

1
2 We're in the process of handing that site over to the
3 Naval Association of Australia and with that we will
4 provide them with funding to finish it and to keep it
5 running.

6
7 CMDR RUSH: Thank you. I have no further questions, sir.

8
9 THE PRESIDENT: Thank you, Mr Graham. And congratulations
10 on your recent AM.

11
12 THE WITNESS: Thank you, sir.

13
14 <THE WITNESS WITHDREW

15
16 CMDR RUSH: Sir, I call Dr McCarthy.

17
18 <MICHAEL McCARTHY, affirmed: [10.46am]

19
20 <EXAMINATION BY CMDR RUSH:

21
22 CMDR RUSH: Q. Dr McCarthy, could you state your full
23 name and address to the Commissioner, please?

24 A. Michael McCarthy, [REDACTED]

25
26 Q. And your occupation?

27 A. Maritime archaeologist.

28
29 Q. In your occupation as a maritime archaeologist, have
30 you been associated and employed by the Western Australian
31 Maritime Museum?

32 A. I have.

33
34 Q. In what capacity and for how long?

35 A. Thirty years. My first role was inspector of wrecks,
36 which made me responsible for people finding ships. I was
37 inspector of wrecks for the Museum, which made me
38 responsible for handling reports of finding ships. The
39 museum is responsible to the Federal Minister for historic
40 shipwrecks. Then I branched off into a number of areas,
41 including iron ships. Because of these two interests,
42 Commander, I was responsible for managing the *Sydney* and
43 the *Kormoran* issues for the Museum from around about 1980.

44
45 Q. I should have asked you for your academic
46 qualifications.

47 A. I hold teaching qualifications, diplomas, Bachelor of

1 Education, a Maritime Archaeological Diploma, a Masters in
2 History and a Doctorate in Maritime Archaeology.

3
4 Q. What was the doctorate involved with?

5 A. The doctorate was specifically related to iron, steel
6 and steamship wrecks.

7
8 Q. Has that been of assistance in relation to your
9 overall responsibility for the searching for *Kormoran* and
10 *Sydney*?

11 A. Yes, and also the way that I manage things, which is
12 to bring a lot of people in support and to seek lots of
13 assistance from all around the place. Those things have
14 given me some expertise.

15
16 Q. Dr McCarthy, you indicated your involvement over
17 30 years. Has the Maritime Museum a collection of papers
18 and correspondence and the like extending over at least
19 that period of time concerning various issues involving the
20 loss of *HMAS Sydney II*?

21 A. Yes. After the 1976 Shipwrecks Act was enacted, my
22 predecessor, Scott Sledge, opened a file called Naval
23 Wrecks No. 4 of 78, which contained information on all
24 naval wrecks that we thought were lost in this region.
25 Then in 1981, the materials from that file were subsumed
26 into a specific *HMAS Sydney/HSK Kormoran* file. So from
27 that time on, as is required of any Government group,
28 anything that came across in written form, and occasionally
29 telephone, transcripts and so on, were entered into the
30 file.

31
32 THE PRESIDENT: Q. Are you also responsible, under our
33 legislation, for wrecks from foreign countries?

34 A. We have an interest in what we call the Maritime
35 Heritage Abroad, things like William Dampier's ship,
36 raising Louis de Freycinet's ship, Commissioner, but we
37 also have assisted with things like the Japanese submarine
38 I-124 in Darwin and other foreign wrecks still owned by
39 foreign governments, like *Kormoran*, that are on our shores.
40 We recognise the ownership of those foreign governments,
41 but at the same time manage them for Australia.

42
43 CMDR RUSH: Q. Dr McCarthy, at the request of Counsel
44 Assisting, did you prepare a report for the Commission of
45 Inquiry which you have entitled "An Insight into the
46 Genesis and Evolution of the *HMAS Sydney* Controversy"?

47 A. That's correct. That report uses the words in the

1 first letter to me from LEUT Vesper to provide the genesis
2 and evolution of the controversy.

3
4 Q. In that report, did you go back over the full history
5 since the loss of *Sydney* in an attempt to encapsulate all
6 the various controversies and theories that have been put
7 forward in relation to her loss?

8 A. In attending to the request, I then utilised the files
9 to do exactly as requested.

10
11 Q. When you say "the files", the matters that you refer
12 to in your report are based on the files of material held
13 by the Maritime Museum?

14 A. That's right, including daybooks and other
15 reminiscences which have all been subpoenaed and copied.

16
17 CMDR RUSH: Sir, I formally tender that report.

18
19 **EXHIBIT #158 REPORT OF DR McCARTHY DATED 1/12/2008**

20
21 CMDR RUSH: Q. If I can ask that we go to page 2 of that
22 report, Dr McCarthy, did you initially bring together what
23 you have referred to as "the wartime controversies" raised
24 as a consequence of the loss of *Sydney*?

25 A. I had actually done the vast majority of that earlier
26 for the Parliamentary Inquiry as a submission from the
27 museum to help that Inquiry understand why the controversy
28 had got to that stage, Commander, and also in the hope that
29 that Parliamentary Inquiry would treat some of the strange
30 things coming towards them with an element of concern and
31 charity.

32
33 Q. Without going through each one, if perhaps I can
34 address your attention to a few of these entries, the first
35 issue you note is that on 24 November 1941:

36
37 *Rear Admiral Grace writes in his personal*
38 *diary that the Naval Board thought that*
39 *there was a possibility that a Vichy*
40 *submarine was involved.*

41
42 What did that mean in relation to controversy?

43 A. As I understand it, Commander, Rear Admiral Grace and
44 others would have discussed these issues, and these issues
45 then got into the public domain. I understand at one stage
46 one parliamentarian referred to hearing of the loss of
47 *Sydney* on a Melbourne tram. So what happens there - and in

1 my notes I write that this is the genesis of the submarine
2 theories. Though he's keeping a diary against I think the
3 requirements of the day, it shows clearly what was being
4 thought of in that early period.
5

6 Q. At the bottom of the page, you refer to 1 December
7 1941:
8

9 *Navy advise the PM that the Naval Board*
10 *have "continuously under review the*
11 *possibility of two raiders". They wish to*
12 *delay announcing the loss in the hope that*
13 *the other will break radio silence for an*
14 *announcement may serve to deny "the*
15 *opportunity of locating her by direction*
16 *finding". Concerns were expressed that*
17 *Sydney's crew "could have been taken off or*
18 *picked up by these vessels".*
19

20 A number of matters are referred to there: the delay in
21 the announcement of the loss of *Sydney*, plus the two-raider
22 theory. Where did that get to?

23 A. I expect that a lot of that will come from this
24 Commission's findings, Commander, but it was clear at the
25 time that in high places there was a concern that *Kormoran*
26 could not have done what they thought it had done. The
27 other issue of course is that direction finding matter.
28 Direction finding does appear to have been working on the
29 coast at that time and was capable, and you're just looking
30 really at the sorts of arguments being put by folk at the
31 time, and of course the inordinate silence, which makes
32 things much worse.
33

34 Q. I will not go to each one of the wartime matters, but
35 if I could ask that we go to page 4, the second-last matter
36 that you raise there is:
37

38 *October 1945. Despite urgings from RAN*
39 *staff in WA, CMDR Long, Director of Naval*
40 *Intelligence, refuses to publish data*
41 *compiled by Third Officer Westhoven...on*
42 *the basis that the analysis would still not*
43 *be accepted by some people as being*
44 *absolute confirmation of the loss of all of*
45 *the crew. He then stated that "it is*
46 *intended not to publish anything further*
47 *concerning this action, and its results,*

1 *unless the Board is forced by Ministerial*
2 *pressure ..."*

3

4 You note:

5

6 *The case is closed without satisfactory*
7 *explanation.*

8

9 Has that been a continuing matter that has been raised in
10 controversy?

11 A. I think, Commander, that's why we're here today.
12 I think that's why folk have gone off on all sorts of
13 tangents, making surmise, and the materials in that list
14 also give good reason why people have gone down various
15 tracks which are vexing this Commission today.

16

17 The decision in 1945 is really the cause of what has
18 happened. Why the decision wasn't reversed in 1975 when
19 the archives were opened and why it wasn't reversed with
20 Michael Montgomery and Barbara Winter's unfortunate
21 adversarial styles again is a mystery to me.

22

23 Q. Just to put that matter that you refer to with
24 CMDR Long in context, I will go to a couple of matters
25 outside the report, but I wonder, sir, if we could bring up
26 NAA.026.0211.

27 A. I wonder if I could make a point, Commander, as to how
28 I came by this material. A lot of it was actually on my
29 first lookings at the files in the archives in Melbourne,
30 Sydney and Canberra, because I was presented with many
31 people's comments that the files on *Sydney* and *Kormoran*
32 were closed and not available. So naturally I went to have
33 a look, on the basis that the Museum is responsible for the
34 two wrecks and needed to be aware of what the issues were.
35 A lot of the material in that list was there for those who
36 wished to look at it, and I think that this goes back to
37 1991 and 1993 and 1994.

38

39 Q. Was there any problem accessing that?

40 A. None whatever. The staff were wonderful, actually,
41 and there had been numerous people, like Michael and
42 Barbara, before me and they were already aware of the
43 growing interest in *Sydney* and had begun to start making
44 the requests, because there were a number more easily
45 available.

46

47 Q. The matter that you referred to that we've just spoken

1 about, the correspondence of LCDR Rycroft of 12 October
2 1945 - it is this letter where he submitted the Westhoven
3 report, as it has been called, to CMDR Long. He submitted
4 it with the terms:

5
6 *The enclosed cuttings indicate that there*
7 *are still people holding out hope that some*
8 *of the personnel from HMAS Sydney are*
9 *alive. It is considered that such*
10 *recurrent publicity can only cause distress*
11 *to those who normally would have allowed*
12 *the lapse of time to heal their sorrow.*

13
14 Then he goes on, and I'm jumping down four lines of the
15 next paragraph, to refer to Third Officer Westhoven of
16 WRANS:

17
18 *... gives a good publishable story of the*
19 *action and search and should result in*
20 *completely setting at rest any rumours or*
21 *speculation concerning possible survivors*
22 *from the Sydney. It is suggested that this*
23 *information concerning the action and*
24 *search should be in the form of an official*
25 *release to the press in Australia.*

26
27 That report was enclosed, and CMDR Long wrote back to
28 LCDR Rycroft at NAA.026.0208 where he acknowledged the
29 letters and stated:

30
31 *2. Continuous investigation has been*
32 *carried out into the facts relating to the*
33 *action between HMAS "Sydney" and the German*
34 *Raider "Kormoran". There has now been*
35 *accumulated a mass of confirmatory*
36 *information which leaves no doubt that*
37 *there are no survivors from HMAS "Sydney".*

38
39 *3. There are a number of reasons, however,*
40 *why the full analysis should not be*
41 *published, the principle that such an*
42 *analysis would still not be accepted by*
43 *some people as being absolute confirmation*
44 *of the loss of all the "Sydney"'s*
45 *complement. It is intended not to publish*
46 *anything further concerning this action,*
47 *and its results, unless the Board is forced*

1 *by Ministerial pressure to write*
2 *a Ministerial statement.*

3
4 From your analysis, there has been continuing speculation
5 through that time to the writing of CMDR Long's letter as
6 to survivors from *Sydney*, to the extent of survivors
7 perhaps being held prisoner of war in Japan?

