

1
2 <RICHARD ARTHUR JAMES TAGG ARUNDEL, sworn: [2.45pm]
3

4 <EXAMINATION BY CMDR RUSH:
5

6 CMDR RUSH: Q. CAPT Arundel?

7 A. Excuse me, my name is Arundel - the English, not the
8 Irish. Thank you.
9

10 Q. Sir, would you state your full name and address to the
11 Commissioner, please?

12 A. Yes. Richard Arthur James Tagg Arundel. I live at
13 [REDACTED] - normally.
14

15 Q. You are a retired Royal Australian Naval officer?

16 A. That is correct.
17

18 Q. Could you indicate to the Commissioner, please, a
19 precis of your service in the RAN?

20 A. Commissioner, I joined the RAN as a cadet at the age
21 of 13 in 1947. I subsequently qualified in signal
22 communications in 1958/1959 and retired in 1987.
23

24 Q. Sir, over that period of time, could you give the
25 Commissioner some idea of your experience in signals
26 communication and the posts that you held?

27 A. I had two exchange postings in the Royal Navy.
28 I served in a number of ships and became the Fleet
29 Communications Officer. I had previously been the Deputy
30 Director of Naval Communications. I subsequently became
31 the Officer in Charge of the Signals School in Victoria,
32 the Naval Signals School. After that, in communications,
33 I became the Deputy Director of Joint Communications in
34 Canberra, and then the Director of Naval Communications,
35 Corps Director.
36

37 CMDR RUSH: You provided, by letter, a submission to the
38 Commission of Inquiry dated 28 May 2008, which is at
39 CORR.003.0129.
40

41 THE PRESIDENT: I will mark that submission exhibit 140.
42

43 **EXHIBIT #140 SUBMISSION OF CAPT ARUNDEL DATED 28 MAY 2008**
44

45 CMDR RUSH: Q. Sir, you were asked some questions by the
46 Commission of Inquiry. Did you reply to those questions at
47 CORR.001.0169 on 30 July 2008? Do you have that in front

1 of you, sir?

2 A. I made a submission that you have referred to - the
3 first one. Just before I departed for overseas, I thought
4 I had made an error and I made a submission to correct
5 that. Subsequently, I made a submission which is
6 dated 30 July.

7

8 **EXHIBIT #140A LETTER TO THE COMMISSION OF INQUIRY FROM**
9 **CAPT ARUNDEL, DATED 23 JUNE 2008**

10

11 **EXHIBIT #140B SUBMISSION OF CAPT ARUNDEL, DATED 30 JUNE**
12 **2008**

13

14 THE WITNESS: I actually replied to a number of questions
15 that were put to me, when I was attempting to take a
16 holiday in Lapland, and I thought that was what you were
17 referring to as "questions".

18

19 CMDR RUSH: Q. Thank you. Sir, if I can go back to your
20 initial submission to the Commission of Inquiry at
21 page 0130, that is on the screen in front of you, but if
22 you have a hard copy, I will be referring to one or the
23 other. Initially on this page, sir, if I can take you down
24 to the final paragraph, you say:

25

26 *It is of fundamental significance that*
27 *Sydney II did not have a sub specialist*
28 *Signals Communications Officer embarked*
29 *when she was lost. Previously, and prior*
30 *to the cruiser deploying to the Australian*
31 *west coast for convoy duties, the Flag*
32 *Officer Commanding the Australian*
33 *Squadron... was embarked together with a*
34 *highly qualified "dagger C" communications*
35 *sub specialist officer LCDR J Bath RAN, and*
36 *a highly qualified Warrant Officer*
37 *Telegraphist ...*

38

39 I think you go on to say that the absence of those
40 personnel on the ship would have meant - and I am looking
41 at the five lines at the bottom of the paragraph:

42

43 *He would have relied on a recently joined*
44 *Chief Yeoman of Signals for visual*
45 *signalling and an experienced Chief Petty*
46 *Officer Telegraphist for wireless*
47 *communications.*

1
2 I am just wondering, sir, if you would detail for us what
3 you are driving at in your submission as to the
4 non-embarkation of a subspecialist Signals Communication
5 Officer?

