

1 <THE WITNESS WITHDREW

2

3 CMDR RUSH: Sir, Mr Sheldon-Collins is the next witness.  
4 I understand that he has been located. I would ask, sir,  
5 for five minutes.

6

7 THE PRESIDENT: Right. I will adjourn for about  
8 five minutes. Let me know when you're ready.

9

10 SHORT ADJOURNMENT

11

12 CMDR RUSH: Thank you, sir. I call Mr Sheldon-Collins.

13

14 <FRANCIS CHARLES SHELDON-COLLINS, sworn: [10.50am]

15

16 <EXAMINATION BY CMDR RUSH:

17

18 CMDR RUSH: Q. Mr Sheldon-Collins, is your full name  
19 Francis Sheldon-Collins?

20

A. Yes.

21

22 Q. And you reside at [REDACTED]

23 [REDACTED]?

24

A. That's correct.

25

26 Q. Mr Sheldon-Collins, were you born on [REDACTED]?

27

A. Yes.

28

29 Q. Did you enlist in the Royal Australian Navy on  
30 11 April 1938?

31

A. That's correct.

32

33 Q. When you enlisted, where did you go?

34

A. Flinders Naval Depot.

35

36 Q. There did you undertake a course?

37

A. Yes, I did a series of courses as a cook and  
38 eventually passed out of the school of cookery and  
39 classified as an officer's cook.

40

41 Q. Your first ship that you joined - was that  
42 HMAS Sydney?

43

A. That's correct.

44

45 Q. Did you join that ship on 11 March 1939?

46

A. That's correct.

47

1 Q. Mr Sheldon-Collins, have you been asked to swear  
2 a statutory declaration for the purposes of evidence before  
3 the Commission of Inquiry?

4 A. I have.

5  
6 Q. And do you have a copy of the statutory declaration  
7 with you?

8 A. Yes.

9  
10 Q. Are there some changes that you would like to make to  
11 it?

12 A. That's correct.

13  
14 Q. Perhaps if you could get it out and we could go  
15 through the changes with you. What is the first paragraph?

16 A. Paragraph 10:

17  
18 Under CAPT Waller, we frequently exercised  
19 going to action stations whilst in the  
20 Indian Ocean and at sea one hour before  
21 sunrise and one hour before dusk.

22  
23 Q. Perhaps if I could ask you before we go on to the next  
24 question --

25 A. I have that again under CAPT Collins in paragraph 19.

26  
27 Q. And what is the change that you want to make in  
28 paragraph 19? Is what you want to make clear that your  
29 recollection is that there were two times each day that you  
30 went to action stations?

31 A. Yes. If we were not in fear of any raider, it was  
32 normal procedure morning and dusk to go to action station  
33 whilst at sea, but on returning to Fremantle, when we came  
34 under the guns on Rottnest Island, we didn't bother.

35  
36 Q. Is there another change that you wish to make to your  
37 statutory declaration?

38 A. In paragraph 25, it was January 1941 rather  
39 than July 1940.

40  
41 Q. Are you referring to the second-last line in  
42 paragraph 25?

43 A. Cooks wearing shirts.

44  
45 Q. Are you saying that the date set out there  
46 of July 1940 is wrong and it should be January 1941?

47 A. They just wore Bonds singlets until Chief Petty

1 Officer Schack came aboard and he insisted they wear  
2 long-sleeved white shirts.

3  
4 Q. Did that occur in January 1941?

5 A. Yes, because he joined the ship in charge of a draft  
6 on 11 January, the night before we left Alexandria.

7  
8 Q. That was in January 1941?

9 A. Yes.

10  
11 Q. And after that, you weren't allowed to wear the white  
12 singlets; it had to be white shirts?

13 A. Had to wear white shirts, and he had no control over  
14 officers' cooks because we came directly under the  
15 paymaster lieutenant and we still wore our Bonds singlets.

16  
17 Q. Was there a change to paragraph 27,  
18 Mr Sheldon-Collins?

19 A. Yes. Summer dress was for all as from 1 November.

20  
21 Q. Is there any other change?

22 A. In 41 about the convoy going from Sydney to Wilson's  
23 Promontory - as I said, it was the Australia rather than  
24 the Sydney --

25  
26 Q. May I clarify what you want to change in paragraph 41?  
27 Do you want to make a change in paragraph 41?

28 A. Well, I've got here - also why would such a convoy  
29 take eight days to reach the promontory when, according to  
30 Montgomery's book, the Sydney left Sydney on 28 August and  
31 passed the promontory on 4 September? After I read this,  
32 I looked at my old videos and I took that photo when Sydney  
33 and Australia collected those two ships in the Indian Ocean  
34 and brought them into Fremantle.

35  
36 Q. I'll come back and ask you some questions about that,  
37 but paragraph 41 in your statutory declaration - is what is  
38 in it now correct? You want to enlarge on it; is that  
39 right?

40 A. Yes.

41  
42 Q. Okay, we'll come back to that in a minute. Is there  
43 any other change that you want to make?

44 A. There is one other, which may be relevant, Sydney  
45 having lost her bows. I witnessed HMS Liverpool in the Med  
46 when she was torpedoed and she lost her bows, but because  
47 all the watertight doors were securely locked she was towed

1 back into Alexandria, arriving there 24 hours late.

2  
3 Q. Perhaps we'll come back to some of those issues.  
4 I asked you, and you indicated that you joined Sydney on  
5 11 March 1939?