8 A. That's correct. One of the issues brought before
9 Collins, the former Commander of *Sydney*, when he was sent
10 to Japan to help with the occupation, was to look at this
11 issue. Collins wrote back quite categorically that there
12 was nothing of any substance whatever in that, though there
13 were numerous people, including former serving people on
14 ships, like *Perth* and so on, that had heard this rumour,
15 and it kept going. Despite what Collins and others did,
16 that Japanese rumour remained. You need to look at the
17 tragedy, Commander, I think that's inherent in Long's
18 letter as to what happened there.

19
20 The man was of great intelligence. He was headhunted
21 by the Americans after the War but decided to remain here.
22 The reasons for him doing that and realising what would
23 have happened as a result I don't think would have been
24 lost on him.

25
26 Q. I suppose the other way of looking at it, Doctor, is
27 that he may have felt that it was an insoluble matter and
28 it was better just put to bed?

29 A. Of course, of course, and in society in those days we
30 did accept, in the pre-Vietnam period, what we were told as
31 being correct. Yes, it may have been his thoughts that
32 society would continue in that vein.

33
34 Q. You go on to speak about Western Australia becoming
35 a bit of a hotbed for various theories and controversy,
36 primarily I think you say because of where the loss
37 occurred and the involvement of Western Australia.

38 A. Yes, Commander. There is a great deal of Western
39 Australians, like Third Officer Westhoven and Rycroft, and
40 so on, and I would expect that, not agreeing with the
41 bosses' edict, they would have gone off muttering, and as
42 you do with these things, you end up creating further
43 speculation.

44
45 Q. At page 5 of your report, you then refer to the
46 controversies and conspiracies that commenced in the 1970s.

47 A. Yes, that's correct.

1
2 Q. Between the Long letter and the 1970s, from your
3 research was there much going on in relation to the *Sydney*
4 loss and the various theories and matters that were
5 advanced concerning *Sydney*?

6 A. I don't know a great deal except some personal
7 experiences with people, like Jack Sue, whose son I used to
8 fly with, telling me that there was a general theory that
9 *Sydney* had been seen in Tokyo Bay, and Doolittle's famous
10 flight, for example. There was Jonathan Robotham, the
11 famous hermit people talk about, who would produce to any
12 who asked, including myself as a young 20-year-old, a diary
13 saying that the ship had lowered its colours - meaning, of
14 course, *Kormoran*. These people were mainly being listened
15 to in places like Carnarvon. Jack Sue, of course, had
16 a very wide range of friends and people - not that Jack was
17 saying that he believed it, but he was saying what he had
18 heard.

19
20 But it's when this Sydney Research Group formed - and
21 I'm not sure exactly when they formed, but as they started
22 to become more active in the 1970s, my predecessor, Scott
23 Sledge, allowed them to meet a couple of times in the
24 museum, for example, because they had a common interest
25 with one of the members here, Malcolm Barker, with the
26 *SS Koombana*, which Scott was very keen to find, a ship lost
27 with all hands. We became aware of their interests, and of
28 course through Vic Jeffrey, the public relations officer of
29 the Navy, and of this group that was doing this work.

30
31 So from Carnarvon, I think the interest and the
32 controversies morphed into this group of people that I list
33 here as the Sydney Research Group.

34
35 Q. You refer to them in the first paragraph under that
36 heading as people who generally were troubled by the
37 official account.

38 A. Yes, that's correct.

39
40 Q. You put "official" in inverted commas.

41 A. Yes. I knew of some of them. I met some and had
42 a lot to do with Vic, of course. We shared a lot of
43 histories together. I met Gordon Laffer. I have met all
44 of the group except for Dr Strahan. It was clear to me
45 that they considered that there was an official account and
46 there was an unofficial account, and because CMDR McDonald,
47 who said he had heard signals, and because Gordon Laffer

1 said he had seen signals, and Malcolm Barker who said he
2 was sworn to secrecy, and so on, and Vic Jeffrey, who would
3 tell me what people were telling him, it was clear to me
4 that they became the core of people firmly, and I think
5 honestly, believing that there was something wrong with the
6 Sydney story, that there had been signals from Sydney and
7 so on, and then it started to develop further, to take the
8 Japanese involvement line, and so on.

9
10 THE PRESIDENT: Q. Was Mr Gordon Laffer related to the
11 Able Seaman Laffer who was lost on Sydney?

12 A. I'm not sure, Commissioner. He served with the RAAF;
13 I understand Gordon did. He at no stage indicated to me
14 that he was a relative.

15
16 Q. It is a very unusual name.

17 A. It would be, yes.

18
19 CMDR RUSH: Q. In a number of accounts, the official
20 story or version or history is referred to in inverted
21 commas. What do you understand by the use of the term
22 "official history"?

23 A. At the time, the official history was that appearing
24 in things like Gill, "The History of the Royal Australian
25 Navy"; in then I think Admiral Collins' work on Sydney.
26 John Ross, "Stormy Petrel", though his early work refers to
27 issues like the Norwegian flag and an inability to believe
28 the Germans, but this was generally what was considered to
29 be the official history. But I don't think really there
30 was ever an official history as such.

31
32 Q. You refer in the second paragraph under that heading:

33
34 *While the thrust of their claims is visible*
35 *in the wartime sequence, it is evident that*
36 *in the main the SRG were following in the*
37 *footsteps of lieutenant Jonathan Robotham.*

38
39 You have given his background and perhaps the influence
40 that he had, and you have referred to the diary that he
41 used to produce on occasions. That had a name, or he would
42 give it a name?

43 A. Later I learnt from Barbara Winter that this was the
44 Kitsche diary. When Robotham produced it to me I suspect
45 is only one example of people who went to the old hermit
46 and said, "What's going on?" This is going back 40 years
47 now. But I understand this is the Kitsche diary which

1 Barbara Winter deals with, and I comment on its background
2 in the earlier work there, Commander. Winter,
3 I understand, has traced it back to most possibly a hoax by
4 a chap called RS Close, and this is one of the December
5 1941 things that comes out in the English press and in
6 other things and so on, which is partly based on these
7 sorts of things, and Robotham appears to have acquired it
8 from the Germans.

9
10 Q. Sorry, from?

11 A. From the Germans. He was their minder at one stage,
12 speaking German from his World War I experiences, and he
13 then became really the carrier of, "Something's wrong here
14 and something must be done", and then he took the next
15 step, as sadly many folk have done, leading up to this
16 Inquiry, of then being prepared to fabricate evidence to
17 suit his take on things.

18
19 Q. What was the nature of that fabrication?

20 A. He kept an archive in an old ute. I remember it under
21 the tamarisks in Carnarvon. He kept an archive there and
22 was writing a book called "Eagle in the Crow's Nest". It
23 was historical fiction, but it was based on his belief that
24 a Japanese submarine was involved. It appears that he was
25 going to write this book and use it, as I think many others
26 have since, to try to force Government action on looking at
27 what his claims were. He was also seeking the German
28 camera and other materials that we know were buried in the
29 caves north of Carnarvon. Generally, it was an obsessive
30 search that he would involve anybody in who was prepared to
31 ask.

32
33 Q. What you refer to there as the Kitsche diary, is that
34 the same diary that is extracted and referred to in
35 Montgomery's book, "Who sank the Sydney?"

36 A. After looking at it as a 20-year-old, I had never seen
37 it again except to know that it was in blue and what he
38 called old German. Michael's book has two pages from this,
39 I understand.

40
41 THE PRESIDENT: Q. Michael Montgomery?

42 A. Sorry, yes, Michael Montgomery's book. Barbara Winter
43 then says, "This is the Kitsche diary", if I'm right. It
44 seems on Barbara Winter's analysis - and, as you know, she
45 is very thorough - this is that work. But where the diary
46 is today I'm not sure.

1 Q. Are you able to distil from your researches what was
2 the kernel of the dissatisfaction that this group had? Was
3 it related to the fact that there hadn't been published
4 a truly official account, or was it related to the fact
5 that one shouldn't accept what the Germans said, or was it
6 related to the fact that an Australian captain wouldn't
7 make an error which would result in the loss of his ship?

8 A. I think all of those rolled into one, Commissioner -
9 that it's impossible for an Australian Captain to have made
10 such an error. Burnett was no fool. Even though she
11 criticises him, he was an extremely careful man. All of
12 them would have realised, including Montgomery, who lost
13 his father, that you don't make a decision on a bridge on
14 your own; you are told and people speak in your ears. The
15 officers here would be able to tell whether that occurs or
16 not when a decision has to be made.

17
18 So folk were, number one, in disbelief and had an
19 almost hatred of former foes on the basis that therefore
20 they must have been lying from the start. That was part of
21 it all. There was a whole range of things that caused them
22 to say, "This has to be a lie," and I think, looking at the
23 1970s, post-Vietnam, realisation we had been "sold down the
24 river" by Government, and people saying, "Well, okay, we
25 must have been sold down the river in this case, because
26 every time I try to get answers, if I go to this person or
27 that person, the door's shut or I get some letter filled
28 with obfuscation," and all that sort of thing,
29 Commissioner, and I think it built up and built up to the
30 point where the hatred to officialdom, including, I have to
31 tell you, my own office - because we are often suggested to
32 be part of the "cover-up" - was very great.

33
34 Q. It still exists today.

35 A. It does still exist.

36
37 CMDR RUSH: Q. Could we go to page 6. You then start to
38 discuss events post 1981. I take it that is when the file
39 started at the Maritime Museum?

40 A. That's right. It started when Michael Montgomery was
41 around producing his book, and he suggested that *Sydney* -
42 because he felt it might have limped towards the coast and
43 was lost - should appear on all search records, and he and
44 I went to the Department of Mines and there was a perfect
45 magnetic anomaly which my experts tell me was the
46 appropriate size for *Sydney*, and that was the reason we
47 began that file, as a result of an official report under

1 the Shipwrecks Act from Michael, so the file, as a specific
2 Sydney file, began.

3
4 Q. Perhaps if we can deal with that particular magnetic
5 anomaly, what happened?

6 A. The anomaly was of such significance, Commander, that
7 I asked through Vic Jeffrey whether the Navy would provide
8 a vessel, because it was out of our working parameters in
9 the depth of about 400 feet, 100-plus metres. The Navy
10 provided *HMAS Moresby* to us, which was not insubstantial.
11 We spent a great deal of time - in fact, we were so
12 convinced, I almost missed the birth of my first daughter.
13 We really thought this was *Sydney*. And *Moresby* and its
14 crew joined us over I think a week and we proved that it
15 was a magnetic anomaly 300 feet below the seabed,
16 a volcanic plug. But that was the first time that after
17 the War there had been a special-purpose attempt to locate
18 *Sydney*.

19
20 Q. Approximately when was that?

21 A. October 1981.

22
23 Q. Where was the anomaly?

24 A. Twenty nautical miles north off Kalbarri off the
25 Zuytdorp Cliffs.

26
27 Q. You refer in the second paragraph on page 6, in the
28 middle of the page, after discussing the claims of Radio
29 Tokyo, in the fourth line:

30
31 *One was reference to the body of a Kormoran*
32 *crewman that had been "located" in the*
33 *Montebello Islands, but which had since*
34 *proved to be that of a worker sent to*
35 *establish the Post-War atomic testing*
36 *facility there. From this first example,*
37 *the location of bodies from the battle at*
38 *sea and on land, has evolved to prove*
39 *a common theme.*

40
41 I want to ask you about that. Prior to that, was there any
42 reference of which you were aware of bodies being washed up
43 and buried on beaches?