6 A. The specialisation in signals would require that
7 specialisation to be coped with by other officers in the
8 ship. Normally, the Navigator would be responsible for
9 signal communications when there wasn't a specialist
10 Signals Officer, and there was a dearth of Signals Officers
11 in the Navy at that time.

12
13 Presumably, the Navigation Officer would have relied
14 on the Chief Yeoman of Signals as the Captain's right-hand
15 man for visual signalling, and the Signals Officer would
16 have relied on the Chief Petty Officer Telegraphist for
17 wireless/radio matters.

18
19 Q. In relation to the normal course of signalling, you
20 would expect, would you not, reliance on the Chief Yeoman
21 of Signals, in any event?

22 A. Yes, that's normally the case.

23
24 Q. Insofar as looking at the engagement of *Sydney* and
25 *Kormoran*, the Bridge and the Captain would, as far as the
26 signalling between ships is concerned, be in a position to
27 use the usual and normal channels of communication for
28 signalling, despite the absence of a specialist Signals
29 Communications Officer?

30 A. Yes.

31
32 Q. If I could go up the page to the next paragraph, you
33 say:

34
35 *Any naval officer with bridge watch-keeping*
36 *experience, or warship command, in an*
37 *operational theatre, knows that a decision*
38 *such as this would be arrived at in close*
39 *consultation with the ship's expert Command*
40 *Team of specialist officers.*

41
42 There you are referring to the decision of *Sydney* to come
43 in close to *Kormoran*, and you say that that would be a
44 decision, would it, or that would be a communication
45 occurring on the Bridge - that role of decision-making?

46 A. I am not quite sure what you are driving at, if I may
47 ask that question. Are you asking a question as to how the

1 Chief Yeoman of Signals, the visual expert, relates with
2 the Command?
3

4 Q. No, I wasn't, but it was perhaps confusing in the way
5 that I put it, so I will start again, sir. I should have
6 perhaps done it this way: do you see the third
7 paragraph on this page, which states:
8

9 *Authorship of the Sydney II - HSK Kormoran*
10 *action has been extensive in examining ship*
11 *capabilities, strategic intelligence, and*
12 *the engagement, the latter based largely on*
13 *German bridge survivors' evidence under*
14 *rules-of-war interrogation. Ultimately the*
15 *observer is presented with a view that the*
16 *Commanding Officer of the Australian*
17 *vessel, for some inexplicable reason, made*
18 *a tactical error of judgment in deciding to*
19 *overhaul an unknown merchant vessel and,*
20 *believing it to be friendly, to suicidally*
21 *position his ship. It remains implausible*
22 *that a competent Commanding Officer with*
23 *any level of war training and with a*
24 *Command Team of expert and experienced*
25 *specialist advisers would decide on such a*
26 *manoeuvre unless a compelling friendly*
27 *identification event occurred.*
28

29 That's the opinion that you express there in relation to
30 the manoeuvre, as you understand it, of Sydney coming in
31 close to *Kormoran*?

32 A. That is one of several views, yes.
33

34 Q. What are the other potential views?

35 A. Commissioner, if I may just make a point here: we're
36 going off track a little. I had hoped to be able to
37 present to you a response about a number of communication
38 aspects, which, to my mind, have never been properly
39 evaluated. I have written a small summary, which I had
40 hoped to have the opportunity to present to you, to
41 indicate, in trying to answer these questions, a number of
42 matters from (a) to (s), which have not been properly
43 evaluated - or some may now have been by the Commission.
44 With answers to those questions, we might be a little
45 closer to understanding a number of known/unknown
46 communication matters.
47

1 THE PRESIDENT: Q. Do you have them written down there?
2 A. I have.

3
4 THE PRESIDENT: I will get some copies made.

5
6 THE WITNESS: There is a copy. There is someone
7 representing CAPT Burnett, isn't there?

