *Straat Malakka* was in the area, are questions that can never be answered.⁵

20.4 Dr M McCarthy has been employed at the Western Australian Maritime Museum for the past 30 years, during which time he has held the position of Inspector of Shipwrecks in Western Australia. The position includes responsibility in relation to reports of the finding of shipwrecks, and this has meant Dr McCarthy has maintained a close involvement in matters concerning the loss of SYDNEY over many years. He has received and managed much correspondence and other material dealing with the loss of SYDNEY; this material has been collated and filed at the Western Australian Maritime Museum. At the Inquiry's request Dr McCarthy prepared a detailed paper providing '... an "overview of the genesis and evolution of the controversy and conspiracy theories" surrounded the loss of HMAS SYDNEY II'.⁶ The paper asserts that it was not until the 1970s that the accepted account of the SYDNEY-KORMORAN battle came to be questioned.⁷ Dr McCarthy noted that Western Australia—probably because of its geographical association with the events concerning the loss of SYDNEY—had '[become] the hotbed of rumours'.⁸

20.5 The Sydney Research Group was formed in the mid-1970s; its principals were Messrs Barker, Laffer, McArthur, E McDonald and Jeffrey. The group questioned the so-called 'official' account and the German survivors' version of the battle:

Most of the SRG believe there had been signals from HMAS *Sydney* with two, Laffer and McDonald, stating they had actually seen record of them while in Service. Some of the group believed that in the course of the battle there had been breaches of the Geneva Convention and some believed that another vessel (possibly Japanese) must have been involved in sinking the *Sydney*.⁹

20.6 Dr McCarthy commented that the Sydney Research Group followed in the footsteps of Lieutenant Jonathan Robotham, a former guard of

⁵ PUB.016.0001 at 0453 to 0457

⁶ WAM.070.0010

⁷ WAM.070.0010 at 0014

⁸ WAM.070.0010 at 0013

⁹ WAM.070.0010 at 0014

KORMORAN survivors in Western Australia and later an intelligence officer for two years at the internment camp where KORMORAN survivors were held in Victoria. According to Dr McCarthy, Lt Robotham became obsessive in his belief that KORMORAN had surrendered and that another vessel had been involved. He spent years searching cliffs north of Carnarvon for clues. He became a local identity known as the 'old hermit', but his influence and knowledge of the history and controversies were such that 'North-west [Western Australia] residents generally became convinced that the German story was a fabrication and that the Australian Navy and government were involved in some form of "cover-up"'. Lt Robotham kept the 'Kitsche diary', which he claimed demonstrated KORMORAN had surrendered.¹⁰

20.7 Dr McCarthy set out what he refers to as the 'Wartime controversies'.¹¹ The events he detailed were not so much controversies of the time; rather, they represent a series of decisions, accounts and records of events associated with SYDNEY that have been used by commentators to support various theories.

20.8 An example of the creation of a 'wartime controversy' concerns the decision by CMDR RBM Long RAN, Director of Naval Intelligence in 1945, not to publish an analysis of the action between SYDNEY and KORMORAN or anything further concerning the loss of SYDNEY unless directed by the relevant Minister. This decision, latter day theorists claim, is part of the Navy's cover-up of the engagement.¹²

20.9 The decision CMDR Long made occurred in the following context. LCDR JL Rycroft, Staff Officer Intelligence Western Australia, wrote to CMDR Long on 12 October 1945 in the following terms:

The enclosed cuttings indicate that there are still people holding out hope that some of the personnel from HMAS "SYDNEY" are alive. It is considered that such recurrent publicity can only cause distress to those who normally would have allowed the lapse of time to heal their sorrow.

A detailed account of the intense search over a very wide area for any possible survivors has never, we understand, been published, and the enclosed account prepared from our files in Fremantle, by Third Officer Westhoven, W.R.A.N.S., gives a good publishable story of the action and search and should result in completely setting at rest any rumours or speculation concerning possible survivors from the "SYDNEY".

¹⁰ WAM.070.0010 at 0014

¹¹ WAM.070.0010 at 0011

¹² SUBM.006.0079_R at 0094_R; COI.006.0185; SUBM.005.0089_R at 0118_R

It is suggested that this information concerning the action and search should be in the form of an official release to the press in Australia.¹³

20.10 CMDR Long replied on 23 October:

The receipt of your letter of the 12th, October, 1945, is acknowledged.

2. Continuous investigation has been carried out into the facts relating to the action between H.M.A.S. "SYDNEY" and the German Raider "KORMORAN". There has now been accumulated a mass of confirmatory information which leaves no doubt that there are no survivors from H.M.A.S. "SYDNEY".

3. There are a number of reasons, however, why the full analysis should not be published, the principle [sic] [being] that such an analysis would still not be accepted by some people as being absolute confirmation of the loss of all the "SYDNEY's" complement. It is intended not to publish anything further concerning this action, and its results, unless the Board is forced by Ministerial pressure to write a Ministerial Statement.¹⁴

20.11 CMDR Long's decision not to publish was based on two factors:

- the certainty that there were no survivors from SYDNEY
- a belief that the account of Third Officer Westhoven WRANS would still not be accepted by some as confirmation of the loss of SYDNEY's crew.