44 A. I think the first time it came to my attention,
45 Commander - and it is there somewhere - was in Michael
46 Montgomery's book with the *Cape Otway*. It is Michael who
47 first raises the *Cape Otway* issue. Michael's book was

1 1981. This is Barbara Winter writing in 1979. She
2 obviously decided to write - as the archives opened in
3 1976, Michael is in pursuit of his father, and Barbara, who
4 had already written a book on the German aviators that went
5 down in the Kimberley, "Flight into Hell", decided, from
6 what I can see here, to write on this one, and there is
7 this issue with the body in the Montebellos. That was
8 scuttlebutt around the north, that he was a *Kormoran* man.
9

10 Q. So the *Cape Otway* discovery of bodies, it is mentioned
11 as far as Montgomery is concerned for the first time in his
12 1983 edition of "Who Sank the *Sydney*?"

13 A. That's right, so he is researching in 1980/1981 and
14 then he brings in the *Cape Otway* issue. He is writing to
15 us, and his correspondence is going on file, and the *Cape*
16 *Otway* issue appears on file then and within the book.
17

18 Q. From the issue of bodies in the water from *Sydney*, are
19 you aware prior to that time of that theory or that
20 position being put?

21 A. No.
22

23 Q. You next refer to a thesis by Mr RG Lamb, which raised
24 a number of questions of significance that have been picked
25 up by a number of people since that time.

26 A. I found this quite interesting. He seems to be doing
27 what teachers did in those days to get a higher
28 certificate. They did a thesis on West Australian history,
29 and Mr Lamb posed a number of questions. What was
30 significant here, he was not part of the Sydney Research
31 Group. He was a teacher doing as required. He produced
32 a thesis, I think he was a teacher, and in it he posed some
33 of the questions vexing you today. Some of them are quite
34 amazing, to see that these are out there in the minds of
35 ordinary folk - not the committed folk like the Sydney
36 Research Group or Michael Montgomery or Barbara Winter, but
37 they're there in the ordinary population.
38

39 Q. It goes over to page 7. So there are a number of
40 questions that he put forward, 2, "Why didn't she ask Navy
41 Board for information on whereabouts of the *Straat*
42 *Malakka*?", to 7, "Why were there no survivors from
43 *Sydney*?", to 15, "Did the Japanese help?", 17, "Did
44 Doolittle see the *Sydney* in Tokyo Bay?", which is a matter
45 that you have referred to. Those matters represented,
46 I take it, a number of questions that were being asked by
47 various persons?

1 A. In Western Australia primarily, Commander. Not that
2 I'm fully aware of it, but I don't think there was a lot of
3 activity on the east coast, and I see this as a West
4 Australian phenomenon - Carnarvon, Sydney Research Group
5 and the West Australian community.
6

7 Q. You then refer to LCDR Gabbedy, who gave a lecture at
8 the Australian Maritime History Association. As
9 I understand it, he referenced the Germans firing under
10 a neutral flag.

11 A. Yes. A transcript of the lecture was made, and in it
12 he makes this reference, "Neutral flag", and other issues.
13 I think if we scroll on we will see that he references the
14 war crimes issue, firing, and all that sort of thing. We
15 have this man, a former Lieutenant Commander, who
16 interestingly said that he worked with CAPT Dechaineaux in
17 the interrogation of the Germans, a man who was close to
18 the action, as one would say, making claims of this nature
19 in a lecture to a broader history association. Commander,
20 in attending to the request of me to look at the
21 development of the controversy, you can see it building,
22 but you can also see numerous people making steps that you
23 wonder how did they make that step? But then if you're in
24 the audience listening, as Ean McDonald was, then this adds
25 further to the beliefs that you already have.
26

27 Q. You report Mr McDonald, during question time, as
28 reporting that on *Perth* in Port Phillip Bay he saw a signal
29 from *Sydney*?

30 A. That's correct. That's what Ean has said occurred
31 and, as I understand it, that's also what caused Ean, who
32 also served on *Sydney*, to begin his personal quest and also
33 to develop the anger that he still feels towards
34 officialdom.
35

36 Q. But do you then refer to, if we can scroll down,
37 Mr WP Evans of the Australian Army advising that he had
38 found an *HMAS Sydney* kitbag "on the beach north of Kalbarri
39 containing a wooden box, in which were authentic wartime
40 memorabilia"?

41 A. Yes, this was quite extraordinary, and it came to our
42 attention, as it had to do, but it was quickly taken over
43 east and sent to the War Memorial. The materials inside
44 were authentic World War II materials - razors, postcards,
45 and so on. But in it most importantly was the typescript
46 of SUB-LT Elder - supposedly the last officer on board
47 *Sydney* alive - which although he was too badly damaged to

1 write, he types on the typewriter and says in the
2 typescript that they saw a Japanese submarine, found
3 *Kormoran* under a Norwegian flag, hoisted a Dutch flag, and
4 so on, and then gives the whole story, amongst the process
5 of *Sydney* sending out an anti-scuttling party across and
6 were struck by *Kormoran* as that party went across.
7

8 The thing was proved to be a hoax when they checked
9 out the bag in which the box came as being washed in Omo,
10 which had been invented in 1960. What was interesting to
11 me as an independent observer, though with some legal
12 responsibilities, was the amount of time, effort and money
13 the War Memorial put into that, having a group arguing
14 strongly for it and a group arguing strongly against it,
15 and finally having the scientists prove that it was
16 a nonsense.
17

18 But Evans, if he was part of this - and I don't wish
19 to take that step - this bag is a successor to the Robotham
20 style, and there are those who believe Robotham may have
21 been involved in that typescript, again to promote that
22 desire for action.
23

24 Q. So from the contents of the bag and the box and the
25 type itself fraudulently alleged to be of SUB-LT Elder,
26 somebody had put up a fairly sophisticated hoax?

27 A. It was extremely sophisticated - extremely
28 sophisticated, very, very clever, and I think Barbara
29 Winter goes into suggesting who may or may not have been
30 involved. It's an extraordinary thing to try to fill
31 a vacuum and force action. When you think about it, these
32 are not people just angry; these are people driven.
33

34 Q. If we can go over to page 8, Dr McCarthy, you there
35 have set out two of the persons that you have referred to
36 a number of times today - Mr Montgomery and Mrs Barbara
37 Winter - and the debate that ensued between them, with
38 their various publications and views. The significance of
39 that debate initially at least you refer to in the
40 Montgomery publication in 1981. If we can go down the
41 page a bit, you set out a number of matters from the
42 publication. I'm looking at the fourth-last line of the
43 paragraph:
44

45 *... Montgomery published in 1981 under*
46 *a provocative title, "Who sank the Sydney?"*
47 *adding further to the existing*

1 *controversies. Other than those appearing*
2 *above, and/or not supported by the*
3 *underwater evidence from the 2008 search*
4 *and survey, these are in the main:*

5
6 1) *an RAAF Plane had sighted Kormoran on*
7 *11 November 1941 ...*

8
9 Had that been raised at all prior to Montgomery?

10 A. Not to my knowledge.

11
12 Q. Then *Kormoran* had flown a Norwegian flag. A question
13 was raised I think about that in the higher school --

14 A. Before that, I think, by John Ross, who was serving
15 Paymaster Lieutenant on *Sydney*, who in his book raises that
16 issue - not the opening fire under neutral flag, I think,
17 because John at no stage ever believed in any of that, but
18 he is the first I know to have raised the Norwegian
19 disguise and his work was published in 1943.

20
21 Q. The third one you referred to is the Kitsche account
22 that we have referred to.

23 A. Yes.

24
25 Q. And 4:

26
27 *Kormoran used a Norwegian (neutral)*
28 *disguise and Detmers having told a Major*
29 *Schrader one of his interrogators that*
30 *Kormoran had heaved to and Sydney had*
31 *lowered a boat.*

32
33 A. Yes, and I was speaking to Michael in November at
34 Geraldton and he reminded me of the Schrader issue.
35 Although I haven't read at all much in the last couple
36 of months, I understand that he raised that with you.

37
38 Q. Then 5:

39
40 *... a French magazine Sept Jours carried*
41 *information Montgomery considered similar*
42 *to ... the Kitsche notebook.*

43
44 A. Yes. Again, that's in the chronology I provide at the
45 beginning.

46
47 Q. And 6:

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Kormoran fired a torpedo from the underwater torpedo tube "before declaring herself".

A. That's one of his central tenets. At the time, if I could make the point, nobody knew the tube actually existed. We actually first found plans of *Kormoran* when Vic Jeffrey sent to me some plans that had been sent to him showing the underwater torpedo tube, so Michael was making those sorts of comments without access to the plans that we have since had.

Q. And from the perspective of raising that as a controversy or an issue, had the use of the underwater torpedo theory, to your knowledge, been put forward prior to the publication of the book?

A. Not to mine, I think. I am hoping that what I've written there provides that analysis.

THE PRESIDENT: Q. Except that CAPT Detmers had published a book prior to that, a decade earlier, had he not, in which he had talked about underwater torpedos, so it was well known that the *Kormoran* had them.

A. Right. I would stand corrected there. It has been a bit of a blur, I think, Commissioner.

THE PRESIDENT: I think he wrote it in 1959.

CMDR RUSH: I think there is reference to it earlier than that in a couple of other accounts.

Q. But 7:

Detmers' account of Kormoran's 80 plus injured perishing when their raft capsized is a fabrication designed to hide the extent of the damage wrought on Kormoran either before, or during the exchange of fire with Sydney.

A. Yes.

Q. And 8:

H Evans, Third mate of Koolinda reported that one German survivor brought on board

1 *soon after the battle claimed Kormoran had*
2 *surrendered.*

3
4 A. Yes.

5
6 Q. Was that something that had featured as far as an
7 account is concerned?

8 A. Yes, of course with Robotham. If I read Robotham
9 right, "the ship surrendered" means that *Kormoran*
10 surrendered.

11
12 Q. And 9:

13
14 *The Sydney crew were shot in the water by*
15 *Kormoran men using motor powered boats*
16 *which were either later scuttled or had*
17 *their machinery removed and jettisoned*
18 *while at sea or on the way to ...*
19 *Red Bluff.*

20
21 A. Last year, for the Geraldton commemorations, he
22 indicated to me that he was always unhappy that we hadn't
23 done a full search of Red Bluff for these materials, and
24 though we had very quickly in 1981 gone and had a look,
25 Commander, it was clear to me that the conditions up there
26 and so on were the sort that would have hidden materials
27 like that. But many people have suggested to me that we
28 should do this and go out and look for all these things,
29 but the proof that that occurred has never been enough to
30 spend money on doing so.

31
32 Q. Then cryptograms by Dr List indicated assistance was
33 received from Japan?

34 A. This is very interesting. Barbara is very critical of
35 Michael for his referencing, but in fact Montgomery
36 references quite well at times and the cryptograms produced
37 by Dr List, which were in the possession of CAPT Hehir, and
38 then his daughter, as read at the time indicate, though
39 it's in shorthand and abbreviated, that there was a belief,
40 a strong belief at the time, with assistance from Japan in
41 the cryptograms. Barbara very strongly denounces the
42 identification of the cryptograms. However, Michael, in
43 search of his father, I think was quite at liberty to go
44 down that track, given the evidence that was there before
45 him that there were these cryptograms read by various
46 people, SGT Caminer, and I forget the lady's name, and
47 that's what they believed and that's what people thought at

1 the time.

