



Jim&Anne

From: "Demetriou, Mike Mr" [REDACTED]
To: "Jim&Anne" [REDACTED]
Sent: Monday, 28 January 2008 10:04 PM
Subject: FOI Request - HMAS Sydney II

Mr Eagles,

Apologies for not making the means of access to the document you have requested sufficiently clear. The document – The Eldridge report as it is known in Australia - complete with the 2 pages of Admiralty notes in the "British" version, is no longer held by the UK Ministry of Defence. It is held in The National Archives (TNA) of the UK. The document is classed as reasonably accessible because, while the archives are of course, literally on the other side of the world from Australia, it can be requested from TNA in the same way as you have made your request to the MOD - via the internet. I have provided a link to TNA below, though you could also write or telephone them (details also below) detailing your request. I have provided the TNA catalogue number of the document - M.05540/42 in the ADM 199/736 section of the Archive, and it should be no problem for TNA to provide you with a copy of it. This is why I say that the document is reasonably accessible, and as such the absolute exemption stated under s21 of the UK Freedom of Information Act 2000 applies, and we are "exempted" from supplying it to you ourselves.

I appreciate your disappointment at not being provided with the document you have requested, but I hope you now know why this is the case, and how you can go about obtaining a copy of it. If you still feel your request has been badly handled then you may apply for an independent internal review of its handling by contacting the Director of Information Exploitation, 6th Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail Info-XD@mod.uk) Please note that any request for an internal review must be made within two calendar months of the date on which the attempt to reach informal resolution has come to an end. As I don't think there is anything more I can do in the form of informal discussion between ourselves on this request, that time period would begin from today 28 January 2008.

If you remain unhappy following an internal review, you may take your complaint to the UK Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate the case until the internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.informationcommissioner.gov.uk>

I do hope the above explanations are still useful to you.

Regards

Mike Demetriou
 Fleet FOI Co-ordination Cell

From: Jim&Anne [mailto:[REDACTED]]
Sent: 25 January 2008 21:52
To: Demetriou, Mike Mr
Subject: Re: FOI Request - HMAS Sydney II

Mr Demetriou

Thank you for your reply.

While I understand that the Eldridge report is available in Australian Archives the two extra pages added by the Admiralty are not. If they are only located in the UK, then I cannot see how they can be considered 'reasonably accessible'.

As they also constitute part of the original information requested and approved as an FOI request I have to wonder why these two pages are suddenly unavailable.

I will have to consider further, who to approach now regarding this matter, which to me, seems to have been handled unsatisfactorily.

James Eagles
 Association of Family and Friends of HMAS Sydney II

4/09/2008



SUBM.001.0086_R

----- Original Message -----

From: Demetriou, Mike Mr
To: Jim&Anne
Sent: Friday, January 25, 2008 11:23 PM
Subject: FOI Request - HMAS Sydney II

Dear Mr Eagles

Thank you for your email, I am glad we have been able to clear up the earlier misunderstanding.

Unfortunately, however, I don't think the MOD can help with the document, or the version of the M.05540/42 document, which you have requested. This is located in the UK National Archives, and as such is classed as information "reasonably accessible" elsewhere. Under UK FOI legislation an absolute exemption (s21) of the FOI Act, applies to such information and we are unable to supply it to you ourselves.

The UK National Archives (TNA) may of course be contacted directly and will be happy to provide copies of the document, albeit at a small cost. TNA may be contacted by any of the following means

By Post:

The National Archives, Kew, Richmond, Surrey, TW9 4DU.

By Telephone:

+44 (0) 20 8876 3444. Minicom: +44 (0) 20 8392 9198.

Or on the Internet, via:

<http://www.nationalarchives.gov.uk/contact/form>

I'm sorry not to be able to help further, but I hope this is helpful to a degree at least.

Kind regards

Mike Demetriou
Fleet FOI Cell

From: Jim&Anne [mailto:]
Sent: 23 January 2008 23:03
To: Demetriou, Mike Mr
Subject: Re: FOI Request - HMAS Sydney II

Mr Demetriou

Thank you for your reply, it has cleared things up here now. There has been some misunderstanding with the Seapower Centre however. I am sorry to further pester you with this one more time.

You are correct in that the Eldridge report is available from the National Archives here.

I am requesting, if it is possible to obtain a copy by email of the two pages attached to the Eldridge report you have mentioned in Paragraph 5 of your email. They are not available here or have never been found to date.

This may be the explanation of why the RN and RAN versions of the battle position seem to vary somewhat.

4/09/2008



SUBM.001.0087_R

I hope you can help with this request, it would be of great assistance to us.

Thank you
James Eagles

Sent: Wednesday, January 23, 2008 3:06 AM
Subject: FOI Request - HMAS Sydney II

Mr Eagles,

I am now in a position to respond to your email on the sinking of the HMAS Sydney II, received early today (attached below), and your repeated request for a copy of the BOI report into the sinking.