8
9 THE PRESIDENT: Yes. I will have some copies made.
10 I will mark the additional document headed "Summons to
11 Appear at HMAS Sydney II Commission of Inquiry -
12 Questions".

13
14 **EXHIBIT #140C DOCUMENT HEADED "SUMMONS TO APPEAR AT HMAS**
15 **SYDNEY II COMMISSION OF INQUIRY - QUESTIONS"**

16
17 CMDR RUSH: Q. Sir, I would ask you to open the material
18 that you have just provided to us at page 5.

19 A. Yes.

20
21 Q. In paragraph 7, you ask the question:

22
23 *Have you any comments on Kormoran's*
24 *communications ruses?*

25
26 I will go to those, but I want to go back to the question
27 that I asked you before you produced it, and I read to you
28 from that third paragraph:

29
30 *It remains implausible that a competent*
31 *Commanding Officer with any level of war*
32 *training with a Command Team of expert and*
33 *experienced specialist advisers would*
34 *decide on such a manoeuvre unless a*
35 *compelling friendly identification event*
36 *occurred.*

37
38 As I understand it, you would look at that comment in the
39 light of the potential for the ruses adopted by *Kormoran* to
40 deceive that Command team?

41 A. I believe so.

42
43 Q. Just looking at those that you have set out, the
44 first:

45
46 *On sighting the Sydney II Kormoran turned*
47 *radically away thus conforming to*

1 *compromised Admiralty instructions.*

2

3 You are referring there to the turn to 280 degrees?

4 A. To 250.

5

6 Q. I am sorry, to 250 degrees. You are using that to say
7 that from the Bridge's point of view of Sydney, here is a
8 merchant ship performing a manoeuvre that we could expect?

9 A. In accordance with the recognition proposals or --

10

11 Q. Of course, that took the *Kormoran* into a position
12 where it was sailing into the setting sun?

13 A. Correct.

14

15 Q. You refer to that, in part, in (b):

16

17 *Kormoran selected a course where relative*
18 *wind over the deck effectively masked her*
19 *flag hoist from being read beyond about 3*
20 *to 4 miles from Sydney II. The cruiser had*
21 *to close.*

22

23 As I understand what you are saying there, the wind over
24 the deck would have made the signal flags from *Kormoran*
25 difficult to the extent that the cruiser, to read them,
26 would have been forced to close?

27 A. I would say impossible to read.

28

29 Q. Impossible?

30 A. Impossible at that range, and probably even up to
31 2 sea miles.

32

33 Q. Would it be not only the relative wind over the deck
34 but also the fact that the *Kormoran* was sailing into the
35 sun that would create difficulties?

36 A. I think that would be correct. My main issue is to
37 explain that the flags would be fluttering in such a way as
38 to be completely obscured from somebody with a pair of
39 high-powered binoculars identifying a specific letter in
40 the phonetic alphabet.

41

42 Q. Then at (c), you refer to:

43

44 *To feign being unable to understand any*
45 *signal from Sydney II, including an*
46 *expected direction to stop, Kormoran*
47 *continually hoisted the interrogative*

1 *pennant at the dip and to fumble flags as a*
2 *ruse. Then whether or not Kormoran*
3 *possessed Straat Malakka's secret war call*
4 *sign a brief and deliberately poor*
5 *transmission of her disguise's*
6 *international call sign could only have*
7 *encouraged Sydney II's continued approach.*
8

9 What you are referring to there is a deliberateness, as a
10 ruse, on behalf of the *Kormoran* in an effort to make it
11 look like an inept merchant ship trying to answer by flag
12 questions flashed by light from *Sydney*?

13 A. That seems to be correct.

14
15 Q. I take it from the way that you have set these out
16 that these are ruses that you would expect *Kormoran* to
17 adopt?

18 A. I think that's conjecture. Perhaps normal experience
19 would indicate something unusual. The Germans at Coronel
20 positioned themselves so that the sun obscured their ships
21 and allowed the British ships to be immediately visible on
22 the horizon at sunset and, hence, their destruction. So it
23 is a well-known gunnery ploy in (a), but, even so, it
24 conformed with the then Admiralty instruction.