2

3 CMDR RUSH: Is that a convenient time for a morning break?

4

5 THE PRESIDENT: Yes.

6

7 **SHORT ADJOURNMENT**

8

9 CMDR RUSH: Q. Dr McCarthy, we were coming to
10 a conclusion on the Montgomery matters. I mentioned 10 on
11 page 8, the cryptograms, and then 11:

12

13 *An entry in the diary of W Grun ...*
14 *"sea-going liner must soon be met"*
15 *indicates Kormoran was lying in wait for*
16 *... Aquitania.*

17

18 A. That was Michael Montgomery's take on that,
19 I understand.

20

21 Q. Again just putting it in some historical analysis of
22 the theories, to your knowledge had the issue of *Aquitania*
23 and the meeting of *Aquitania* been mentioned prior to this?

24

25 A. Not that I can recall. I'm sure it wasn't, actually.

26

27 Q. And then 12:

28

29 *The lighthouse tender Cape Otway found*
30 *bodies and its log was later tampered with*
31 *removing all entries after 8am on*
32 *18 November from the record.*

33

34 A. That's correct.

35

36 Q. In relation to Otway bodies and tampering with the
37 log, chronologically had those matters been raised before
38 by other researchers, or was Montgomery the first to deal
39 with that?

40

41 A. No, I don't think so.

42

43 THE PRESIDENT: Q. He was the first, I think.

44

45 A. Yes. May I make a point? Everything here is as came
46 across my desk or as was recounted to me. Therefore, there
47 would be holes in my knowledge and understanding.

48

49 CMDR RUSH: Q. I understand. Let me premise the
50 questions by saying "on the West Australian Maritime Museum

1 materials".

2 A. Yes, thank you.

3

4 Q. And the other theory, 13:

5

6 *There was an official cover up.*

7

8 You make the point that we've just discussed, that it was
9 the first reference on the Museum files of the conspiracy
10 theory, including the *Cape Otway* story?

11 A. Yes.

12

13 Q. And *Aquitania*, and that the *Kormoran* injured had been
14 deliberately abandoned.

15

16 THE PRESIDENT: Q. The notion of a cover-up over
17 the years has encompassed a whole variety of different
18 aspects, as I understand it.

19 A. Yes, Commissioner, it has.

20

21 Q. Was it Mr Montgomery who first raised that, do you
22 know?

23 A. The cover-up?

24

25 Q. Yes.

26 A. Could we go to the date of Gabbedy? When was Gabbedy?
27 I think Gabbedy was 1978, wasn't he?

28

29 CMDR RUSH: Q. It is at page 7. You have said around
30 the same time as the Lamb thesis --

31 A. Oh, of course. I think Lamb says there is a cover-up,
32 does he, Commander?

33

34 Q. Yes, he does. He puts the question.

35 A. And that is 1978, is it not? Actually, it's undated,
36 but in the sequence on that file that Scott opened, the
37 Naval wrecks file - and all this material is then taken off
38 and put on to the new *Sydney* file - the sequence appears to
39 indicate around about 1978, I think, or thereabouts for
40 Gabbedy, but possibly even earlier.

41

42 THE PRESIDENT: Q. The cover-up of what?

43 A. Whatever.

44

45 Q. Anything?

46 A. Yes, does he use the words "cover-up" there in terms
47 of your question, Commander, if we can go back to Gabbedy?

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CMDR RUSH: Q. Yes, page 7, sir.

A. Could we go to page 7 on the screen? Does he say it?

Q. I don't see the word "cover-up" in terms there.

A. No. Is there anything in the one above it, then? No, the words are not used there, from what I can see. I think the inference is there, Commissioner.

THE PRESIDENT: Q. Yes. The difficulty is to know what is said is being covered up. It is a very pejorative expression.

A. Agreed.

Q. And it rather suggests that there is something sinister that somebody knows which they are not telling.

A. Agreed. I think his questions there, "Did the Japanese help?" "Did Doolittle see?" "Why did the *Kormoran* not do this?" "Why did *Sydney* do that?" indicate the inability to accept what has been said in quotation marks "official accounts", which of course don't go into any of that.

Q. But there is no logic in saying - I can ask a lot of questions. Unless I get a satisfactory answer, that means that somebody - in this case let's call it Government or Navy - therefore knows material which they're not telling me. Therefore, that material must be adverse to their interests, and therefore they're covering it up.

A. Exactly.

Q. That's the way this thesis emerges, it seems.

A. That's a common thread. "I can't get an answer. Therefore, it's being withheld from me."

Q. "Therefore there is something bad or adverse that they won't tell me."

A. Agreed. I think you can look back to say the primary question, "Where was Third Officer Westhoven's report?" And though I did numerous searches - and I can't suggest for a minute they were exhaustive, and people like LEUT Frame, when he came to the Museum's seminar in 1991, was asked, because he had just done, for example, the *Voyager* thing, he had just done his doctorate on it and clearly was able to wander around and look anywhere - where was it? Could you find it? The fact that the Westhoven document, which was the basis for the Long thing,

1 Commander, I don't think has surfaced, or maybe it has
2 now --

3

4 CMDR RUSH: Q. It has now.

5 A. But the fact that it didn't surface at the time
6 I think was really, going on what the Commissioner has just
7 said, why these people went the next step. "We can't get
8 this. Therefore, you're withholding it. It must contain
9 something odd."

10

11 THE PRESIDENT: Q. But the silly part of all that is
12 that Westhoven was a very junior officer who knew
13 absolutely nothing about *Sydney* and he was given a file
14 four years after the event and asked to write something.

15 A. Well, exactly. But one of the comments made to me on
16 that issue by various folk is, "Why was a junior given it?
17 Why was this not done by a senior? Did they not want to do
18 it?" These are the things that have been thrown at me as
19 questions over the years, and these are the things that led
20 people to say, "Well, they're hiding." And the question
21 is, "Hiding what?" This is the tragedy of Long's decision.
22 I think if you had read the Westhoven thing - and
23 I actually I am remiss in not recalling it and having
24 a look at it, but it is almost certainly going to be fairly
25 innocuous, is it? Has somebody read it?

26

27 Q. It's completely innocuous.

28 A. Yes. I must confess, Commissioner, since *Sydney* was
29 found, to not following too much, with other pressures and
30 then going on leave, to see that.

31

32 Q. The problem that I am faced with at this point of
33 time, no doubt with the assistance of Counsel Assisting, is
34 that we have to take each one of these theories or concepts
35 or speculations - whatever you like to call them - and
36 deconstruct them and find if in fact there is any element
37 of truth in them; and if there is, accept that truth; and
38 if there is not, say that they have no substance
39 whatsoever.

40 A. In the role that I have had, that is what I have tried
41 to do right along with folk, those that have come to me and
42 said, "I want to research *Sydney*," or, "I am researching
43 *Sydney*. What do you know?" I say, "Whatever you do,
44 please provide chapter and verse, and if you have an idea
45 or theory, follow it through to the best of your ability,
46 but provide chapter and verse." I must say, this is what
47 I've said to folk like John Doohan continuously, "John,

1 you're very vocal. Please provide chapter and verse
2 because what you're saying is fundamental to the future of
3 this, and you have in fact an obligation to." I've said it
4 to all of them.

5
6 But the failure to provide chapter and verse has been
7 across the board. It has been there with many, many folk
8 on both sides of the fence, I'm afraid.

9
10 Q. My concern is not with the internal debates amongst
11 people about who is right and who is wrong, but, rather,
12 what is the truth of the matter.

13 A. Yes, and this Inquiry really, I think, is the
14 culmination of all sorts of other things which had
15 failings. The Museum's seminar was just, could we find
16 *Sydney*? The answer was, possibly not, but we could
17 certainly find *Kormoran*. If you recall, one of the first
18 things I wrote in the chronology is that the Navy itself
19 thought that *Sydney* could have been going to Sourabaya, the
20 nearest drydock, which is a very logical thing for anybody
21 to do. The problem with *Sydney* and Kim Kirsner's work
22 showed Sam Hughes and everybody that, although *Kormoran* was
23 certainly where the Germans said it was - back in 1991 that
24 was proved - *Sydney* could have been anywhere within 7,000
25 square kilometres. The search for *Kormoran* was always
26 going to happen, and it was from that time on we have been
27 trying to say to people, "Look, if you have something to
28 say, say it, but give us chapter and verse." John first
29 presented then and didn't provide chapter and verse then.
30 What I'm desperately hoping is that he will provide chapter
31 and verse, as any other person making claims would do, this
32 time to allow us all to walk away, having done our job, the
33 Australian job, to look after the men lost and their
34 relatives who have been damaged by this loss in service -
35 do our job and then have listened to everybody.

36
37 I did urge the Parliament to listen to people
38 sympathetically, because quite clearly, to receptive minds,
39 the seeds are there way back in November and December
40 1941 - listen sympathetically but, at the end of the day,
41 let's have chapter and verse.

42
43 CMDR RUSH: Q. Doctor, at the top of page 9, you refer
44 to Mr Doohan and note that the early notions evolved and
45 morphed into claims from Mr Doohan and the Sydney Research
46 Group, making first contact with the Museum in 1991:

1 ... that the *Kormoran* wounded had been
2 taken onboard HMAS *Sydney* to be housed in
3 the sick bay.

4
5 He claimed that they subsequently died when it sank, and
6 then the thread, as you say, developed. Four lines from
7 the bottom of that first paragraph:

8
9 ... even further when he was advised ...
10 that the Museum would not countenance entry
11 into the two "war graves" (as they were
12 then loosely called) if they were ever to
13 be found.

14
15 He perceived that as evidence that the Museum was part of
16 the "official cover-up".

17 A. Yes, I think John has always seen me in that respect.
18 When the November 1991 forum showed that the *Kormoran* could
19 be found and Woods Hole agreed to join the Museum and do so
20 and hoped *Sydney* might also be found, John asked me what
21 our intentions were and I made it quite clear that there
22 would be no entry. At the time, John responded exactly as
23 that, that he saw that as proof that I was part of the
24 conspiracy, because we wouldn't see the bodies from
25 *Kormoran* in the *Sydney* sick bay.

26
27 Q. You then referred to the awareness of CAPT Burnett of
28 the raider, referring in particular to two pieces of
29 correspondence from sailors.

30 A. Yes.

31
32 Q. From I think it is Steward Dave Rolley and
33 Aircraftsman Keith Homard --

34 A. That's correct.

35
36 Q. -- both writing letters as to the words attributed to
37 CAPT Burnett at Divisions on the ship?

38 A. That is correct. These are reasonably new to me.
39 The Homard letter I think I learnt from Wes Olson, who has
40 done much work on *Sydney*, and the Rolley letter was
41 received in the Museum in 2007 from the east. The Homard
42 letter is dated, whereas the Rolley letter, which indicates
43 they were looking for a ship and hoping to sink it, and
44 tragically he's saying that he hopes it to stay above the
45 seas, is undated and Wes advises me that it is most likely
46 when *Sydney* had a number of scares on the East Coast to
47 attend to, because of the lack of dating.

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Q. Then, Doctor, you refer to the book of Michael Montgomery promoting debate from the first Australian institution on the Museum's record from LCDR Roberts, the General Secretary of the Royal Australian Historical Society?

