

1 1922; NAVIGATION (BOAT DRILLS) REGULATIONS STATUTORY RULES
2 1923; EXTRACT FROM NAVIGATION (COLLISION, BOAT AND FIRE
3 DRILLS) REGULATIONS 1923; COPY OF NAVIGATION (MASTER AND
4 SEAMEN) REGULATIONS 1924; COPY OF NAVIGATION (COLLISION,
5 BOAT AND FIRE DRILLS) REGULATIONS 1935
6

7 LCDR KERR: I call Mr Alan Ralph.
8

9 <ALAN MURRAY RALPH, affirmed: [11.30am]

10 <EXAMINATION BY LCDR KERR:
11

12
13 LCDR KERR: Q. Could you please tell the Commission your
14 full name, business address and occupation and position?

15 A. My name is Alan Murray Ralph. I am the State Director
16 of the National Archives Australia in Perth at
17 384 Berwick Street, East Victoria Park.
18

19 Q. At the request of counsel assisting, have you brought
20 with you today some original records from National
21 Archives?

22 A. Yes, I have.
23

24 Q. Are those records the Official Logbooks of
25 *SS Cape Otway*?

26 A. Yes, they are.
27

28 Q. Could you briefly, please, tell the Commission from
29 where those logs came when you brought them this morning?

30 A. They came from the National Archives Building in East
31 Victoria Park.
32

33 Q. Are you aware of the date that they first transferred
34 from another place to the National Archives?

35 A. They were first transferred to the National Archives
36 on 26 May 1970 from the Mercantile Marine Office in
37 Fremantle.
38

39 Q. What is the name of the organisation as we know it
40 today?

41 A. The Australian Maritime Safety Authority.
42

43 THE PRESIDENT: Q. They retained all logs at that stage,
44 did they?

45 A. Yes. That is the previously known name for the
46 Maritime Safety Authority. The Ministry of Changes changed
47 those names over time.

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LCDR KERR: Q. The National Archives organisation is governed by the National Archives Act; is that correct?

A. The Archives Act of 1983.

Q. Could you briefly tell the Commission of Inquiry about the regulations or the sections of the Archives Act that deal with the making of records publicly available?

A. The specific section I can't quote at this point. I could find that for you. All records held in the National Archives custody become publicly available once they attain the age of 30 years after creation, subject to access arrangements on those records.

Q. Is it the case that that applies to all records in the National Archives?

A. To every record in National Archives custody, yes.

Q. The particular *Cape Otway* logs that you have brought with you today are, if I'm correct, the log that reflects the period 1932 to 1934; is that correct?

A. Correct. I have a few here.

Q. The second one is the logbook that covers the period, as recorded on the front of the log, from 1937 to 1941?

A. That's correct.

Q. The third log is a log that covers the period 1942 to 1946?

A. I'll just confirm that. 1945.

THE PRESIDENT: May I see the first of those, please?

LCDR KERR: While you are inspecting that log, I make the observation that on the front cover that is a log of 50 pages, sir, meant for a crew of up to 150 personnel. In that respect, it differs from the log used for the period 1936 to 1941.

THE PRESIDENT: Yes.

LCDR KERR: I would also make the observation that although it is a 50-page log, there is a page numbered 51.

THE PRESIDENT: Yes. This logbook at pages 18 and 19 has, as part of it, all of the records which were required to be kept under the amended regulations to which you have

1 referred.

2

3 LCDR KERR: That's correct, sir. My point is that this
4 log, I believe, was printed after 1924.

5

6 THE PRESIDENT: Quite. So it contains all of the
7 information that was found in the pages inserted between
8 pages 16 and 17 in respect of the subsequent log.

9

10 LCDR KERR: That's correct, sir, yes.

11

12 THE PRESIDENT: May I see the third of them?

13

14 LCDR KERR: I make the observation about the third log
15 covering the period 1942 to 1945 that it is a log of
16 40 pages intended for use by vessels carrying up to
17 60 crew.

18

19 THE PRESIDENT: Yes.

20

21 LCDR KERR: Again, that is different from the 1937 to 1941
22 log.

23

24 THE PRESIDENT: But it was printed apparently before the
25 amendments, because the second log for the 1937 to 1941
26 period has glued in, as an insertion after page 12, two
27 pages, with a blank backing, which show all of the new
28 information required to be kept by a Master in his logbook
29 after the amendment to the regulations to which you've
30 referred.

31

32 LCDR KERR: Yes, sir, and that is in similar form, I would
33 submit, to the earlier 1937 to 1941 log.

34

35 THE PRESIDENT: Yes. Thank you.

36

37 LCDR KERR: Q. If I could take you for the moment to the
38 third log that the Commissioner has just handed back to
39 you, 1942 to 1945, if you would open the document cover
40 that protects it, on the front cover do you see there a
41 stamp under the name of the log?

42

A. Yes, I do.

43

44 Q. What does that say?

45

A. "With boat drills supplement".

46

47 Q. If I could also ask you to look at the front cover of

1 the 1937 to 1941 log, does a similar stamp appear on the
2 front cover of that log?

3 A. Yes, it does.

4
5 THE PRESIDENT: The supplement being the inserted pages?