25
26 Q. In (d):

27
28 *Kormoran's QQQQ signal may have further*
29 *deceived Sydney II.*
30

31 What is the basis for that, sir?

32 A. We do not seem to have an exact record of that signal.
33 It is represented as QQQ, as QQQQ, which would have been
34 correct at that time, the instructions having been recently
35 amended. Then the descriptive of the ship should have been
36 an international call sign or a war call sign. Whether, in
37 fact, the German ship actually transmitted "*Straat Malakka*"
38 to my mind is uncertain. The latitude and longitude which
39 then followed was not properly received. There isn't,
40 therefore, a complete record of that signal, but the signal
41 as it was received may have deceived *Sydney* into believing
42 it was genuine, meaning a panicking ship. So it is
43 possible that there is a deceptive ruse there.

44
45 Q. At (f) you say:

46
47 *Receipt of the uncompromised secret or*

1 *believed secret war call sign, by Sydney II*
2 *would have provided evidence the vessel in*
3 *the chase was friendly and harmless.*

4
5 A. I believe that would be correct.

6
7 Q. You have done your own research, as I understand it,
8 in British archives in an effort to ascertain whether there
9 was any compromise of the secret signals in relation to
10 ships identification. I understand that to be the case.

11 A. Yes, yes. I have done as much as I could, yes.

12
13 Q. You have found nothing to suggest that *Kormoran* had
14 *Straat Malakka's* secret call sign?

15 A. That is correct. I couldn't find anything that
16 I could concentrate on that may well lead to further
17 research.

18
19 Q. Are you also aware of the secret call signs for Allied
20 and Dutch ships changing on 1 June 1941?

21 A. Yes, I believe so.

22
23 Q. Just to make that clear: are you aware that all
24 merchant ships were provided with new secret call signs as
25 of that date?

26 A. Apparently, yes.

27
28 Q. I want to suggest to you that there is no material
29 available to suggest any compromise of the new secret call
30 signs of 1 June 1941?

31 A. There is no material in written form which would
32 suggest that, as far as I know. However, there are other
33 areas which have not been researched and for which I regret
34 we will never have an answer.

35
36 It is possible that call signs may have been
37 compromised days before. We will never know, because the
38 people in the *Kormoran's* communications SIGINT section have
39 passed on. This is one of the areas that I have alluded to
40 could have been further researched when the interrogation
41 originally began in Western Australia and after World
42 War II when more material had come to light.

43
44 Q. A comprehensive check of German archives would suggest
45 that there is nothing to support that theory.

46 A. Well, may I just make the point that there is nothing
47 written and there is nothing to indicate that *Kormoran's*

1 SIGINT team did not do their own research. They were well
2 positioned in the Indian Ocean. They had a competent group
3 of radio operators. They could have monitored all British
4 Naval ship-shore and broadcast circuits and simultaneously
5 merchant ship MF and the occasional HF - that is, medium
6 frequency and high frequency - circuitry.
7

8 Q. Whilst, sir, that may have been capable of being done,
9 that is not something that would provide *Kormoran* with the
10 secret call sign of *Straat Malakka*.

11 A. Well, I'm not sure that that would be correct. If you
12 were to transmit to me your international call sign on a
13 normal message to an agency in Jakarta and then follow it
14 up some time later with a coded message and I can hear that
15 it is the same transmitter or the same operator with his
16 key, whether it's a side key or an up-and-down key, or
17 whether the transmitter's particulars are identified,
18 I would put the two together and snap my fingers and say,
19 "I have a compromise".
20

21 Q. That would require me to use the secret call sign in
22 one or other of those transmissions?

23 A. Yes, it would.
24

25 Q. I am wondering, sir, what is the basis of your saying
26 that the secret call sign for ships identification would be
27 used in such a signal, if it had been?

28 A. I am saying that if the international call is made
29 first and, some time later, a signal is made with a secret
30 call sign or a call sign which can be associated with the
31 international call sign, because of the reasons I have
32 stated I would believe that I had made a match.
33

34 Q. That requires, does it, the international call sign to
35 be used at some stage and also the ships identification
36 call sign?