The decision was made just weeks after circulation of rumours that members of SYDNEY's crew had survived as prisoners of war in Japan. It was those rumours that LCDR Rycroft referred to as recurrent publicity causing distress to those 'who normally would have allowed the lapse of time to heal their sorrow'. CMDR Long had sought the opinion of LCDR GH Gill. A handwritten minute prepared by LCDR Gill on 18 October 1945 noted that he thought the report should not be published because '...it would not be accepted as final' and he imagined that SYDNEY would 'take her place with "Marie Celeste" and "Waratah" whatever is written'.¹⁵ LCDR Gill's prediction has proved correct.

20.12 CMDR Long's was a straightforward administrative decision based on a number of reasoned considerations. Sixty years after the event, the decision is characterised by some as a furthering of the 'cover-up' and a conspiracy to hide the true facts about the loss of SYDNEY. Thus it has become a 'wartime controversy'.

¹³ NAA.026.0211

¹⁴ NAA.026.0208

¹⁵ NAA.026.0209

20.13 The conspiracy and cover-up theories gained wide publicity with the publication in 1981 of *Who Sank the Sydney?* written by Mr Michael Montgomery, who alleged in effect that there had been a 'massive' cover-up surrounding the loss of SYDNEY. Among his theories were the following:

- On 11 November 1941 an RAAF plane had sighted KORMORAN between Fremantle and Geraldton and as a result CAPT Burnett was aware of a raider's presence.
- KORMORAN had a Norwegian disguise and opened fire under a neutral flag.
- KORMORAN fired a torpedo from her underwater torpedo tube before she declared herself.
- CAPT Detmers' account of KORMORAN's 80-plus injured perishing when their raft capsized was a fabrication designed to hide the extent of the damage wrought on KORMORAN during the exchange of fire with SYDNEY.
- The SYDNEY crew were shot in the water by KORMORAN men using powered torpedo boats.
- Cryptograms produced by KORMORAN crew member Dr List after the battle show that KORMORAN received assistance from Japan.
- SYDNEY crew were taken prisoner, and a Japanese submarine was involved in the sinking of SYDNEY.
- The lighthouse tender CAPE OTWAY found bodies floating in the water and its log was later tampered with, removing all entries after 0800H on 18 November from the record.
- There was a massive official cover-up.¹⁶

20.14 Dr McCarthy noted:

Here and in a contemporary file entry [at the Western Australian Maritime Museum] are the first references the Museum has to a number of conspiracy theories, including the *Cape Otway* story. Also new to the burgeoning list of controversies entering the Museum's consciousness were claims that *Kormoran* was lying in wait for *Aquitania* and that the *Kormoran* injured were deliberately abandoned, rather than having been lost in a capsizing of their life-raft as explained

¹⁶ WAM.070.0010 at 0017

by T.A. Detmers. As but one example how these early notions evolved, the latter morphed into claims from John Doohan [of the End Secrecy on SYDNEY Group] who had become a member of the SRG and who first made contact with the Museum in 1991—that the *Kormoran* wounded had been taken on board HMAS *Sydney* to be housed in the sick bay ... This particular thread evolved even further when he was advised quite some years ago that the Museum would not countenance entry into the two ‘war graves’ (as they were then loosely called) if they were ever to be found. This he perceived as evidence that the Museum was an integral part of the ‘official cover-up’ by trying to hide this crucial evidence. The latter is another common thread.¹⁷

- 20.15 In 1984 Dr Barbara Poniewierski published (under the name Barbara Winter) a book entitled *HMAS Sydney: fact, fantasy and fraud* that challenged many of Mr Montgomery’s theories. Dr McCarthy observed that the nature of the debate between the various groups had developed a tendency to acrimony and that this was reflected in correspondence received by the museum.¹⁸
- 20.16 The debate about the actual location of the battle site and wrecks ran in conjunction with the discourse on the conduct of the Naval engagement. Numerous people came forward to say they had found SYDNEY.¹⁹ The Royal Australian Navy investigated a number of claimed sites: ‘In all, well over 25 shallow-water (under 500m) reports of finding wrecks or relics believed to be related to HMAS *Sydney* were received by the Museum and the RAN from 1981-2008’.²⁰
- 20.17 Some theorists rejected the (now found to be accurate) Detmers position. Mr E McDonald and Mr R Hardstaff placed the battle location well east of the Detmers position. Mr McDonald claimed the wreck of SYDNEY was to be found near the Abrolhos Islands.²¹ Mr DRE King and Mrs G McDonald AM—each apparently relying on the oral histories of local residents who claimed to witness the sights and sounds of a Naval battle in late November 1941—promoted the battle site as being immediately out to sea from the Port Gregory - Kalbarri area.²² LtCol TW Whittaker (Retd), another conspiracy theorist, maintained that, by use of the Knight Direct Locating System, he and the system’s inventor, Mr LC Knight, had found SYDNEY, KORMORAN, a Japanese ship and even a samurai sword. The claim