6 A. That's correct.

7  
8 THE PRESIDENT: Shall I mark this statutory declaration as  
9 an exhibit?

10  
11 CMDR RUSH: Yes, I would ask that that be tendered.

12  
13 THE PRESIDENT: Subject to the alterations that have been  
14 made, I shall mark the statutory declaration of Mr Francis  
15 Sheldon-Collins as exhibit 40.

16  
17 EXHIBIT #40 STATUTORY DECLARATION OF MR FRANCIS  
18 SHELDON-COLLINS

19  
20 CMDR RUSH: Q. When did you leave Sydney?

21 A. I have no recollection of it, because we were laying  
22 at number 2 buoy in Sydney Harbour when my draft came  
23 through to return to Flinders Naval Depot, and I had my bag  
24 and hammock packed on the deck waiting to go in the motor  
25 boat to Man O' War Steps when the pay lieutenant came up  
26 and told me I wasn't going on draft, because the petty  
27 officer cook in the wardroom galley had got compassionate  
28 leave and I was being shifted from the captain's galley to  
29 take charge of the wardroom galley before we sailed for  
30 Fremantle. Although my service certificate shows either  
31 the 2nd or the 9th --

32  
33 THE PRESIDENT: Q. Of April?

34 A. -- which often happens --

35  
36 Q. Of April?

37 A. Of April, yes.

38  
39 Q. 1941?

40 A. Yes.

41  
42 CMDR RUSH: Sir, I can refer you to --

43  
44 THE WITNESS: The draft note always at that time - the day  
45 you left the ship, even if it took you a fortnight to  
46 arrive at your destination, it was still dated the day you  
47 left your ship.

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CMDR RUSH: Q. Mr Sheldon-Collins, your record shows you leaving the ship on 2 April 1941. Is that correct?

A. Well, my record does, yes, my service certificate.

Q. Is the record accurate as to when you actually left Sydney? Did you leave HMAS Sydney on 2 April 1941?

A. No, no.

Q. Do you recall approximately when it was that you left HMAS Sydney?

A. Probably a month or six weeks later.

Q. You indicated the record showing you leaving on 2 April 1941. Do you recall the ship being in Sydney itself on that day?

A. Yes, yes.

Q. Do you recall what Sydney undertook and where it went after 2 April 1941?

A. We went back to Fremantle.

Q. From Fremantle, what happened?

A. We did our normal patrols in the Indian Ocean.

Q. And you think it was up to six weeks later that you actually left the ship?

A. Well, I'm not definite about it. All I know is that officers cook Jimmy Hay left on 1 March and went to Flinders, and I arrived in Flinders in time to get a new uniform and be best man at his wedding on 28 June.

Q. For the ship leaving Sydney and destination Fremantle, who was the captain of the ship?

A. As far as I know, CAPT Collins.

Q. Where was the ship when you have your first recollection, if you do, of the ship coming under the captaincy of CAPT Burnett?

A. Alongside the wharf in Fremantle. I was standing in the wardroom lobby or galley lobby at a porthole as he came up on the starboard side ladder, walked across - saw an auxiliary raft there created by CAPT Collins, which I think I've explained, and as he was going down the port side, I was maybe two feet from him with a bulkhead in between with my face at the porthole, and I heard him say quite clearly to the first lieutenant, "They're non-service, get

1 rid of them" and those rafts were dumped on the wharf at  
2 Fremantle.

3  
4 Q. They were rafts that were made out of what?

5 A. All the cooks had to open them with care and wash them  
6 and then they were sent to the plumber to be resealed, and,  
7 from there, into boxes which we got them in. Then they  
8 went down to the shipwright shop and they were sealed into  
9 boxes and made into rafts about 4 feet 6 long.

10  
11 Q. When you say "they", what were sent from the cooks to  
12 be made into rafts - what was it?

13 A. Four-gallon powdered milk cans, 12 ounce milk cans,  
14 number 5 tinned fruit cans and any metallic can that we had  
15 that could be resealed was sent to the plumbing shop.

16  
17 Q. You say that you actually heard CAPT Burnett with the  
18 first lieutenant, was it?

19 A. Yes, who later became commander.

20  
21 Q. Who was that?

22 A. Algernon Thruston - Algie, our first lieutenant, as he  
23 called himself.

24  
25 Q. Do you actually have a recollection of those rafts  
26 being somewhere else but on the ship?

27 A. Yes. In fact, I gave a photo of one on X deck to  
28 Alastair Templeton who was writing a book.

29  
30 Q. Apart from that, you indicate in your statutory  
31 declaration that they were put on the wharf. Did you see  
32 them on the wharf or not?

33 A. No, no, because there was a section of the wharf where  
34 all sort of, I suppose you might say, recyclable rubbish  
35 could be used rather than - we emptied our pig buckets into  
36 44-gallon drums.

37  
38 Q. Mr Sheldon-Collins, where was your position or station  
39 on the ship at action stations?

40 A. I was in charge of the after 6-inch magazine.

41  
42 Q. That was situated below the aft turret - which turret?

43 A. After I came out on to X deck, I went down the ladder  
44 through the lobby, which housed the commander, the  
45 commander engineer and the captain and his day room, down  
46 the ladder to the wardroom flat, through the bulkhead into  
47 the machine room, over to the corner, down through

1 a manhole into the cordite handling room, then halfway up  
2 the wall into the magazine.