37 A. Well, the international call sign is known by the
38 world.
39

40 Q. Correct.

41 A. So that is not a secret. But the issue that I think
42 you are raising is whether the coded call sign could be
43 associated with the international call, and I am saying
44 that specialists can do that very comfortably.
45

46 Q. But it requires one to be used with the other?

47 A. No.

1
2 Q. In this sense: how is it that the German ship can
3 pick up the secret call sign used for ships identification?
4 A. Well, there could be two ways. If I am the
5 transmitting ship and I have made an ordinary signal,
6 "Please send X, Y, Z product for me at my next port of
7 call", and it is my international call sign, that is quite
8 clear; I am *Straat Malakka*. Then if, some time later,
9 I make a coded message and my indicator is disguised but my
10 transmitter or the operator is identified with the initial
11 message, then I have made that match.

12
13 THE PRESIDENT: Q. Commonsense suggests to me that
14 *Kormoran* did not have the secret call sign or war call
15 sign, as it is sometimes called, because, first of all,
16 CAPT Detmers said they didn't, and so did his Signal
17 Officer. And, perhaps more importantly, if they had it, it
18 would have been very foolish not to use it, because it was
19 the one chance of escaping conflict which they had
20 remaining, and their standing orders, which were well
21 understood, were not to engage in warfare with a warship,
22 for good reason.

23 A. Commissioner, with the greatest of respect, the fact
24 that a compromise could have been arrived at by some means,
25 either by physical means in some overseas port or by
26 skulduggery or whatever, the fact that this was available
27 provided, to my mind, the most perfect in extremis
28 disguise. I wouldn't want to tell anybody - and I might be
29 under instruction not to ever release information - of this
30 compromise. Having been involved in signal communications
31 in that area once or twice, I know the denial measures that
32 can be required for this sort of activity, but I have not
33 seen anything which suggests that the radio officer ever
34 answered that sort of question. I understood that he
35 denied all information related to signals.

36
37 Q. I'm not sure that that is right. We can check that.
38 But what do you say about the proposition that if the
39 *Kormoran* had the secret call sign, it would have been
40 sensible to use it?

41 A. Commissioner, with respect, again, I'm not sure that
42 all the evidence is there to indicate when they were
43 challenged, when they received the challenge. They may
44 have received it at the very moment before the engagement
45 began.

46
47 Q. I think that is the problem.

1 A. They may have received it much earlier.

2

3 Q. The body of evidence, as I recall it, is that the
4 exchange in relation to "Show your secret call sign" and
5 then the use of "IK" occurred at a time when the ships were
6 very close together, indeed. My recollection tells me they
7 were at some 1400 metres, but I may be wrong about that.

8 A. Yes, that is the argument from the evidence given at
9 the interrogation, as I understand it too. That is right
10 at the moment of crisis, and it is not beyond reason that,
11 knowing that this was a very important aspect of
12 in extremis operations by other raiders too, when the
13 challenge was received and the ships were, as I believe,
14 very close - perhaps 900 metres apart - the Captain,
15 Detmers, might well have said, "I have got him. He's too
16 close. He's lost all gun advantage. I will open fire and
17 I won't have to tell him anything."

18

19 CMDR RUSH: Q. Sir, that scenario would be, then, that
20 Detmers didn't use, if he had it, the secret call sign?

21 A. Well, in that case, he wouldn't have sent it, mmm.

22

23 Q. If he had the secret call sign, you don't think he
24 would have used it?

25 A. Well, I think at a distance it could have been used,
26 and perhaps *Sydney* challenged at some distance. We don't
27 have the evidence. But if *Sydney* challenged the secret
28 call sign or demanded the secret call sign at, say,
29 4 miles, and, as I have suggested, there is that remote
30 possibility that there was a confusion with the repeated
31 international call sign, that the actual signal, the
32 correct response to the challenge, might have appeared.
33 With a ship vibrating, at speed, with sea spume flowing
34 over the bridge - we don't know. It is a possibility that
35 the new Chief Yeoman may not have spotted, if that
36 happened, an inconsistency.