A. Yes, Roberts is the first official, as the Secretary, to say that as much as Montgomery's book seemed to be in error in many cases, he expressed concerns that if any of it is correct, then it certainly needs to be looked into further. Could we call that up, please, Commander?

Q. Page 9.

A. As I say, a lot has happened since I wrote this. Roberts comments on both Winter's and Montgomery's book, if I recall, and they're very interesting comments, because to me this is the movement of the awareness of *Sydney* across to the east through this very influential man, and again a former Navy person.

Q. Then, after referring to that, you refer to file entries lodged after a search of archives concerning CAPT Young and others who were part of the interrogation team at the PoW camp.

A. That's right. Relatives of this SGT McLymont here, the Andersons, gave us a model of *Sydney* that had been built for him by Italian PoWs, and that is on exhibition in my Museum now. Jim and his wife are telling me that he used to tell them of lying underneath the floorboards listening to the Germans to see if they would divulge any secrets. So that's extraordinary. These were the lengths they went to. In fact, I think I record in there that they plied them with liquor, got them drunk.

Q. And early listening devices, microphones, being placed in the walls to see what could be picked up?

A. That's right.

Q. You make the comment at the top of page 10 that this form of surveillance led the interrogators to accept the German account.

A. As I've read this, this was the turning point, I think, in those early days - the interrogations provided nothing different, and therefore the officials said, "Right, this account is real."

Q. Then again reference, Dr McCarthy, in the next

1 paragraph to the List cryptographs and Montgomery and
2 Winter having a clash in relation to what could be read
3 into them?

4 A. Yes, that's right. I saw Maria Hehir, and we have
5 been in correspondence or contact since --

6
7 Q. Just to explain, she is the daughter of CAPT Hehir,
8 who was engaged in the interrogation at the POW camp?

9 A. That's right. So on the one hand, CAPT Hehir says
10 there's nothing being heard of any difference, but at the
11 same time he keeps in his possession these sketches and
12 shorthands and cryptograms, which were the basis of Michael
13 Montgomery's going down the Japanese assistance line.

14
15 It amazes me that CAPT Hehir kept them, and Maria has
16 advised me that my chronology there is actually wrong, but
17 the sense is correct, that these cryptograms were in his
18 possession; he did provide them to various researchers, and
19 so on, but the originals went to the archives where
20 I remember seeing some of them.

21
22 So we have Hehir on the one hand saying this, but on
23 the other hand keeping the documents that Mrs Kevin
24 I recall and SGT Caminer, both used to suggest there was
25 assistance and did bring in the Japanese issue.

26
27 Q. I think there is reference in those documents to
28 Mrs Kevin, who was brought up to the POW camp from
29 Melbourne to interpret them?

30 A. That's right. And Barbara states in her work that
31 those identifying it as a particular form of German
32 shorthand are wrong. She is pretty expert in these things.
33 That's something that I'm totally unable to comment on.

34
35 Q. Then you refer to Mrs Winter's book, "*HMAS Sydney -*
36 *Fact, Fantasy and Fraud*" as being equally polemic in its
37 title. She challenged much of Montgomery's book in her
38 text.

39 A. Yes, she certainly did.

40
41 Q. And a middle ground article that appeared in the
42 Australian Sea Heritage Journal again is Roberts' writing?

43 A. Yes, it's Roberts again, and he's saying, "Bravo,
44 Winter, or Poniewierski. You've done a wonderful job
45 destroying all this", but his interesting point is if the
46 wrecks are found in a different position - he thought the
47 wrecks must be found on the Sunda-Fremantle line. He

1 thought that finding the wrecks would put it all to bed.
2 So he has this recurring seed of doubt. Again, this to my
3 mind is the transference of knowledge and concern across to
4 the East Coast, because this journal is the Australian
5 National Maritime Museum's journal.
6

7 Q. Dr McCarthy, you then turn to the various claims that
8 have been made of the finding of *HMAS Sydney* and that many
9 of the controversies and claims concerning *Sydney* have
10 evolved around where the wrecks have supposedly been.

11 A. Yes. A lot of what was said, Commander, once the
12 wrecks were shown to be where the Germans said they were -
13 and, interestingly, though it appears in my analysis at the
14 beginning, it only really came to my attention in the last
15 year, where the Australian Navy said that *Sydney* had sunk,
16 which is 26 degrees 111, where both the German and the
17 Australian Navy said - once they were found there, an awful
18 lot of the surmise and all that sort of thing suddenly
19 disappeared.
20

21 THE PRESIDENT: Q. That has not deterred those who
22 initially said, "If it's found elsewhere, then we'll know
23 the Germans were lying."

24 A. Well, we had this extraordinary circumstance,
25 Commissioner, with Jim Eagles suggesting that this is
26 a Kubrik-esque reconstruction of the moon landing type of
27 thing underwater to try to continue that thread, but I
28 don't think that anybody could ever believe that.
29

30 Sadly - and I do finish this work with it - there are
31 a number of relatives who asked my opinion on whether what
32 Jim is saying has any legs. I saw a bit of the Inquiry on
33 it, and he is not going to let go on the fact that it is
34 absolutely impossible to reconstruct shipwrecks of that
35 nature on the seabed and to have the sea life that went
36 past in front of my eyes.
37

38 As much as I tried to suggest to Jim and those in his
39 circle - who, interestingly, should never be misconstrued
40 as his supporters. This is an error I made a long time
41 ago. When you see a list of 50 people in an email circle,
42 your assumption is that they are supporters. I do notice
43 a number of them saying to Jim to pull his head in, but to
44 do what he has suggested is absolutely impossible. We've
45 tried to reconstruct --
46

47 THE PRESIDENT: Q. But you can say, as a marine

1 archaeologist, that the concept of somebody reconstructing
2 wreckage to appear to be the *Sydney* from various parts of
3 other wrecks is an impossibility?

4 A. A vessel of that size in that depth of water, to be
5 above whatever the depth was, 2,460, to be able to get
6 another ship of similar sort - and I think someone
7 suggested to me that it was *Hobart* at one stage - just to
8 give an idea of what we do, I asked of the Navy, "What were
9 the decommissioning details, please, of *Hobart*?" I was
10 told what happened and when it arrived at the breakers in
11 such and such, and so on, mainly to be able to say to
12 someone who I knew was barking up a completely wrong tree,
13 "Look, this is what happened. It's entirely impossible to
14 go 2,000 metres, break something up and allow it to fall on
15 to the seabed in the order that we've seen, and so on, then
16 have it filmed in the way that we did and then to concoct
17 the sea life that you see down there.

18
19 I can tell you, there are very few people in the
20 world, bar people like Ian Macleod, Vicky Richards, Mearns,
21 Ballard and so on, who have seen these things and know what
22 sort of marine growth you have there and what you don't get
23 in terms of molluscs, and so on, on these wrecks and to
24 then concoct this whole thing from the beginning.

25
26 The millions and millions and millions of dollars
27 required to do that is just extraordinary. But the tragedy
28 is that, number one, Jim has brought honest people who
29 believe there is a cover-up with him, and, number two,
30 someone who has shown quite a great deal of intelligence in
31 examining radio and HF in *Sydney* - and that's how I first
32 met him or knew of him - has gone down this track because
33 his hatred is so great.

34
35 CMDR RUSH: Q. May I expand on this area. Were you on
36 *Geosounder* --

37 A. Yes, I was.

38
39 Q. -- at the time both wrecks were located?

40 A. Yes - well, no, not when they were located. That was
41 by remote sensing.

42
43 Q. I'm sorry, when they were visually found?

44 A. Yes.

45
46 Q. Can you describe to the Commission just what you see,
47 where you are and what occurs?

1 A. I would first make the point, I think, for conspiracy
2 theorists like Jim that it all almost went completely
3 wrong. It almost got to point where we weren't going to
4 leave the dock, where gear failure, and so on, was not even
5 going to allow us to see the wreck.
6

7 The first image of *Sydney* was in a process whereby
8 because the remotely operated vehicle would not fly out of
9 its cage - the cage is lowered by a shot line and normally
10 sits away from the wreck and then leaves its cage and goes
11 up to the wreck, keeping 2 metres away, as per the
12 Commonwealth agreement, but photographing it - it wouldn't
13 leave the cage, so a decision was made to come alongside
14 and bounce the ROV in its cage alongside the ship.
15

16 Now, this is quite extraordinary navigation. Nigel
17 Meikle, who was the navigator down below, and Mearns and
18 company did an extraordinary thing and a dangerous thing to
19 bounce this thing up and down alongside *Sydney* within the
20 range of its cameras to get those first images of the guns.
21

22 Everything could have gone wrong before and everything
23 could have gone wrong then, but there you were seeing this
24 ship, and it was an extraordinary thing, because we were
25 concerned that we would be leaving there without those
26 images which would have told Australia that this is *Sydney*
27 or this is *Kormoran*. Well, we knew we were on *Sydney*,
28 because the side scan sonar images are unequivocal that
29 that's a warship - well, that's a ship of a wartime-type
30 profile and that's not a ship of a warship profile. So
31 there it was, and that was the first time. It was really
32 band-aid stuff and a credit to all who saved the day.
33

34 Then the ROV people really got going and flew the
35 thing out and did wonderful work. I was actually able to
36 follow it on my mud maps. I'm not very good at these
37 things, but I followed the ROV around the wreck, above the
38 wreck and across the wreck. I recorded every instance
39 where there was accidental contact, which is contrary to
40 the agreement, where, say, the umbilical might have touched
41 something. It's all there.
42

43 Again, to come back to the *Eagles* scene and those who
44 believe him, it is impossible to have done what he said,
45 and the nonsense of another *Leander*-type vessel which he
46 has put forward - he did not see the two funnels, for
47 example, which would have stopped him in his tracks in his

1 very early phases of it being a single-funnel ship.

2
3 It was a most extraordinary thing. To me, Commander,
4 seeing the bow was one of the most extraordinary things,
5 because, strangely, everyone had left the room, and there
6 I was as the ROV is coming up to this strong object and
7 there was the bow in front of me. In my study, I have
8 a huge picture of *Sydney* with the whole ship there, and
9 fore and aft of the anchors is the brig, and they have bars
10 there, because that's where the recalcitrants go. Those
11 bars are there down below, and, I might add, Commander,
12 that they're there on *Kormoran*, too. So if we look for
13 commonalities, the bad boys get in the brigs whatever side
14 you're on.

15
16 Q. Doctor, were you on *Geosounder* in your position as
17 Curator of Wrecks on the West Australian coast?

18 A. I was asked to go because of my long involvement with
19 *Sydney* and also to represent my director, Diana Jones, as
20 the delegate to the Federal Minister, to ensure that things
21 were done correctly and also with a view to keeping the
22 record and reporting.

23
24 Q. May we come back to page 11. At the top of the page,
25 you there refer, I think, to what we've spoken about - the
26 magnetic anomaly that *Moresby* went out to examine. Then
27 over the 1980s and 1990s, you refer to the RAN examining
28 equally promising seabed anomalies.

29 A. That's correct.

30
31 Q. You refer to the diver, Wayne Sampey, as having
32 discovered *Sydney* in a kelp bed not far from the top end of
33 Dirk Hartog Island in Shark Bay.

34 A. Yes. It was interesting that the Navy didn't tell us,
35 because of our legal position. Though they still own the
36 wreck, obviously we were the managers for the Federal
37 Government. I found this actually in the archives, and
38 I was not impressed to find that they had gone looking on
39 the basis of a clearly idiotic report.