3

4 Q. What's your recollection of how long it took for the  
5 ship, and particularly the section where you were required  
6 to --

7 A. I'd say three to five minutes.

8

9 Q. Three to five minutes?

10 A. Yes, because you didn't hesitate. You took off like  
11 a Bondi bus.

12

13 Q. Do you recall now, Mr Sheldon-Collins, at action  
14 stations, do you have any idea whether the guns were loaded  
15 or unloaded in the turrets?

16 A. No, I wouldn't know. We communicated with the turret,  
17 with the face on to wall, and it spun around and rung  
18 a bell, and we only started sending cordite up when we got  
19 notified by that system.

20

21 Q. I've asked you about action stations, and you've  
22 referred to the change in your statutory declaration to the  
23 ship under Collins, as you recall it, coming to action  
24 stations twice a day.

25 A. Yes.

26

27 Q. Apart from action stations, do you have any  
28 recollection of any other degrees of readiness of the ship  
29 in relation to action stations?

30 A. Yes, there was first, second and third degrees.

31

32 Q. Do you have a recollection now, Mr Sheldon-Collins, of  
33 what you can recall in relation to the different degrees of  
34 readiness of the ship?

35 A. I was not really involved in that. The only thing  
36 I was concerned in was when I heard the bugle or the  
37 speaker system at action stations. At morning and dusk, it  
38 was a bugle call.

39

40 THE PRESIDENT: Q. Mr Sheldon-Collins, I thought there  
41 were four degrees of readiness, not three.

42 A. Well, I'm not actually conversant with them, but there  
43 was also cruising stations.

44

45 CMDR RUSH: Q. Mr Sheldon-Collins, at action stations  
46 would you carry any equipment with you?

47 A. I carried my Mae West and my gas mask.

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Q. In relation to the Mae West, how was that inflated if you needed to inflate it?

A. We wore it around our waist and, as I said, the only time we inflated it, which we could do, was when we slept in the magazine at night and we used it as a pillow.

Q. You have spoken about uniform or rig in your statutory declaration. Firstly, from the cook's point of view, where you worked, what was the colour of the working uniform that you wore?

A. White.

Q. What was the nature of it?

A. When I went to my action station, I just had my boots on, my white trousers, my Bonds singlet, my Mae West and my gas mask.

Q. How many personnel were involved --

A. Oh, I had my cap.

Q. And your cap. How many personnel would be wearing that sort of uniform that were involved as cooks or bakers on the ship, in approximate terms?

A. I'm not quite certain now, but I figured there were about 14 of us in the magazine, because it covered both "X" and "Y" turrets. There were two on the transfer through the bulkhead, and I handled the cordite out of the sealed containers; likewise, someone else at the other end.

Q. I meant, put aside action stations for the moment, but just in relation to the ship's company, how many personnel would wear the sort of attire or sort of uniform that you wore?

A. I suppose about half - the seamen would be in white or their duck suits; the cooks likewise. The stewards - I think there were about 260 seamen and a similar number of stokers who would be in overalls, blue overalls.

Q. Stokers wore blue overalls?

A. Yes.

Q. Did the cooks wear aprons?

A. No, not really. We dumped them - well, we didn't dump them, but we only wore them around our waist. We just pulled the tape at the back and they fell off.

1 Q. I'm not talking about action stations.

2 A. Oh, I see.

3

4 Q. No, just in your normal day-to-day routine, would  
5 cooks wear aprons?

6 A. Mostly, when they were on the stoves, but not when  
7 they were working in the spud locker or --

8

9 Q. You refer to the spud locker in your statutory  
10 declaration. What's the spud locker?

11 A. It's where they stored the ready-use potatoes, just  
12 forward of the torpedo tubes, and they had a potato-peeling  
13 machine and a wooden vat, I suppose, enough to hold enough  
14 potatoes for 600 - 500 men at least.

15

16 Q. Was there any particular time of day when the spud  
17 locker would come into use?

18 A. Any particular?

19

20 Q. Any particular time of the day when the spud locker  
21 would be used by cooks?

22 A. Well, the system was that the cooks coming on at  
23 a quarter to 8 in the morning would prepare their evening  
24 meal, and then they had to do the early morning breakfast  
25 and they finished their shift after lunch, but there would  
26 be sufficient spuds in the vat for the evening meal and  
27 lunch the next day.

28

29 Q. So once the personnel involved in the preparation of  
30 the food for the ship had prepared it for the day, would  
31 the spud locker be used again?

32 A. Yes, because when you came on duty, you were  
33 responsible for the evening meal and the breakfast and  
34 lunch the next day and the hot chocolate in the evening and  
35 morning.

36

37 Q. So during the course of the p.m., the afternoon, would  
38 there be personnel using the spud locker?

39 A. Yes, the cooks would be getting the potatoes out of  
40 the locker or out of the vat to take down to the steam  
41 chests in the galley.

42

43 Q. Did the peeling take place in the spud locker as well?

44 A. Well, in the waste outside the galley, there was the  
45 chute to get rid of your junk.

46

47 Q. Where was that in relation to being inside or outside

1 the ship?

2 A. It was outside the ship at the edge of the waste, as  
3 we called it, where there were seats and the rations for  
4 the lifeboats were kept and the roster for every man on  
5 board the ship - what his action station was, if he was in  
6 a landing party or similar.