37

38 Q. The problem with that scenario of 4 miles is the
39 difficulty, as you have alluded to, of reading flag
40 signals?

41 A. I believe so.

42

43 Q. Sir, you indicate at page 4, paragraph 4, that you
44 consider it unlikely that *Kormoran* used a white flag,
45 firstly on the basis that a white flag, as I understand
46 your submission, wouldn't be in the locker of flags on a
47 warship?

1 A. I have never seen a white flag on any merchant ship -
2 and I have seen and inspected many - and it's certainly not
3 in the warship outfit; neither is it recorded in the
4 seamanship manual.

5
6 As I have suggested, you could knock one up, you could
7 produce one on board, but I don't think it would be a great
8 morale factor if it spread through the ship that you had,
9 up in your bridge area, the surrender flag.

10
11 Q. Sir, in the course of your submissions you have used
12 the term "interrogative pennant"?

13 A. Yes.

14
15 Q. What's that?

16 A. That's a white and red pennant which is used at the
17 dip to indicate, "I do not understand your signal". It is
18 a good ruse. It creates confusion, it delays the thought
19 process in the receiving ship and time is then wasted.

20
21 CMDR RUSH: I have no further matters, sir.

22
23 CMDR RENWICK: Yes, just a couple of questions, sir.

24
25 **<EXAMINATION BY CMDR RENWICK:**

26
27 CMDR RENWICK: Q. Sir, I act for the Burnett interests
28 in this matter. I have only just, of course, seen
29 exhibit 140C, this document, but can I take you to the
30 second-last paragraph on page 3. I want to ask you some
31 questions about that.

32 A. Yes.

33
34 Q. To summarise what you are saying about *Kormoran* and
35 the secret signal --

36 A. The secret call sign?

37
38 Q. The secret call sign. One possibility, sir, is that
39 they did have it, one way or another?

40 A. Mmm-hmm.

41
42 Q. Another possibility, of course, is that they didn't.
43 This second-last paragraph considers the possibility that
44 they didn't, but that, through a series of factors, *Sydney*
45 might have thought, particularly from a distance, that they
46 were giving the correct answer - that's what you are saying
47 in that paragraph, isn't it?

1 A. Yes.

2

3 Q. It works like this, doesn't it, sir, if I may: the
4 signal for *Straat Malakka*, not the secret call sign, is
5 "PKQI". The last of those letters, and, if it is repeated,
6 the first of the next, "IP", happen to be, by chance, the
7 correct answer to the secret call signal?

8 A. Yes.

9

10 THE PRESIDENT: Say that again?

11

12 CMDR RENWICK: As I understand what this gentleman is
13 saying, sir, in the second-last paragraph:

14

15 *... if Kormoran used the interrogative*
16 *pennant as a "not understood" response to*
17 *all signals including an order to stop, but*
18 *briefly flashed its international call*
19 *sign - PKQI PKQI - as part of a ruse of*
20 *deliberately badly directed and operated*
21 *morse to entice Sydney II to approach more*
22 *closely, whether or not she also had Straat*
23 *Malakka's secret war call sign, the correct*
24 *response IP to the call sign challenge may*
25 *have been spotted by Sydney II's signalman*
26 *inside the poorly repeated international*
27 *call sign!*

28

29 Q. That's what I am just seeking to understand a bit
30 better.

31 A. Yes.

32

33 Q. So the starting proposition is that you probably have
34 an inexperienced Yeoman of Signals, or there is a risk of
35 that?

36 A. Well, it could be inexperience in the flag deck, which
37 leads to one of the questions that I posed in my second
38 paragraph: it could have been evaluated in 1941 as to what
39 the standard of signalling was on board *Sydney* at that
40 time.