40
41 The nearest kelp bed - I don't want to offend my
42 biological colleagues, but I don't think it's anywhere near
43 Western Australia. Also as to his claims to have found
44 skeletal materials and I think he referred to even seeing
45 the ship's wheel - again, we could have suggested that this
46 wasn't the case; this just doesn't happen. They even put
47 an Orion with a magnetometer over the top of this area. It

1 was stunning.

2
3 Sampey had also said that a chap, Williams or
4 Williamson, had come ashore and was buried there, and again
5 we were finding in the archives that *HMAS Geraldton* had
6 been sent to look for this grave site, had found it but
7 didn't dig it and then off they went. I remember saying to
8 Vic Jeffrey, "Vic, I'm not very happy about this, to be
9 finding information about *Sydney*, which we're partly
10 responsible for, in the archives. Do we have an agreement
11 or don't we?"

12
13 However, in the cold, hard future, looking back on it,
14 what was interesting to me was that it was a clear
15 indicator of the present Navy's desire to solve this
16 mystery. We were just civilians, and civilians are not to
17 be trusted, as you know. It was a very interesting
18 statement in itself. But whenever I asked them to go, on
19 the basis of what I was told by people, they always went.
20 Again, I think that's a statement in itself.

21
22 THE PRESIDENT: Q. It doesn't sit very well with
23 cover-up theories.

24 A. I would say it doesn't. But I wonder - and this is
25 the question that those holding conspiracy theories would
26 ask - "Well, what would have happened if they had found the
27 grave? Would you have been told then?" As it turns out,
28 we excavated the grave with an archaeologist recently, and
29 I know it was not in any way disturbed, and there was
30 nothing there. But, sadly, this sort of behaviour added to
31 the problem. The way it had been managed added to the
32 problem, Commander, without doubt.

33
34 CMDR RUSH: Q. You refer to there being, in all, some
35 25 shallow-water reports of finding of wrecks or relics of
36 *Sydney* and those finding their way into the press and the
37 media, and you say in the fourth line of that bottom
38 paragraph:

39
40 *The last example appearing after the two*
41 *wrecks were found in 2008 was an oar found*
42 *much earlier on the Zuytdorp Cliffs. It*
43 *was headlined in the Geraldton press as*
44 *being from HMAS Sydney despite the*
45 *proponents having received unequivocal*
46 *advice from historical officers in the RAN*
47 *it could not have been so.*

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You then go on to analyse the role of the press and the media in the claims.

A. Yes, I was once at a conference when a representative of the sceptics association spoke, and he said, "Whatever you do, don't treat theorists, like Whittaker-Knight", which was the case that I raised with him, "as liars and charlatans." He said, "They are honest people who have come to firmly believe what they are saying, despite there being no skerrick of evidence for it."

In this case, it is interesting that the modern press has taken a role which has caused the *Sydney* thing to be much, much worse. They have been prepared on numerous occasions, with this the last that I know of, to report *Sydney* in a fashion that really has led to a great deal of hurt amongst relatives, amongst the Navy people who honestly have been looking for the ship and amongst all sorts of people. This particular case here was very interesting, because the people said it was Tasmanian oak and they were told by Navy Historical that this could not have come from *Sydney*.

Again, I think sometimes the press take sides. Well, I know they do. The press did not pick up the phone and say to me or to the Museum or to the Navy, "Is this possible?" They went with what they were told, and it was front page. There has been so much front page, where the press says, "Oh, this is great. Let's go with it." It has been very, very sad.

Q. You refer to other examples, and if we can turn to page 12, four lines from the top of the page:

Another claim to have found the two wrecks, near the "Detmers" position, this time by satellite imagery, was received in 2007. While the science was considered questionable at best, and while specialists advised it was impossible, the report received considerable press, here and overseas - exciting the public, remote sensing companies and Navies across the globe. Inquiry totally ceased in all bar a few isolated pockets of the media when proponent also claimed to have found a "Japanese aircraft carrier" in the

1 *vicinity.*

2
3 A. That's correct. That's the Timothy Akers report.

4
5 Q. Then you refer to what you describe as regional
6 jealousies developing in relation to the finding of the
7 wrecks.

8 A. That's correct. Carnarvon always saw itself as the
9 place, because that's where the Germans came ashore and
10 that's where the battle took place. The Carnarvon people
11 got extremely angry when it was claimed that the wrecks and
12 the battle took place down at Geraldton. As that
13 developed, there was a great jealousy developing mainly
14 from the Carnarvon people. Geraldton has gone on to
15 produce the most magnificent and much-praised memorial.
16 But that raised the sorts of jealousies, and I refer there
17 to Shark Bay as a third group, who are halfway between, in
18 some ways. Even when a wreck thought to be related to
19 Sydney was found, instead of being reported to us, as
20 required under the Act - if you believe it's an historic
21 wreck, you have to report it - it was kept in the local
22 safe.

23
24 It then led to the Shepherd group, who honestly
25 believed this was part of Sydney - it led to this being
26 front-page news and it also led to Phil and others claiming
27 that we hadn't acted and hadn't done that, and so on, but
28 they weren't aware of all the work that we had put into
29 this thing. It's a clear indicator that people were
30 prepared to claim that this was their story and this was
31 not going to be grabbed by those fools down there, up there
32 or over here.

33
34 Q. Down the bottom of the page, if we can scroll down,
35 Dr McCarthy, in the third line you refer firstly to:

36
37 *Firstly, most honestly believed what they*
38 *had been told or had read of the claim and,*
39 *secondly, to some, any Government or*
40 *semi-Government institution that questioned*
41 *the claims that Sydney or objects from it*
42 *had been found was "proof" of an*
43 *all-of-Government involvement in the*
44 *cover-up. Again these deliberations often*
45 *found their way to the media.*

46
47 You conclude that discussion by saying that what you

1 describe as the most damaging of these until recently were
2 the claims of the late Lindsay Knight and his associate,
3 Warren Whittaker, using the KDLS, claiming to have found
4 *HMAS Sydney*, a Japanese ship, Samurai swords and human
5 bones, and they held that right up until *Geosounder* set
6 out?

7 A. Yes. This is quite extraordinary. After Michael
8 Montgomery's book, he sent me a letter one day relating to
9 the Knight business. He, of course, at the time was
10 talking about a Japanese ship and he also believed that the
11 battle didn't take place where it was said to have
12 happened, and Whittaker-Knight very neatly fitted what he
13 had to say, but he was concerned.

14
15 We then went to study Whittaker-Knight and the
16 circumstances of it. Warren Whittaker is one of those
17 extraordinary people with lots of charisma, who speaks
18 beautifully, dresses beautifully and has a wonderful
19 history. Between the two of them, they took enormous
20 numbers of people down a track believing that, in a Cessna
21 aircraft, you can fly at 1,000 feet with a black box on
22 your lap and not only find shipwrecks, but you can divine,
23 or whatever, swords and human bones. Warren came to me one
24 day and I said to him, "Warren, what you have there is
25 a mixture of science and intuition, is it not?", and he
26 said that it was.

27
28 What appears to have happened is that when Lindsay
29 died, Warren just mentally took this on and firmly believed
30 in the whole thing. They took on board numerous people,
31 like Ean McDonald and very many other folk, who then
32 believed that this worked. I recall having to counter
33 a front-page claim to have found *Sydney* I think in 2002 and
34 having then to answer Ministerials as to why I was being so
35 nasty to these people and claiming that it wasn't so.

36
37 The effect of Whittaker-Knight in swinging the whole
38 thing to a southern battle position totally derailed the
39 search for *Sydney*, totally derailed any attempts to recover
40 from Woods Hole's decision not to join us on the basis that
41 there was too much doubt, and led to delays in finding
42 *Sydney* that caused the Sea Power Centre also in 2001 to
43 say, "If they can't all agree down there in Western
44 Australia, then why should we recommend to Government that
45 you search?" The effect of Whittaker-Knight has been
46 quite extraordinary.

47

1 Q. Dr McCarthy, you refer to the 1991 *HMAS Sydney* seminar
2 in some detail. What was the nature of it and what came
3 out of it?

4 A. Kim Kirsner came to me one time. He didn't know me.
5 I didn't know him. He said, "Who's in charge of *Sydney*?
6 I think you should run a seminar to see if *Sydney* could be
7 found", as the 50th anniversary was coming up. John Ross,
8 former serving, was a mentor of mine at the time. We
9 talked about it and we ran a seminar and an exhibition,
10 using John's materials, to see whether *Sydney* could be
11 located, because Bismarck and Titanic had just been
12 located.

13
14 Everyone was invited to come. The list of people who
15 came was quite extraordinary - oceanographers and all sorts
16 of folk. The seminar listened to everybody, had no powers
17 of, "Where's your evidence?", and concluded that Detmers'
18 position was correct and we should, if possible, go there.
19 It then also made a number of recommendations, one of which
20 was that LEUT Frame, who had just done his doctorate on
21 *Voyager* and obviously had freedom amongst the halls of
22 power, would research *Sydney*, and all sorts of other things
23 were suggested at the time.

24
25 Q. Halfway down page 13, Dr McCarthy, you refer to
26 Dr Frame's book and you make some comment on its impact
27 both from his perspective but also in relation to the
28 theories that he propounded.

29 A. Yes. The book was not the result of what I and others
30 thought would happen, which was an exhaustive search. It
31 was produced in 18 months, which is a very short lead-up
32 time, I think, if I recall rightly. At the end of the day,
33 Tom raises the flag up front, which I really applaud. He
34 saw that, having basically been very critical I think of
35 the Navy and the *Voyager*, he would like to look at *Sydney*
36 and try to see what was nonsense and what was not there.

37
38 It's not a particularly conclusive book. For example,
39 he concludes that the Christmas Island float could not have
40 been from *Sydney*, whereas folk like Olson categorically
41 proved later that it was, and Winter clearly indicated that
42 it was. Sadly, he used almost an adversarial style to do
43 so. But it was a very important work, in that it raised
44 many, many issues and it really looked into the whole
45 genesis of the controversy, also. He has a chapter there,
46 too, which in my work I suggest folk should look at.
47 Frame's was an extraordinary work, but it was not what the

1 1991 forum hoped for. It was hoped that it would do, in
2 many ways, what this Commission is going to do.

3
4 Q. Then if we could scroll over to page 14, you there
5 refer to the End of Secrecy on *Sydney* group, Mr Doohan
6 making contact with Senator Chamarette and matters arising
7 relating to archives and the like.

8 A. Yes. John left the Sydney Research Group and formed
9 his own group, End of Secrecy on *Sydney*, and this was the
10 first manifestation of the bringing of bereaved widows and
11 relatives to the cause of a particular agitator.

12
13 John became well known to me. He told me his history,
14 and so on, and basically he saw *Sydney* - and I suspect
15 he'll tell you this - as an example of Government's
16 corruption or whatever. He saw *Sydney* as one of these
17 examples and pursued it.

18
19 Independently of anybody, he approached Senator
20 Chamarette. I knew of this because he had told me so. One
21 of the recommendations of the 1991 Inquiry was the issue of
22 doing an archival search but also to free people from the
23 feeling that they were under the Official Secrets Act, if
24 there was any such thing. I'm not sure. John then
25 followed that with Senator Chamarette of the Greens, and
26 the exchange in the Senate was quite interesting and quite
27 revealing in some ways. In some ways, that was something
28 that John then pursued quite strongly.