7

8 Q. Was it on port or starboard side?

9 A. Port side. The entrance to the galley and the bakery  
10 was on the port side and there was a galley way through  
11 with the Walrus and the crane above, and on the other end,  
12 at the other side of the galley way was the master-at-arm  
13 and the police office.

14

15 Q. In your statutory declaration, Mr Sheldon-Collins, at  
16 paragraph 26 - and I don't ask you to go there - you refer  
17 to cooks going to the spud locker to prepare for the  
18 evening meal around 1600 or later.

19 A. Yes, that would be to get the potatoes out of the vat,  
20 because the evening meal was at 7 o'clock and it only took  
21 about 20 minutes in the steam chest to cook them. It  
22 depended on what the menu was. The main meal was always at  
23 lunchtime.

24

25 Q. So at around that time of day, 1600, for how long  
26 would personnel be involved in that area at the spud locker  
27 preparing, in approximate terms?

28 A. They would have to crate up in wire crates about -  
29 there were 25 serves in a wire crate, so depending on -  
30 well, there would be - 500 - about 20 crates.

31

32 Q. Do you recall how long people would be involved in  
33 preparation in that area for the evening meal?

34 A. No, I don't have a clue because I was on duty in the  
35 wardroom.

36

37 Q. Just going back to rig, you've indicated in evidence  
38 and in your statutory declaration, and we've spoken about  
39 the rig that cooks and sailors would wear - what about  
40 officers?

41 A. They either wore whites or blues, according to their  
42 rig of the day. There was a move at 4 o'clock for night  
43 clothing, but not many adhered to that. If you were off  
44 duty, only those on duty - it might be corporal of the  
45 gangway, the bugler.

46

47 Q. Mr Sheldon-Collins, at paragraph 28 of your affidavit,

1 you refer to two occasions that you recall when the ship,  
2 Sydney, came to action stations on encountering an  
3 unidentified ship.

4 A. Yes.

5

6 Q. Those occasions that you refer to in that paragraph  
7 were when the ship was under the command of CAPT Collins?

8 A. Yes.

9

10 Q. Do you now have any recollection of when that was, in  
11 approximate terms?

12 A. No. Well, he came aboard in November 1940 and we left  
13 on about 23 April, I think it was, to take the convoy to  
14 the Cocos Islands, so it would be in that time.

15

16 Q. You obviously wouldn't see anything from your position  
17 at action stations, but when the ship was released from  
18 action stations, you have a recollection or observations on  
19 two occasions of where the ship was in relation to another  
20 ship?

21 A. About 1,000 yards, but the ship was pointing in  
22 opposite directions, but we were parallel to it.

23

24 Q. Perhaps I should ask you, how do you know that on  
25 those occasions there was a procedure in process for the  
26 identification of an unidentified ship?

27 A. Well, we'd see the whaler - no, the sea boat coming  
28 back with an officer in it after it had been checked out.  
29 We - I would see a wisp of smoke as action stations were  
30 sounded and I'd be going to the magazine. The aircraft  
31 would be got ready and then fly off to report back to the  
32 Sydney their observation of the ship and I wouldn't see  
33 that ship until the all-clear had been given and I came out  
34 of the magazine.

35

36 Q. So what you're saying is that there was a call to  
37 action stations; you were in the magazine; and with the  
38 all-clear, you came out and made observations?

39 A. Yes.

40

41 Q. You've mentioned that there would be a checking-out  
42 procedure, as you understood it. What did you observe in  
43 relation to, firstly, any communication, as you saw it,  
44 between Sydney and the other ship?

45 A. No, I wouldn't see any. The only thing I saw was a  
46 sea boat returning with an officer who would, probably  
47 after they had answered their identification signals, go

1 over to verify it in the sea boat, so I'd see the sea boat  
2 midway between the ship and Sydney.

3  
4 Q. Have you any idea yourself of the procedures in  
5 relation to identification between ships?

6 A. No.

7  
8 Q. Do you have any knowledge as to whether these  
9 occasions that you refer to under CAPT Collins were for the  
10 specific identification of a merchant ship or for some  
11 other procedure that was going on between ships?

12 A. No, I have no idea.

13  
14 Q. You say that on each occasion, as I understand your  
15 evidence, the ships were approximately how far apart -  
16 Sydney and the other ship?

17 A. Well, it was hard to tell the exact distance at sea,  
18 but it would be I'd say about 1,000 yards, or maybe a mile.  
19 You have no way of ascertaining exactly how far it is.

20  
21 Q. And as far as the positions of the ships were  
22 concerned, did you make any observation of that?

23 A. They would be stationary in the opposite direction to  
24 what we were facing. Apparently CAPT Collins came on bows  
25 first.

26  
27 Q. So you're saying that from what you observed on each  
28 of these two occasions, the Sydney, as far as you could see  
29 from the result, approached from the bow rather than the  
30 stern?

31 A. Yes.

32  
33 Q. Mr Sheldon-Collins, is there any other recollection  
34 that you have at all in relation to CAPT Collins and coming  
35 to action stations for ship's identification? Do you have  
36 any other recollection of that?

37 A. Not really. There could have been, but there were  
38 lots of ships we passed which could have satisfied their  
39 identification and no action was taken.

40  
41 Q. Is it fair to say, Mr Sheldon-Collins, that you are  
42 assuming that there was an identification procedure going  
43 on as a consequence of what you saw once you had been  
44 released from action stations?