41

42 Q. So that is one issue. Another issue is the turning
43 into the sun; is that right?

44 A. Yes.

45

46 Q. Another issue is the direction of the wind. We heard
47 some evidence about that yesterday. This point here is

1 that because it was so difficult to see the flag hoist
2 anyway, particularly from any sort of distance, there is
3 the possibility that the repeated use of "PKQI" might have
4 given *Sydney* the impression, or at least they might have
5 had a doubt, as to whether the signal "IP" had been given?

6 A. Yes.

7
8 Q. And, therefore, *Sydney* would have come closer to
9 confirm that they had in fact given what they might have
10 thought was the secret call sign. Do I understand that to
11 be what you are saying, sir?

12 A. Yes, that's correct.

13
14 THE PRESIDENT: Q. I don't follow that.

15 A. Well, Commissioner, I am just putting the proposition.
16 May I continue?

17
18 Q. Yes.

19 A. If I am on the flag deck of my ship and I am told by
20 the Chief Yeoman or somebody else from the Bridge, "We've
21 challenged her. You should get a reply any moment now and
22 the reply will be 'IP'", and if the signalman happens to
23 think that he saw that and calls out, "We have the
24 response; we have the correct response", it might have had
25 an effect on the Bridge to change the perception of what
26 they were doing.

27
28 THE PRESIDENT: I had not understood that that is what you
29 were putting. I had thought you were putting that the
30 Yeoman of Signals might have picked up "IP" from "PKQI".

31
32 CMDR RENWICK: Exactly.

33
34 Q. The repeated mention of "PKQI", in the circumstances
35 that this witness referred to earlier, namely, spray over
36 the bridge, the fact that the signals might have been
37 coming in a jerky or halting fashion and so it might have
38 been difficult - is this right - to tell when the "PKQI"
39 had finished and when the next had started --

40 A. Yes.

41
42 THE PRESIDENT: Q. There are problems with all of that.
43 Let me enumerate a few of them. The first is that you had
44 an inexperienced Yeoman of Signals. I wouldn't make that
45 assumption on *Sydney*. The second is you are looking to see
46 if there is the correct response, which is "IP". If it is
47 said that that may have been mistaken from a re-flagging of

1 the *Straat Malakka*'s flags, it would have been a four-flag
2 hoist, "PKQI". No Yeoman of Signals would have
3 misinterpreted a four-flag hoist as a two-flag hoist. The
4 third is, if he was going to look at a four-flag hoist and
5 get correct signals "IP", he would have to transpose the
6 "P" and the "I". That seems to me to be our problem.
7 Those three difficulties seem to me to be immediate and
8 apparent in this thesis.

9 A. Commissioner, we're not talking about flags. We're
10 talking about light, a light signal.

11
12 Q. From *Kormoran*?

13 A. From *Kormoran*.

14
15 Q. There is simply no evidence that *Kormoran* ever used
16 lights.

17 A. There is evidence that the lamp was used, a Varta lamp
18 was used.

19
20 Q. By *Kormoran*?

21 A. By *Kormoran*.

22
23 CMDR RENWICK: Q. What is that evidence, sir?

24 A. Well, I can't recall in which reference I located
25 that, but it does appear in the evidence. I think you will
26 find that there is a disagreement as to whether the lamp
27 was ever used. I believe it would have had to be used,
28 because in some of the responses - if you are responding to
29 a "What ship?", "Where from?", "Where bound?", and "Report
30 goods embarked", if it came in that order, if you replied
31 to each element, "Where from?", that's a four-letter group.
32 If you then have to reply to, "Where bound?", that's
33 another four letters. There isn't space on a triatic stay
34 on a merchant ship to put eight letters, or using another
35 yardarm - it could be a ploy. But there is no evidence,
36 that I know, that *Kormoran* used four yardarms.

37
38 Likewise, as I understand, at least one of those
39 responses includes a letter duplicated from the first
40 response. The second response has, I think, a letter which
41 is in the original four-letter hoist that should have been
42 made. So, to my knowledge, they don't have the ability, in
43 merchant ships, to repeat those letters. To do that, they
44 would have to have two outfits of flags or the repeating
45 pennants. The first, second, third and fourth substitutes
46 are the flags that you use to substitute, indicating a
47 repeat of the letter. Is that understood?