¹⁷ WAM.070.0010 at 0017 to 0018

¹⁸ WAM.070.0010 at 0019

¹⁹ WAM.070.0010 at 0019

²⁰ WAM.070.0010 at 0020

²¹ WAM.070.0010 at 0033

²² WAM.070.0010 at 0026

was spurious but had a 'devastating effect, especially on the families and on plans to conduct a search'.²³

- 20.18 The array of competing theories about and explanations for the location of the battle and wreck sites is best reviewed in the submissions to the 2001 Sea Power Centre seminar on the location of the ships; these are summarised by Dr McCarthy.²⁴ The intensity of the debate between the various protagonists was demonstrated by a failure to reach consensus in relation to a site and the consequent recommendation that a search was not warranted. That recommendation then created its own set of conspiracy theories.
- 20.19 Books dealing with the engagement continued to be published. Professor T Frame published *HMAS Sydney: loss and controversy* in 1993; Mr W Olson published *Bitter Victory* in 2000; Mrs G McDonald published *Seeking Sydney: a quest for truth* in 2005. A number of self-published books appeared under titles such as *Enduring Deception* and *Somewhere Below: the Sydney scandal exposed*.
- 20.20 New theories and speculations have been put forward; they vary from bodies being buried on the beaches of Shark Bay after floating ashore from the sunken SYDNEY to a secret autopsy being carried out on the body of a SYDNEY crew member by a Capt Laurence Snook and bodies of SYDNEY crew members being buried in a Perth cemetery.²⁵
- 20.21 The proponents of conspiracies and cover-ups have been active, and on occasion effective, lobbyists. Mr J Doohan of the End Secrecy on Sydney Group 'recruited' Western Australian Greens Senator Chamarette, and in the Senate she asked questions about secrecy legislation allegedly preventing former Australian Defence Force members speaking about the loss of SYDNEY and the subsequent cover-up.²⁶ Mr Doohan was prolific in his writings:

As but one example, in one short period he [Doohan] is found writing to the Prime Minister, P. Keating; G. Edwards, Minister for Police (WA); J. Pollard Chief of Staff, *Sunday Times*; Sir Frances Burt, Governor (WA); J.M. Berinson, Attorney General (WA); the Chairman, War Crimes Commission; N. Bolkus, Minister for Administrative Affairs; and Bill Hayden, Governor General. This broadly-cast net is an example of how otherwise uninvolved decision-makers were becoming affected by the conspiracies and controversies in the mid 90s, even if it were only to sign a reply prepared by junior staff.²⁷

²³ WAM.070.0010 at 0022

²⁴ WAM.070.0010 at 0030 to 0034

²⁵ WAM.070.0010 at 0035

²⁶ WAM.070.0010 at 0024

²⁷ WAM.070.0010 at 0027

- 20.22 The controversies have been examined in postgraduate courses, press articles and film documentaries. A number of those involved have taken a very subjective approach, expanding the supposed knowledge base and increasing the number of members of the public convinced of a conspiracy.²⁸
- 20.23 In 1997-98 a formal parliamentary inquiry was established to inquire into the loss of SYDNEY. Eighteen volumes of written submissions were received – ‘much of [the content] conspiratorial in nature’²⁹ – and were largely rejected by the inquiry. The Parliamentary Inquiry stated, ‘... a strong case can be made that the *Kormoran*’s underwater torpedo capability played a major role in the defeat of *Sydney*’.³⁰
- 20.24 The finding of the wrecks and the fact that the location of the wrecks ‘reasonably corresponds with the “Detmers position” and ... is almost exactly the same as that appearing in a signal sent by Navy Office on 28 November 1941’³¹ have done little to satisfy those who claimed CAPT Detmers lied about the position and the Navy covered up knowledge of the position. Those who proposed different positions for the location of the wrecks, such as the Abroholos Islands or Shark Bay, have adapted this new information to their own ends and carried on as before, apparently impervious to the consequences for those theories of the establishment of the true location of the wrecks.
- 20.25 Even the finding of the wrecks is questioned by some conspiracy theorists, as Dr McCarthy noted:

Finally, in this same context and in taking over the mantle of chief conspiracy theorist from those who went before, James Eagles, who first entered correspondence with the Museum in 1997, came to induce some remaining theorists, and tragically some relatives, to follow him in recent times. He has claimed that the location of the two wrecks and the subsequent identification of HMAS *Sydney* and HSK *Kormoran* is an elaborately staged fraud designed to lull a gullible populace into believing the German accounts.³²

Dr McCarthy concluded, ‘How far entrenched the conspiracy theories have become and the continuing effect on all involved, is clearly evident here’.³³

- 20.26 The theories are analysed in this volume of my report.

²⁸ WAM.070.0010 at 0029

²⁹ WAM.070.0010 at 0030

³⁰ PINQ.REP.001.0001 at 0039

³¹ WAM.070.0010 at 0035

³² WAM.070.0010 at 0036

³³ WAM.070.0010 at 0036