45 A. Well, Aldis lamp or the signalmen would be doing their  
46 duty, signalling to the ship.

1 Q. You have recalled your first sighting of CAPT Burnett  
2 and what occurred when you first saw him. Do you recall  
3 going to sea with CAPT Burnett in command?

4 A. Yes, that's correct.

5  
6 Q. And do you have any recollection of any procedure of  
7 coming to action stations - was that a regular day-to-day  
8 routine or was it different from what you had under  
9 CAPT Collins?

10 A. I don't recall going to action stations at any time  
11 under CAPT Burnett.

12  
13 Q. I want to suggest to you that at least each morning,  
14 at least each morning, as a matter of routine the ship at  
15 dawn would go to action stations?

16 A. In the past, it did. But --

17  
18 THE PRESIDENT: Q. Well, the log shows that it did under  
19 CAPT Burnett, every day.

20 A. When I was transferred to the wardroom galley, well,  
21 I never went to action stations, even though I was, on  
22 paper, still in charge of the magazine.

23  
24 CMDR RUSH: Q. Mr Sheldon-Collins, the log, the record  
25 of HMAS Sydney, shows it coming to action stations every  
26 day at dawn. Do you have any recollection of that?

27 A. Well, I never went, if it was.

28  
29 Q. But you would have gone to action stations, surely, if  
30 the ship had been called to action stations?

31 A. Definitely.

32  
33 THE PRESIDENT: Q. Mr Sheldon-Collins, how long did you  
34 serve under CAPT Burnett?

35 A. That I'm not quite sure of.

36  
37 Q. He didn't take over until I think 15 May. I think he  
38 took command on 15 May 1941. You left some time in June,  
39 did you?

40 A. That's what I think, because I've got no firm  
41 knowledge of the date I left, because the service  
42 certificate says 2 April, but I first saw CAPT Burnett on  
43 board when we were at Fremantle.

44  
45 Q. Yes, but you said, I think, that you went to a wedding  
46 towards the end of June.

47 A. 28 June.

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Q. 28 June, and you had left the ship by then?

A. I beg your pardon?

Q. You had left Sydney by then?

A. Yes. I was back in Flinders Naval Depot.

Q. How long before the wedding did you leave Sydney?

A. That I'm not certain of, because I arrived in Flinders, I went to the clothing store and got a chit for a tailor to make me a new uniform for the wedding, and I got it the week before, so we only got leave once a fortnight, so it would be roughly three or four weeks.

Q. Before 28 June?

A. Yes.

Q. Which means that you served under CAPT Burnett for about a fortnight?

A. Well, that I cannot say, because I first saw CAPT Burnett on board when we were in Fremantle after CAPT Collins had left. But there was no celebration of CAPT Collins leaving or the new captain coming, because, as I say, when I was in Sydney due to leave the ship, I was recalled and sent in charge of the wardroom galley, from the captain's galley where I worked under the two preceding captains.

CMDR RUSH: Q. As you've indicated to the Commissioner, you have no recollection as to for how long you were in Sydney whilst --

A. No recollection whatsoever.

Q. You indicated that you went to sea, I think you said, under CAPT Burnett. Do you have any recollection --

A. Out of Fremantle, yes.

Q. Was that just on patrol duty in and around the coast of Western Australia?

A. Yes.

Q. And, again, you don't know for how long that was?

A. No.

Q. I need to ask you a question about paragraph 36 of your statutory declaration, Mr Sheldon-Collins. You indicate there that at some stage whilst you served under

1       CAPT Burnett, you can't recall how long you were at sea but  
2       you recall an incident in the Indian Ocean when you  
3       encountered a suspicious ship. Why do you say that the  
4       ship was suspicious?

5       A.    Well, the normal procedure was carried out. He sailed  
6       up to the ship, and I wondered --

7  
8       Q.    I asked you why do you say that the ship was  
9       suspicious?

10      A.    Well, all ships were treated as suspicious.

11  
12     Q.    Do you have any knowledge of the signalling that had  
13     taken place between the ship --

14     A.    No.

15  
16     Q.    Then if the signalling had indicated that the ship was  
17     not suspicious, you wouldn't know that?

18     A.    True.

19  
20     THE PRESIDENT:   Q.    Mr Sheldon-Collins, did you ever go  
21     in convoy whilst CAPT Burnett was captain up to the Sunda  
22     Strait?

23     A.    Up to where?

24  
25     Q.    The Sunda Strait.

26     A.    No. We came from Sydney and we hove to just in the  
27     bottom of Port Phillip Bay over Portsea. We stayed there  
28     all day and we sailed for Fremantle, so I never recollect  
29     going to Singapore.

30  
31     Q.    It's not at Singapore but it's up towards Singapore.

32     A.    I would have recollected, because I'd been there on  
33     our way to the Med, and after the war I was there for the  
34     surrender.

35  
36     THE PRESIDENT:   LEUT Nottle, do you have the ship's log?

37  
38     CMDR RUSH:   For that date, for May, sir?

39  
40     THE PRESIDENT:   Well, the ship's log shows that the ship  
41     in fact went to action stations on 2 June on a voyage from  
42     Fremantle to the Sunda Strait. If that's right, it means  
43     that Mr Sheldon-Collins was off the ship by then. I would  
44     like to know the date on which the ship left on its voyage  
45     to the Sunda Strait.

46  
47     CMDR RUSH:   Yes, sir.

1  
2 THE PRESIDENT: Because that will define, at least by the  
3 end date, the time Mr Sheldon-Collins served under  
4 CAPT Burnett. As he didn't take over until 15 May, the  
5 period seems to be quite short.