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CMDR RENWICK: Yes. Thank you, sir.

THE WITNESS: Sir, to answer the question, I believe they would have used the lamp.

THE PRESIDENT: CMDR Renwick, do you recall any evidence of *Kormoran* using lamps?

CMDR RENWICK: I can't offhand, I must say, sir. I have no further questions, thank you, sir.

THE WITNESS: I have to say, Commissioner, that there was a remark which interested me, that *Kormoran's* ex-merchant Navy officers, or at least one of them, was on the bridge giving advice. I think that is interesting, because he is quoted as indicating, when the ship is only 800 kilometres from Fremantle, that they are actually going from Batavia to Lorenzo Marques, and that is not the way to do it. So immediately, I would be very suspicious.

THE PRESIDENT: A little off course.

CMDR RUSH: There is one matter arising, sir.

<EXAMINATION BY CMDR RUSH:

CMDR RUSH: Q. Sir, the evidence is that the Chief Yeoman of Signals was Chief Petty Officer James Tyldsley who joined *Sydney* in September 1935 and became Chief Petty Officer or Chief Yeoman of Signals in February 1936. From that perspective, you couldn't have, I suggest, a more experienced person for the job?

A. I think that is right. I'm not suggesting that this person was incompetent. That is the last point I would make. The point I am trying to make in my submission is that if only those matters had been investigated by an expert panel, including a subspecialist communicator, these points would have come out as to the quantity and quality of the signals staff in *Sydney*.

CMDR RUSH: I have no further matters, sir. May the captain be excused?

THE PRESIDENT: Yes. Thank you very much, CAPT Arundel.

THE WITNESS: Could I make one other comment,

1 Commissioner?

2

3 THE PRESIDENT: Yes.

4

5 THE WITNESS: I was impressed to read the lucid submission
6 by Herr Messerschmidt, but I was not impressed with his
7 comment that he was able, at a moment of life and death
8 crisis, to redirect himself from a position on the flag
9 deck to switch on a split system intercom and listen to the
10 intimate conversation of the Captain around the pelorus and
11 to hear the Captain say, "Do we have the secret war call
12 sign?", knowing full well that that was one of the elements
13 that they knew - that all merchant ships had secret war
14 call signs.

15

16 So it doesn't make sense to have asked that question,
17 and I wonder whether there isn't some other interpretation.
18 I heard this comment passed from another person, and it
19 struck me as collusion.

20

21 I also find his comment about not using radio jamming
22 and high-frequency transmissions to be discredited, because
23 both were used extensively.

24

25 THE PRESIDENT: Q. They certainly were used, but I don't
26 recall whether Herr Messerschmidt was speaking about this
27 engagement or generally.

28 A. I believe he was talking about their 12 months or less
29 at sea.

30

31 Q. There is no doubt that a lot of jamming went on then.
32 It is recorded in the *Kormoran* log.

33 A. I think he says, "We never jammed."

34

35 Q. If he said that, he was plainly wrong.

36 A. I beg your pardon?

37

38 Q. If he said that, he was plainly wrong. If he said
39 that in relation to *Sydney*, I don't know whether he was
40 wrong or not. But in the *Kormoran* war diary, which we have
41 up to 24 October 1941, it is clear that jamming was used at
42 the time of attack on the other merchant vessels.

43 A. On four occasions.

44

45 THE PRESIDENT: Certainly on a number of occasions, yes.
46 Thank you very much, indeed.

47

1 THE WITNESS: Thank you, sir.

2

3 <THE WITNESS WITHDREW

4

5 CMDR RUSH: That concludes the evidence today, sir. We
6 will resume on Friday morning.

7

8 THE PRESIDENT: Very well. I will adjourn until 9.30 on
9 Friday.

10

11 **AT 3.50PM THE COMMISSION WAS ADJOURNED**
12 **TO FRIDAY, 24 JANUARY 2009 AT 9.30AM**

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