6
7 LCDR KERR: That's correct, sir, yes.

8
9 Q. Mr Ralph, could I ask you first to go to the earlier
10 log, 1932 to 1934, and could I ask you to look at page 9
11 and find an entry in the left-hand column that says
12 "31st of the 10th 1931"?

13 A. 31st?

14
15 Q. "31 October 1931".

16 A. I think it says the 3rd.

17
18 Q. Perhaps then if I could ask you to go down the
19 left-hand column to find a date of "29th of the 3rd 1932"?

20 A. Yes, I can find that.

21
22 Q. That date of 29/3/1932 is the date that the vessel
23 left the port. What port was that?

24 A. Fremantle.

25
26 Q. It has "arriving back in Fremantle on 18/12/1932"; is
27 that correct? It should be on the right-hand side.

28 A. I can't find that entry, sir.

29
30 Q. We will pass over that for the moment. Could you turn
31 then to the second log, the 1937 to 1941 log.

32
33 THE PRESIDENT: Do we have photocopies of all these logs?

34
35 LCDR KERR: Yes, sir, we do. The 1932 to 1934 log is
36 NAA.028.0001.

37
38 THE PRESIDENT: That will be exhibit 164.

39
40 **EXHIBIT #164 OFFICIAL LOG BOOK SS CAPE OTWAY 1932 TO 1934,**
41 **BARCODED NAA.028.0001**

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43 LCDR KERR: The third log is NAA.028.0140.

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45 **EXHIBIT #165 OFFICIAL LOG BOOK CAPE OTWAY 1942 to 1945,**
46 **BARCODED NAA.028.0140**

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1 LCDR KERR: Q. Do you have the second log before you?
2 A. Yes, I do.

3
4 Q. Could I ask you to turn to the page that records the
5 ship's journeys?

6 A. Yes, I have that.

7
8 Q. In the left-hand column, could you locate the date
9 28/11/1936? I believe it is the first entry.

10 A. Yes, it is.

11
12 Q. In the right-hand column of that line, do you see an
13 entry for 15/12/1936?

14 A. Yes, I do.

15
16 Q. Could I ask you, then, to go to the second line and
17 the left-hand entry, which should say 9 March 1937?

18 A. Yes.

19
20 Q. So would you agree that that indicates that
21 *SS Cape Otway* was in Fremantle - I'm asking you whether the
22 log reflects this, not whether you know it - from
23 15/12/1936 until 9/3/1937?

24 A. The log would reflect that.

25
26 Q. A period of just over three months?

27 A. Yes.

28
29 Q. Could I then ask you to go down to the left-hand
30 column and you'll find a date that says 8/3/1938.

31
32 THE PRESIDENT: Perhaps we can shorten this. If one goes
33 through that log, does it show that for about three months
34 every year, roughly from December to March, the ship was
35 stood down in Fremantle?

36
37 LCDR KERR: Yes. If one goes through that log, and, in my
38 submission, if one goes through each of the three logs that
39 have been tendered, that's what has been reflected.

40
41 THE PRESIDENT: We can extract that from documents.

42
43 LCDR KERR: Q. The final area, Mr Ralph, I would ask you
44 to comment on is whether or not National Archives ever
45 destroys records?

46 A. Yes, we do destroy records.

47

1 Q. Can you tell the Commission, please, under what
2 circumstances?

3 A. The records we have destroyed are where a legal
4 authority has been developed under the Archives Act, in
5 consultation with the controlling agency of the records and
6 ourselves, to determine a period of time in which the
7 records would be destroyed, after which time the records
8 can be destroyed. Records are also identified for
9 retaining as National Archives as well.

10
11 Q. In circumstances where records are destroyed, of
12 course some record of that destruction is kept?

13 A. Yes.

14
15 Q. Are you able to comment about the destruction
16 procedures that would have been in place in approximately
17 1952?

18 A. The Perth office was not open in 1952. We didn't hold
19 records in Perth. But within National Archives, or the
20 Commonwealth Archives office as it was then known, the
21 procedure would have been that a request for destruction
22 would be made to the controlling agency to have approval to
23 destroy the records in accordance with legal authority.

24
25 LCDR KERR: Those Are my questions, sir.

26
27 THE PRESIDENT: Thank you, Mr Ralph. I release those
28 three exhibits back to you. We don't want to keep them.
29 They are better off with you than with us.

30
31 **<THE WITNESS WITHDREW**

32
33 LCDR KERR: I would like to tender two other documents.
34 One is the SWACH log referred to by CMDR Rush, barcoded
35 NAA.0016.0001.

36
37 **EXHIBIT #166 SOUTH WESTERN AREA COMBINED HEADQUARTERS LOG**
38 **BOOK, BARCODED NAA.0016.0001**

39
40 LCDR KERR: Secondly, pages 180 to 200 inclusive from
41 Mrs Glenys McDonald's book, "Seeking Sydney".

42
43 **EXHIBIT #167 PAGES 180-200 FROM MRS GLENYS McDONALD'S BOOK,**
44 **"SEEKING SYDNEY" AND THE COVER**

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46 LCDR KERR: I call Mr Max Cramer.

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