6  
7 CMDR RUSH: Yes. While that is being done, sir, I might  
8 move on.

9  
10 THE PRESIDENT: Yes.

11  
12 CMDR RUSH: Q. Mr Sheldon-Collins, I want to ask you  
13 about paragraph 38 of your affidavit. After relating the  
14 course of conduct of the ship as previously questioned  
15 about, you say:

16  
17 The fact that we thought there could be  
18 a raider in the area (we had chased one in  
19 the Seychelles only a few months before)  
20 yet had sailed up so close to another  
21 ship...

22  
23 When you say you had chased a raider in the Seychelles --  
24 A. No, we searched for the raider. On our way home from  
25 the Mediterranean, as you pass through the various naval  
26 stations, we'd come under the command of the NOIC at  
27 Colombo. We were sent into Mogadishu to sink any ships  
28 that were in the harbour, and whilst we were there Colombo  
29 signalled that there was a ship that had sent out an SOS,  
30 so we sent the Walrus off and for three days we searched  
31 for the ship, to no avail.

32  
33 Q. Mr Sheldon-Collins, between that time and this time  
34 that you allege under CAPT Burnett, was there anything else  
35 said to you about a raider being in the area, and  
36 particularly a raider in the area off Fremantle?

37 A. No.

38  
39 THE PRESIDENT: That incident in the Seychelles was  
40 in January, was it not?

41  
42 CMDR RUSH: It was, sir.

43  
44 THE PRESIDENT: Q. That incident in the Seychelles was  
45 in January 1941?

46 A. That's correct, yes.  
47

1 CMDR RUSH: The log records, sir, at NAA.014.0161 --

2

3 THE PRESIDENT: Shall we bring that up on the screen.

4

5 CMDR RUSH: -- at 1600, if we can just come down the  
6 page --

7

8 THE PRESIDENT: I'm glad you can all see it, because  
9 I can't. Perhaps I'll take a short adjournment while we  
10 sort this out. I see it is 11.30.

11

12 SHORT ADJOURNMENT

13

14 CMDR RUSH: Q. Mr Sheldon-Collins, the log of 31 May  
15 indicates that Sydney slipped its mooring at Fremantle at  
16 1620 hours. The first question: you can't say in your  
17 evidence whether you were on the ship or not on the ship at  
18 this stage?

19 A. At what time?

20

21 Q. You can't say whether you were on the ship on 31 May?

22

23

24 Q. I might take you to the log for 2 June. If you can  
25 focus in on 0615 hours, which is at the top of the page,  
26 the first entry, what the log reads there for 2 June for  
27 the Sydney from Fremantle to Sunda Strait is that at 0615  
28 in the morning, the ship assumed first degree of readiness.  
29 You say that you have no recollection of the ship's routine  
30 including that?

31 A. Not on 2 June. As I say, I don't know exactly when  
32 I left the ship.

33

34 Q. And you have no recollection, any time you served  
35 under CAPT Burnett, of the ship coming to first degree of  
36 readiness at dawn?

37 A. As I said, I was still on paper in charge of the after  
38 magazine, but I don't remember why - it was a criminal  
39 offence. Either it wasn't on or I was guilty.

40

41 Q. But as far as action stations is concerned and looking  
42 at the log, if action stations is recorded at dawn,  
43 0615 hours, the ship coming to first degree of readiness or  
44 action stations is not something that you say you can  
45 recall happening at any time under CAPT Burnett?

46

47

A. No, I can't. The corporal of the gangway usually  
shook me at 5.30, and I lashed my hammock, put it down the

1 mess deck and then returned to the galley and lit the oil  
2 fires and prepared breakfast.

3  
4 THE PRESIDENT: Q. The log shows that Sydney slipped  
5 from Fremantle on 31 May 1941 on the way to Sunda Strait.  
6 Mr Sheldon-Collins has said that he did not take that  
7 voyage. That means that he left the ship not later than  
8 30 May 1941.

9 A. Correct, sir.

10  
11 THE PRESIDENT: CAPT Burnett took command on 15 May 1941,  
12 so he was in harbour on 16 May. Then she went to sea on  
13 patrol for four days from 17 to 21 May. She was then in  
14 harbour on the 22nd and the 23rd, and then she went to sea  
15 again for a couple of days. So at its lengthiest, this  
16 witness served under CAPT Burnett for a maximum of 15 days,  
17 of which some was spent in port.

18  
19 CMDR RUSH: Q. You do recall going to sea under CAPT  
20 Burnett, do you?

21 A. Yes.

22  
23 Q. On the first voyage after he took command out of  
24 Fremantle?

25 A. Yes.

26  
27 Q. The log shows that every day that the ship was at sea  
28 on that voyage, it did go to action stations every morning.

29 A. In that case, I would be eligible to be charged for  
30 neglect of duty.

31  
32 Q. There is no prospect of that. You needn't worry about  
33 that. I'm just trying to find out what happened.

34 A. Is it possible that CAPT Burnett came on board to  
35 acclimatise himself with the ship while CAPT Collins was  
36 still on board?

37  
38 Q. No, that's not possible. CAPT Burnett came on board  
39 on 14 May and he took command at 9.30am on 15 May.