I first have to say that the RN Navy Casualty Branch have once again searched the records contained in their archives, and confirmed again that they do not hold a copy of a BOI report into the sinking.

As I mentioned in my email earlier today, I did unfortunately misdirect you to the Australian Sea Power Centre for a copy of the report. The RN Naval Historical Branch (NHB) have now explained that when this was originally requested their automatic response was to say that, since HMAS SYDNEY was an Australian vessel, if there had been a Board of Inquiry (which as explained below is unlikely), then it would have been conducted in Australia, and would presumably be held in Australia. The Sea Power Centre was a suggestion for a place that might be asked for advice or information. This message unfortunately became somewhat scrambled as it passed through several hands and became a statement that it existed and would be held there.

The NHB have additionally provided the following summary of the documentation you have referred to, and the reasons for the, most likely, non existence of a BOI report into the sinking:

1. The file referred to by Mr Eagles as M.05540/42 is publicly available at the National Archives at Kew in ADM 199/736. ADM 199/736 is a War History Case that will consist of several documents bound together. The relevant document, M.05540/42, is entitled *Report on the Loss of HMAS Sydney*.
2. M.05540/42 was sent to the Admiralty by the Secretary of the Navy Office for the Commonwealth of Australia.
3. This document is a duplicate of the one publicly available in the National Archives of Australia in Melbourne. Its series number is MP 1185/8, and its title in Australia appears to have been recorded as *Mr Eldridge - Compilation of Report on loss of "Sydney"*.
4. The copy held by the National Archives of Australia is also available online on their website.
5. The British and Australian copies are identical, down to the poor spacing between letters. The only difference with the British copy is that it contains two additional pages with comments from the Admiralty.

When Captain Peter Hore was commissioned by the Australian Government to research the sinking of the SYDNEY in British archives he viewed ADM 199/736, a fact that was subsequently noted in his book, *HMAS Sydney II: The cruiser and the controversy in the archives of the United Kingdom* [Peter Hore ed., Papers in Australian Maritime Affairs No. 9, the Royal Australian Navy Sea Power Centre, Canberra, 2001, ISBN 0 642 29554 9].

The fact that this book does not refer to a Board of Inquiry also leads me to believe that one was never held. In wartime in the UK, Boards of Inquiry were only held by exception rather than every time a ship was lost.

I cannot comment on what the regulations and practices were in place in Australia: that would be an issue for the Australian Government.

I do appreciate the reasons for your request, and I am sorry not to be able to provide a substantive response, but in this case the report does not, as far as we are aware, exist. And I can only repeat that as far as we are aware, all information on the sinking of HMAS Sydney II, is already in the public domain. I do however hope the explanations above are of some use.

Yours sincerely

4/09/2008

Mike Demetriou
Fleet FOI Cell


SUBM.001.0088_R

From: Jim&Anne [mailto: [REDACTED]]
Sent: 22 January 2008 00:23
To: Demetriou, Mike Mr
Cc: [REDACTED]; John Perryman; David Kennedy; Ean McDonald; John McArthur; Michael Montgomery; [REDACTED]; Kathleen Bennett; Garry Baverstock; Ross Willcock; Info-XD
Subject: Fw: FOI Request - HMAS Sydney II

Mr Demetriou

I have, since receiving your reply had contact with the Seapower Centre and they claim that they do not have a copy of the BOI report on the loss of HMAS Sydney. They claim that you are mistaken. I cannot understand how this misunderstanding about a simple FOI request can become so complicated.

As I understand it Admiralty KR & AI Fleet Order (AFO) 4131, stated that "Reports of BOI held to investigate losses of or damage to HM ships by enemy action are to be rendered to the Admiralty in duplicate". I presume this would have been carried out. I think this report also formed the basis of the File M.05540/42, which in turn is cited as the reference source for Battle Summary No 13 issued by the Admiralty in 1942, incorporating the action between HMAS Sydney and the German raider HSK Kormoran.

Therefore I cannot see that you would not hold two copies of this report, otherwise the Battle Summary would not have been able to be completed with the Sydney engagement included.

I am including the Seapower Centre in this email, so they may see that I am following this up so that the matter can be sorted out, hopefully with little delay, with the impending 5 million dollar search to be nearing its start date.

You will also notice that I have included the Australian Minister for Defence, Mr David Mearns the leader of the Sydney search and other researchers, so they may be kept informed of progress. I have also included the email address of the Director of Information Exploitation as a first step as per your email advise.

Regards

James Eagles
Information Officer,
Assoc of Family and Friends of HMAS Sydney II
[REDACTED]

----- Original Message -----

From: Demetriou, Mike Mr
To: [REDACTED]
Sent: Saturday, January 19, 2008 2:20 AM
Subject: FOI Request - HMAS Sydney II

Mr Eagles

Please see the attached response to recent information request on the sinking of HMAS Sydney II

Regards

Mike Demetriou

4/09/2008