29
30 Q. What was the nub of the exchange that you are
31 referring to?

32 A. The nub of it was that the request whether the people
33 were under the Official Secrets Act was covered in what
34 I can only suggest is glorious politico-speak, in effect,
35 saying, yes, they still are, as I read it.

36
37 Then as to the other elements, the questions without
38 notice, and so on, the tragedy for me was that I walked
39 into the office of one of the junior Naval people in that
40 period. I was doing my archival search, and the adviser
41 was writing this reply. I refer to this issue down the
42 track, Commander. When I saw the reply again - he didn't
43 show it to me, but he told me what he was doing - it was
44 just stunning. Again, if I could say, it added much, much
45 further to it. To Doohan, this became clear proof, and the
46 passion that he holds is there, but whether he can provide
47 chapter and verse is going to be another thing.

1
2 Q. At page 15, a quarter of the way down the page, you
3 say:

4
5 *... one of the questions directed to the*
6 *author at the Geraldton commemorations in*
7 *November 2008 was related to the belief*
8 *that the Government still bound its*
9 *military and Government servants to secrecy*
10 *reminds of the unsatisfactory treatment of*
11 *this issue post Chamarette.*

12
13 A. Yes, it was a relative. I was lecturing there. We
14 were presenting in November a series of lectures, and this
15 person came up to me and said, "I believe that they're
16 still under the Official Secrets Act." I recall that in
17 the submission I made in 2001, I requested that that be
18 attended to.

19
20 THE PRESIDENT: Q. What is the notion? The notion is
21 that people who are members of the Services or the public
22 service were, in 1941 and following years, subject to the
23 Official Secrets Act. That may be accepted. It's the next
24 step that troubles me. Therefore what? Therefore they're
25 not allowed to tell you something which it is assumed that
26 they must know?

27 A. The first time this came to my notice was with Malcolm
28 Barker, a member of the research group, who said that he is
29 a Telecom engineer; he knows things about Sydney and stuff
30 that he is not allowed to say, because he's under the
31 Official Secrets Act. One thing that has occurred very
32 often to me is that people would say things of that ilk and
33 know that you could never ask them to provide chapter and
34 verse.

35
36 Q. Quite.

37 A. It's reasonably convenient. However, when you read
38 the reply given by Senator Chamarette, when it says that it
39 requires them to observe secrecy in relation to matters
40 that come to their attention or knowledge in the course of
41 their duty, it would have been so easy to say that they are
42 no longer covered, regardless of whether there is anything
43 relevant or not. That matter, I would say, should have
44 been so easily developed.

45
46 I refer to this later as what I call the "junior
47 adviser effect". Another adviser might have written,

1 "Well, of course they're not", and the Minister would have
2 regurgitated it back in Parliament, as they do, with a few
3 changes from the minders. But, in this case, that
4 particular junior servant was not keen to be worried
5 further about issues of this nature and wanted to get it
6 out of the way.

7
8 CMDR RUSH: Q. Hence you get the reply from Senator Tate
9 that you have set out?

10 A. Yes. It's actually produced about 30 people down the
11 line and goes up and across and gets a few edits. I've had
12 to do a few myself. When you see them pop out the other
13 end, you think, "Yes, okay, I wrote that, but it didn't
14 sound like that." But you don't often get too many
15 changes, I've found.

16
17 Q. As to the significance, Dr McCarthy, of the Summerell
18 report, you are bringing together, as best you could, the
19 archival material and you there refer to Mr Laffer and
20 other matters relating to signals purporting to come from
21 *Sydney*.

22 A. Yes. The Australian Archives people came to the forum
23 in 1991 with a bundle of documents. Richard Summerell then
24 produced this work, which is an extraordinary work. He
25 pulled no punches and left plenty there for those,
26 whichever side you wanted to be on, to feed on.

27
28 One of the key issues, as you've alluded to, is the
29 "signals from *Sydney*" issue, the Cooper signals, which the
30 Hon. Kim Beazley caused to enter the public domain in
31 response to an RAAF briefing. I make the point that
32 Mr Beazley did that. His father, back in 1945, had been
33 a supporter of trying to resolve the *Sydney* issue, and
34 I saw the Hon. Mr Beazley trying to get everything out as
35 honestly as he could that may have been related. He makes
36 no comment on it. He says, "This might be related to it.
37 Have a look at it." That goes to Laffer, and subsequently
38 it appears, of course, in Summerell, and I think Summerell
39 has to be congratulated on that work.

40
41 THE PRESIDENT: Q. The problem is that if Mr Summerell
42 didn't refer to it, the omission is then taken up as part
43 of some conspiracy by Government to hide things.

44 A. In this case, no, Commissioner, because I felt that by
45 Summerell producing it exactly as it had been found, even
46 with things in there which would lead you to say, yes,
47 there were more signals from *Sydney*, and passing the

1 signals on to COIC, which you don't do in other cases,
2 I expect, Summerell actually added fuel to the conspiracy
3 fire, but he had got out what was in front of him without
4 fear or favour.
5

6 Q. It's a remarkable work.

7 A. It's a remarkable thing to do. Sorry, it's not
8 a remarkable thing to do. From what I can gather, he did
9 honestly what he was required to do.
10

11 Q. The dimension of the task was very large.

12 A. Oh, huge, huge.
13

14 CMDR RUSH: Q. At the bottom of page 15, you refer to
15 Mrs Winter and make reference to the Mason signal, the
16 signal that Mr Mason says he overheard at *Harman*.

17 A. Yes, that was interesting. I first came across that
18 in Barbara's book on CMDR Long. She wrote a fine work on
19 CMDR Long. In one of the footnotes, there are references
20 to Mr Mason having heard signals from *Sydney* while at
21 *HMAS Harman*. While I was on one of my fact-finding
22 missions, I went over to look at this document and found
23 what Mr Mason had written down and had lodged in the
24 Mitchell Library.
25

26 Barbara then looked at this. In the Long book, she
27 said that if it was true that there had been signals, then
28 there was a conspiracy maybe on the part of a particular
29 officer to hide a stuff-up. I think someone in a corridor,
30 one of the lieutenants, said to me, "Something I learned a
31 long time ago is that if you want to choose between
32 conspiracy and stuff-up in any big institution, go for
33 stuff-up straightaway." Pardon the words. Barbara said
34 this in her work, and that of course required me to go and
35 look at it.
36

37 Then I alerted David Kennedy, who was busy at the time
38 videoing people, because he had become very interested in
39 it. After I had rung Mr Mason while I was in Sydney and
40 spoke to him on the phone and recorded what he said to me
41 by hand, David Kennedy went and filmed him.
42

43 Barbara Winter subsequently says that, no, this is not
44 true, that nobody supports what he has to say and that he,
45 in his own way, was a malcontent, and so on, and therefore
46 is not to be trusted. So it's one of those things that,
47 you know, is even-handed, I would say.

1
2 Q. If we can go over the page to page 16, you refer to
3 the Christmas Island body and the signals being, from your
4 perspective, the two issues that perhaps generate
5 documentary or other support to be looked at.

6 A. Yes. Commander, after Wes Olson proved unequivocally
7 that the Christmas Island body not only came from Sydney
8 but showed where it came from on the ship, but even before
9 then, I saw that there was enough evidence 50/50 to say you
10 have to follow this through, and Wes did that. Barbara
11 Winter always believed that Wes proved chapter and verse
12 where it came from, and it was a remarkable piece of work.
13 That was one thing.

14
15 The signals issue, to my mind, was basically based
16 upon the Cooper signals, as produced by Summerell. If you
17 look at them, you will see that the ones in Australian
18 Archives are undated. One on the left says "morse" and
19 someone has put ahead of "AS" "HM", and then they're
20 referring to "men on board", "all men on board" and all
21 that sort of stuff, and it goes into technical things about
22 wavelengths and stuff, and then they pass it across to
23 COIC. I think that "COIC" is commanding officer of
24 whatever.

25
26 Subsequently, those signals appear in the South-West
27 Area Command log and are dated 5 December, I think, if I'm
28 right. To me, one could put a case - and that's where the
29 Commission comes in, I expect, with the training - that on
30 the one hand, yes, it is dated 5 December, but on the other
31 hand, how can you possibly suggest that PMG Darwin is
32 calling PMG Sydney and telling them all men are on board,
33 or why would you put "HM" in front of "AS", or why would
34 you pass a signal between two telephonic institutes across
35 to the commander of whatever?

36
37 Forgetting the R/T issue, there are a number of things
38 there that say to me that I'm hoping that this Commission
39 and the experts brought to it will put to bed the doubts
40 that I have in my mind and that lots of people have in
41 their minds that this one has to remain 50/50 until proved
42 otherwise.

43
44 THE PRESIDENT: Q. I doubt if it will remain 50/50 after
45 this Inquiry.

46 A. It doesn't seem to be going that way. Yes, it seems
47 that there is no doubt that the radio issue is not there.

1 It's the question of whether the morse ability is there and
2 whether anything came of the morse. The Cooper signals,
3 I think, are the key thing on which all else hangs. If
4 those signals are proved wrong and the others who suggest
5 that they heard the signals are proved wrong, then I think
6 after the finding of the wrecks where they were, the whole
7 case will collapse.

8
9 Q. Did anyone read the log of the following day?

10 A. No - well, I couldn't bring it to you now. Could we
11 talk about that - the log of the following day?

12
13 CMDR RUSH: Q. We can.

14 A. This is in the SWACH log, South-West Area Command
15 Headquarters?

16
17 Q. Yes. It's at NAA.016.0070.

18 A. This appears in Summerell, if I recall, after the two
19 pages.

20
21 THE PRESIDENT: Q. Yes, two portions of the log.

22 A. Yes, he has the two signals on pages 1 and 2, and then
23 on the back he has the SWACH subsequent, yes.

24
25 While it is coming up on the screen, Commissioner, one
26 of the things that I have done all the time is that if
27 anything has been produced after 1981 when Michael wrote
28 his book, one has to say, "Have they been influenced by the
29 book?" What I have to do is to say, "What do we have?
30 This is all interesting and important, but what do we have
31 before 1981 to be of any real validity as a primary
32 source?" And this is where we're going now, by the look of
33 it.

34
35 THE PRESIDENT: The primary source.

36
37 CMDR RUSH: Q. If we can scroll in, at 0054, this is the
38 SWACH log of Saturday, 6 December, and this is an entry
39 made at 0054 --

40
41 THE PRESIDENT: Could we go back to the previous one?

42
43 CMDR RUSH: The previous page, sir?

44
45 THE PRESIDENT: The initial entry I think is 4 December.

46
47 CMDR RUSH: Q. 4 December at 15:20.

1 A. There is a "GOIC" that I see at the centre of the
2 page, which, on the Summerell thing, is "COIC", and that
3 could be part of an explanation. Did you notice that? It
4 is the first time I've seen this, by the way.

5
6 Q. I think, sir, 15:20 is the first relevant entry.