40 A. Did that happen in Fremantle?

41  
42 Q. At Fremantle, and CAPT Collins then left the ship and  
43 the ship went to sea after that under the command of  
44 CAPT Burnett and, when it did so, it went to action  
45 stations every morning at dawn, and it going to action  
46 stations and it standing down from action stations and the  
47 times that that occurred are recorded every day in the log

1 to minute.

2 A. Did he actually record it or the officer of the day?

3

4 Q. The officer of the day.

5 A. Just following on from the previous captain.

6

7 Q. It is precisely the same procedure as occurred under  
8 CAPT Collins and the log is initialled both by the officer  
9 of the day and by CAPT Burnett. And, in addition, there is  
10 a report of proceedings for every month's endeavours. But  
11 the log makes it entirely clear that that's what happened.  
12 But you have no recollection of that?

13 A. No.

14

15 Q. Do you recall seeing the Queen Mary?

16 A. Yes.

17

18 Q. It was on that occasion, on --

19 A. And we escorted her and the Mauritania with the  
20 Australia with Sydney under CAPT Collins leading, because  
21 he was the senior captain, and during coming into Fremantle  
22 past Rottnest, or just beforehand, the Australia flew the  
23 Walrus off, and then Sydney did the same, and as we were  
24 recovering it, we damaged its wing.

25

26 Q. Do you recall seeing the Queen Mary when Sydney was  
27 under the command of CAPT Burnett?

28 A. No. Actually, we saw the Queen Mary quite a lot when  
29 we were in Australian waters because we were the first ship  
30 to escort it into Australian waters in I think April 1940  
31 or a bit earlier.

32

33 Q. The log records that on 21 May, that's CAPT Burnett's  
34 first voyage out of Fremantle, the ship assumed the first  
35 degree of readiness at 0430, that is 4.30 in the morning,  
36 and that she sighted the Queen Mary at 0536 that morning  
37 and that she remained at action stations or first degree of  
38 readiness until 0650 that day. Do you have any  
39 recollection of that?

40 A. No, as I say, when I was in charge of the wardroom  
41 galley I never went to action stations at any time.

42

43 THE PRESIDENT: Yes, very well.

44

45 CMDR RUSH: Q. Mr Sheldon-Collins, there is one other  
46 matter. In your statutory declaration, you indicate that,  
47 in your opinion, the Carley float that is said to be

1 recovered from Sydney that is in the Australian War  
2 Memorial is not a Carley float from HMAS Sydney. In  
3 substance, that is based upon your opinion that HMAS Sydney  
4 did not have any of the smaller pattern number 20 type  
5 Carley floats?

6 A. They had five large ones - two on the quarterdeck, two  
7 on the 4-inch gundeck and one just behind the bridge.

8  
9 Q. Do you remember any Carley floats being on the port  
10 side forecastle deck?

11 A. The port side forecastle?

12  
13 Q. Yes.

14 A. Never.

15  
16 Q. I just want to show you a photograph which is taken  
17 from the book of Mr Olsen. Could I ask you to have a look  
18 at that. I have a copy for the Commissioner.

19 A. That is not a photo of the Sydney.

20  
21 Q. That's not a photo of the Sydney?

22 A. No, because the 4-inch gundeck was not where it is  
23 positioned. That's the waste under the sea boat, and about  
24 that area would be the torpedo waste, torpedo tubes and the  
25 potato locker and the whaler. The 4-inch gundeck was  
26 elevated with the torpedo workshop below.

27  
28 THE PRESIDENT: Q. But that is shown elevated.

29 A. Furthermore, whilst we were in the Mediterranean - and  
30 again I have it on video at home - we had, I suppose it  
31 would be leather rather than plastic protecting the gun's  
32 crew from any shrapnel, although they are --

33  
34 Q. Excuse me, Mr Sheldon-Collins --

35 A. -- a 4-inch gun.

36  
37 Q. -- that photograph does show the 4-inch gundeck in an  
38 elevated position.

39 A. Is that a genuine photo or a creation by computer?

40  
41 Q. It's a photograph in the War Memorial.

42  
43 CMDR RUSH: I'll come to that, sir.

44  
45 THE WITNESS: Again, whilst we were in the Mediterranean,  
46 we had degaussing cable placed around the guardrail in the  
47 event of coming in contact with magnetic mines, so

1 I definitely refute that as HMAS Sydney in relation to the  
2 box and dice. It's not a photo, because the 4-inch gundeck  
3 was just forward of the wardroom galley, and when we stored  
4 potatoes on the 4-inch gundeck I used to have to sidle  
5 along with it on my back on the top of the deck and then  
6 jump from the catwalk on to X deck. Now, that gun was  
7 never there.

8  
9 CMDR RUSH: Q. Putting that to one side --

10 A. So you're trying to trick me.

11  
12 Q. Well, I don't want to do that, but just in relation to  
13 the Carley floats that are identified there or shown in the  
14 photograph, you agree that they're the smaller type of  
15 Carley float?

16 A. Well, I have photos of it where the pinnacle and the  
17 motor boats were there. I lived on it for two and  
18 a half years, nearly.

19  
20 Q. It was the place, I suggest, where the 30-foot gig was  
21 initially stored, where those Carley floats are depicted?

22 A. I can't accept it as a genuine photograph, nor will  
23 I ever do so.

24  
25 CMDR RUSH: I tender that photograph for identification,  
26 sir.

27  
28 THE WITNESS: Because when you move in a bit from there,  
29 the superstructure here is not part of the Sydney. I think  
30 it might be a navy cover-up to create some delusion.