7
8 *W/A phoned message received from*
9 *Geraldton - Geraldton heard a call on*
10 *24.50 metres possibly from HMAS Sydney and*
11 *requested Pearce to call Darwin for*
12 *bearing.*

13
14 Then I think at 15:43 is the next relevant entry:

15
16 *Received following by telephone from*
17 *western area (W/A): Squadron Leader Cooper*
18 *at Geraldton reports one of his operators*
19 *listening on 24.5 heard R/T telephone*
20 *signal calling Darwin or technical*
21 *telegraph operator. Signals weak and*
22 *operator thought it may be from HMAS*
23 *Sydney. Later Geraldton reports strength*
24 *of signal increasing.*

25
26 Then at 15:45:

27
28 *On instructions from LCDR Morris, Naval*
29 *duty staff officer signalled Darwin.*
30 *Immediate - establish watch on 24.5 metres*
31 *immediately Geraldton heard R/T signal*
32 *calling Darwin or technical telegraph*
33 *operator and thinks call possibly from*
34 *Sydney - 15:00 Z/4.*

35
36 At 15:55:

37
38 *Western area phoned following receive from*
39 *Squadron Leader Cooper at Geraldton:*
40 *Geraldton Aeradio opinion call coming from*
41 *Sydney Aeradio on 25 metres. Following*
42 *heard, "Calling Darwin or technical*
43 *telegraph operator from sea. Sydney*
44 *calling send carrier men on board calling*
45 *Fraser D/F Darwin cannot detect you*
46 *Singapore call Darwin. This MSS Sydney*
47 *calling message received frequency*

1 *satisfactory will put through one more.*
2 *Heard at 15:10Z.*

3

4 So they're the signals on the 4th, and if we can go over
5 the page to the 5th --

6

7 THE PRESIDENT: Q. Just before you do, that great number
8 of entries and signals going between at least three
9 different institutions makes it entirely clear, I should
10 have thought, that there can be no question of it being
11 misdated for 19 November?

12 A. That's not for me. That's for this Commission.

13

14 Q. I appreciate that. But on the face of it, you can
15 have one misdaded entry. It is improbable in the extreme
16 that you could have four, particularly when they are
17 inter-related and consecutive in time.

18 A. Yes, and Barbara attended to this, if I recall, in
19 1984 in her book.

20

21 THE PRESIDENT: Anyway, we'll go to the next one.

22

23 CMDR RUSH: Q. Then if we can go over the page, sir, to
24 149 at 00:54.

25

26 *Signalled CWR [central war room]:*
27 *information received from Darwin that short*
28 *wave broadcast overheard on 4th of December*
29 *was from PMG Sydney to PMG Darwin. In view*
30 *of confusion caused request information*
31 *whether this a regular and authorised*
32 *channel: 00:54Z/6.*

33

34 A. Yes, I can see here why Barbara is so strong in her
35 refusal - well, not "refusal", but in her conclusion that
36 the signals were not sent from Sydney. The only thing
37 I would suggest, if I can, Commander, is the question, as
38 appears in the Summerell version, which I'm not sure was
39 sent to Mr Laffer or not, on the top-left corner, where you
40 will see that it was morse, and it would be interesting to
41 see how you are able, with technical folk, to look at that
42 issue.

43

44 My role has been to listen to what people have to say
45 sympathetically, to request them to provide the information
46 with chapter and verse and then to try to get what is
47 brought to my attention properly analysed. The attempts

1 that I have made go back a long way. This is what I see as
2 the ultimate forum, a properly legally developed forum
3 where arguments for and against can be put. With luck, the
4 majority of what still vexes and worries the relatives, to
5 whom we owe the obligation to do this properly, will be
6 resolved. My job is to say to you that I'm still concerned
7 about the issue of morse and R/T. I haven't been reading
8 this last eight months. I would sincerely hope that you
9 are able to conclude to satisfaction.

10
11 THE PRESIDENT: Q. We certainly will be addressing that
12 in some detail, but the reason I have suggested - although
13 it's not your function; it's mine - that this entry on
14 6 December be brought to public attention is that I have
15 difficulty in thinking that any unbiased inquirer who read
16 that wouldn't come to a view that when the question arose
17 about whether or not the signals had come from *Sydney* the
18 ship on 4 December or had come from Sydney the city on
19 4 December, trouble was taken by the Services to resolve
20 that issue --

21 A. Yes.

22
23 Q. -- and they made inquiry and they satisfied
24 themselves, within apparently 48 hours, that the truth was
25 that the signal came from Sydney the city, not *Sydney* the
26 ship. Now, if anybody had read those four entries we have
27 shown and that one, I would have the greatest difficulty in
28 thinking they could reach any other conclusion, so I am at
29 a loss to understand why this controversy has ever
30 continued.

31 A. Oh, it's very easy, Commissioner. The controversy has
32 continued - if we go back to Mr Beazley's decision to allow
33 into the public domain the materials from the RAAF chap
34 whose job it was to provide the Ministerial in response to
35 Gordon Laffer's request that he had seen signals from
36 *Sydney*, and the Minister's chain of advice said, "Here's
37 this", Mr Beazley rightly popped it into the public domain.

38
39 What should have occurred right then was that an
40 official - and by "official", it wouldn't have been the
41 Museum, as I suspect we don't have that ability, but
42 somebody somewhere - should have said, "Let's look into
43 this. This is a piece of evidence, which on the basis of
44 what has been presented, is 50/50. Let's go to this SWACH
45 log thing", which I understand appeared one day. I think
46 it's in the files. It suddenly appeared at the Aviation
47 Museum, or somewhere like that. I forget where it was.

1 "Let's go and look at this, because Barbara Winter has been
2 unequivocally strong in saying this is not a signal from
3 Sydney, and Tom Frame was unequivocally strong in saying
4 the same. Why don't we look at it and see what else is
5 there, to put it to bed?"
6

7 I think this is the key to the problem we have today.
8 CMDR Long had an opportunity in 1945. For reasons, he
9 didn't do so. There was an opportunity in 1975, when the
10 archives were opened, for somebody to be commissioned with
11 the job of going to see whether it was all covered up.
12 I went and had a look, and I could find virtually
13 everything, except stuff like the missing log and all that
14 sort of thing. Why was it not then commissioned when
15 various other folk surfaced - in 1991, for example, as we
16 tried to do? Why was this not brought out at the
17 Parliamentary Inquiry, because the Parliamentary Inquiry
18 clearly accepted that there were no signals?
19

20 What I'm saying here is that if we look to
21 a negligence on behalf of our Government - and I'm part of
22 the Government, too - we did not attend to this matter when
23 we could have and should have and stop this thing? If
24 that's where the Commission will go and conclude, I think
25 it's wonderful. But, really, I would have thought that
26 Barbara or Tom could have produced all of that then,
27 instead of just saying, "It's nonsense. It was on
28 4 December", or whatever.
29

30 Chapter and verse is what is needed when you are
31 dealing with the memory of people who gave their lives in
32 service. You don't have a right to just let some private
33 individual - because Tom by then had left the Navy, or
34 Barbara - go and deal with issues relating to people lost
35 in service. That, to my mind, is the answer, Commissioner.
36

37 CMDR RUSH: Q. Dr McCarthy, you refer to the southern
38 battle theory, and I'm not sure we need to address it in
39 any detail. I think you have already spoken about the two
40 schools of thought that had that regional jealousy, as
41 you've referred to it, in relation to the theories of where
42 the wrecks would be found and the various proponents for
43 each of those.

44 A. Yes.

45
46 Q. If I can move on to page 18, towards the bottom of the
47 page, you have mentioned before, Dr McCarthy, the

1 Ministerial adviser's role. Is there anything else that
2 you want to add to what you have put in this paper?

3 A. Only to say that the junior Ministerial adviser has
4 actually managed to break attitudes. I'm not being
5 judgmental here, but attitudes often come from the junior
6 Ministerial adviser. Because you're so busy, you accept
7 what you're given. LEUT Perryman's role as Historical
8 Officer in the Navy was crucial in changing attitudes
9 towards the need to go to Christmas Island and the need to
10 support the search.

11
12 It's quite an extraordinary phenomenon that great
13 institutions led by powerful people can actually make their
14 decisions down so low within the chain and follow them.
15 Again, I have experienced it myself and I would suggest
16 that that is one of the reasons things have taken so long.
17 Perryman, who has been recently recognised for his work,
18 was a crucial force in changing that and I suspect that
19 it's one of the reasons we're here today, because, before
20 him, the junior advisers did not feel compelled to try to
21 suggest to their bosses that they should get in and support
22 these things.

23
24 Q. May we go to page 20, the Parliamentary Inquiry.
25 You've already addressed some of the things it found and
26 some of the deficiencies, in your view.

27 A. It didn't have the ability to cross-examine witnesses
28 and ask for chapter and verse or references. That's its
29 major failing.

30
31 Q. Then I think also you have referred to the 2001 Sea
32 Power Centre seminar as bringing together people, with
33 a recommendation that nothing be done, because of a failure
34 to agree?

35 A. Yes. It was quite clear: they required agreement;
36 they didn't get agreement; and they walked away.

37
38 Q. You set out in some detail the positions that were
39 adopted by the various people involved.

40 A. These are the submissions to the 2001 seminar?

41
42 Q. Yes. At the bottom of page 25, I think for the first
43 time you mention a book by Mr Wes Olson.

44 A. Yes.

45
46 Q. Mr Olson's book, you note, has an emphasis in relation
47 to the technical and deals with many of the theories and

1 matters.

2 A. Yes, a required comparative study, which no-one else
3 had done before. Olson looks at what other ships had
4 received similar damage and what possibly would cause their
5 demise in that case. He also looks at a whole load of
6 things but refuses to get into speculation.

7
8 Q. If we can go over the page, you then refer to the
9 self-published books. You have set them out. We don't
10 need to go through them, but there have been quite a number
11 propounding various theories, from dead being buried in the
12 Karrakata Cemetery to an autopsy being undertaken by
13 CAPT Laurence Snook.

14 A. Yes. As I have said in this work, these are unedited
15 and they did not go - as the earlier works by McDonald and
16 Olson did, which were both award winning - through an
17 editorial committee and there was no requirement on these
18 people to produce references.

19
20 Q. You conclude, in the third paragraph from the bottom
21 of that page, that:

22
23 *In hindsight it is apparent that the*
24 *position of HSK Kormoran as located by*
25 *D Mearns and others in March 2008*
26 *reasonably corresponds with the "Detmers*
27 *position" and it is almost exactly the same*
28 *as that appearing in a signal sent by Navy*
29 *Office on 28 November 1941.*

30
31 You then deal with other matters relating to the work of
32 CAPT Hore in British Admiralty and his provision of
33 Admiralty records, which, whilst valuable, didn't expose
34 anything further in relation to the controversy.

35 A. Yes. Clearly, if the nation had been predisposed to
36 believe the Germans, then we would have followed on from
37 Kirsner and Dunn and gone to 26 111, which is where Kirsner
38 shows the vast majority of the positions of sinking occur,
39 where the Royal Australian Navy said the *Kormoran* sank,
40 where it also shows a signal which said *Sydney* is believed
41 to have sunk within this distance, and David Mearns would
42 have had the smallest search box in his illustrious career.

43
44 But, for reasons, partly the Naval belief that it
45 could have gone to Sourabaya and partly other reasons, we
46 didn't link *Sydney* and *Kormoran* wrecks together in 1991 as
47 well as we perhaps could have done.

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CMDR RUSH: Sir, I have no further questions. May
Dr McCarthy be excused?

THE PRESIDENT: Thank you, Dr McCarthy. You have provided
very useful and valuable information.

<THE WITNESS WITHDREW

THE PRESIDENT: I will adjourn until 2.15.

LUNCHEON ADJOURNMENT