31  
32 THE PRESIDENT: Q. Why do you think that?

33 A. Why did I say that?

34  
35 Q. Why did you say that, yes.

36 A. Why?

37  
38 Q. Yes.

39 A. Look, I lived in that area for over two years, and  
40 I know it like I know my own unit, and that is not Sydney,  
41 because I have photographs at home that I took with my  
42 movie camera and I've had them transferred on to video.

43  
44 THE PRESIDENT: Have you seen those, CMDR Rush?

45  
46 CMDR RUSH: I don't think we have, sir, but we will obtain  
47 them and look at them.

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THE PRESIDENT: Q. Mr Sheldon-Collins, if you have some pictures, it would be very useful for the Commission to have a look at those.

A. How long is the Commission going to last?

Q. Long enough to look at your pictures.

A. Because I'm booked to fly to Brisbane on Friday and I'm going home on Monday.

Q. I'm sure some arrangements can be made --

A. So I can run them through and post them to you.

Q. Yes, thank you very much.

A. The same as the films that I've sent to Darwin which the War Memorial has. They've edited them out to suit.

EXHIBIT #41 PHOTOGRAPH TAKEN FROM BOOK OF MR OLSEN

CMDR RUSH: Q. Just to conclude on this issue, I know it's a matter you don't agree with, Mr Sheldon-Collins, but I do want you to have a look at this photograph. I have a copy for the Commissioner. That is a photograph from the collection of the Australian War Memorial which identifies what we're looking at as the quarterdeck or the stern of Sydney with two large Carley floats and a smaller Carley float in the larger Carley float. Do you see that?

A. Well, to start with Sydney --

THE PRESIDENT: Q. And it is said to be a picture taken --

A. This is taken allegedly passing the Wilson's Promontory.

Q. -- in escort of Queen Mary and Queen Elizabeth --

A. Yes, that's coming from Sydney.

Q. Excuse me, which are presumably the two ships shown astern of the vessel in the picture?

A. It's going from west to east rather than from east to west. As I said, anything coming out of the War Memorial has been edited or computer improved, because I was there in March, and in spite of a film I sent to them disputing that Sydney had a small float on the starboard large float, they were teaching school children that the float that they have on display there was off the HMAS Sydney. That's a complete prefabrication of deluding the school children.

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CMDR RUSH: Q. Is it your evidence, Mr Sheldon-Collins, that what is depicted in that photograph with the smaller Carley float inside the larger Carley float is not the stern of HMAS Sydney?

A. Definitely, that is not the Sydney, in spite of - well, it's got, what, three bollards instead of two.

Q. You say it is because there are three bollards instead of two; correct?

A. Yes.

Q. I want to put this additional piece of evidence to you. In the record of proceedings that the ship's captain is required to write every month, CAPT Burnett, on 4 October 1941, wrote in his report for September that on 3 September Sydney, in escort, for a rendezvous in the Bight, was followed astern by two big ships at speed, and a photograph was taken of the ships from Sydney that indicated the two ships following, or indicated the big ships in the convoy and the stern of Sydney.

Now, with that additional piece of information, does that do anything to perhaps change your mind?

A. All right, let's go back a bit further. CAPT Burnett requested more Carley floats when he became captain but --

THE PRESIDENT: Q. How do you know that?

A. Navy statement to Montgomery's book.

Q. Let's not worry about what Mr Montgomery said. Let's just have your evidence about what you know.

A. And the navy never had any, so they approved of scrambling nets on 12 November, and Sydney sailed on 11 November, never to return.

CMDR RUSH: Sir, I tender the photograph for identification.

EXHIBIT #42 PHOTOGRAPH TAKEN FROM SYDNEY INDICATING TWO SHIPS IN CONVOY

THE PRESIDENT: Q. This photograph, according to its endorsement, was taken some three months after you left the ship, Mr Sheldon-Collins. Do you understand that?

A. I can't hear you.

1 Q. This photograph that you have in front of you was  
2 taken three months after you left the ship. Do you  
3 understand that?

4 A. Well, why would I have a photo on my movie camera of  
5 exactly the same but just the half point of the island?  
6

7 Q. I'm just pointing out to you, whatever you may have --

8 A. I claim that is the Australia, with Sydney leading,  
9 coming into Fremantle under CAPT Collins. And that is,  
10 I thought at the time, Rottnest Island. It is probably one  
11 of the other small islands in the area.  
12

13 CMDR RUSH: No further matters.  
14

15 THE WITNESS: Because my photo cuts the island in half.  
16 Not only that, a short time after I took it, Australia flew  
17 off its Walrus and I have that on film, too.  
18

19 THE PRESIDENT: Yes.  
20

21 CMDR RUSH: No further matters.  
22

23 LCDR RENWICK: No questions from me, sir.  
24

25 THE PRESIDENT: Thank you, Mr Sheldon-Collins. You've  
26 been very helpful. That concludes your evidence. If you  
27 could make those photographs available, that would be very  
28 useful.  
29

30 THE WITNESS: I beg your pardon?  
31

32 THE PRESIDENT: If you could make any other photographs  
33 that you have available, that would be very useful.  
34

35 THE WITNESS: Shall do, but they won't be here till the  
36 middle of next week.  
37

38 THE PRESIDENT: Thank you.  
39

40 <THE WITNESS WITHDREW  
41

42 CMDR RUSH: I call Mr Templeton, sir.  
43  
44  
45  
46  
47