



1 there was about a 500 foot by 50 foot anomaly laying across  
2 the drop-offs out there, which attracted my interest.  
3 Unfortunately, at that time I didn't take any GPS readings  
4 or any actual readings themselves off the lighthouse or  
5 whatever. It just sat there in my brain.  
6

7 Some time later when I was thinking about it, I put it  
8 on to my map, my chart, and I looked at it and I thought  
9 this could be *Kormoran*. For some reason - I don't know  
10 why - I picked *Kormoran*, but I thought this could be  
11 *Kormoran*. So I asked a few questions of various people.  
12 I told my story to the Geraldton Guardian. The story was  
13 published in the paper. I was then contacted almost  
14 immediately by Dr Michael McCarthy from the West Australian  
15 Maritime Museum.  
16

17 He wanted all the details of what I had there. He  
18 then asked me to do what I thought might have happened, do  
19 a drawing, and tell the story again of what I was seeing,  
20 which I did. I believe he still has it in a record in his  
21 office down there. I was wrong, by the way.  
22

23 From that point of time, I listened quite carefully to  
24 what things were being said about it. There was also  
25 a gentleman up there. I was vice president of the bowling  
26 club. This gentleman was the president of the bowling  
27 club, and he pulled up a piece of wreckage off near the  
28 same area where I had seen this anomaly. He would never  
29 tell me exactly where it was, but I knew that it was  
30 a piece of wood with a copper bolt through it. I actually  
31 saw it on one occasion briefly.  
32

33 From that point, I suppose I became more and more  
34 interested in it. In 1988, I think it would have been,  
35 I was following the stories of the Germans who came to  
36 Carnarvon. It just evolved virtually from that over  
37 a period of time. Then in 2003, David Mearns came to  
38 Western Australia. He gave a talk on the ABC. I listened  
39 to it. A journalist in the Sunday Times in Perth said he's  
40 a bounty hunter. So David Mearns by that stage had gone  
41 back to England, so I emailed the story from the Sunday  
42 Times to him and we formed a working relationship, or  
43 a friendship, if you like, from that point of time.  
44

45 Q. Since then, you've generated a greater interest, have  
46 you?

47 A. It has been a consuming interest.

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Q. The interaction you referred to with Dr McCarthy, do you remember when that took place?

A. I would guess early 2003.

Q. That was at about the same time that you wrote the article that you referred to?

A. Yes.

Q. Could we bring up, please, CORR.002.0215\_R. You have made a number of submissions, parts of submissions, to this Commission of Inquiry?

A. Yes.

Q. If you would look at the screen in front of you, this is a copy of your first submission submitted on 21 May 2008. Do you see that?

A. Yes.

Q. In that submission, you made two submissions on HMAS Sydney to the Commission of Inquiry. At the first paragraph below the last line of blacking-out, you say:

*It is my submission that the remains of an unspecified number of the crew of HMAS Sydney II were buried by an Army party near Dulverton Bay on Carrarang Station in Western Australia in ... 1941.*

A. Yes.

Q. Secondly, you say in the next paragraph:

*It is my further submission that the Master's Official Logbook, of the SS Cape Otway 1937-1941, has been interfered with to remove reference to certain events which potentially occurred between 2pm on Monday, the 1st of December 1941 and 6pm on Wednesday, the 3rd of December 1941, during the southbound passage of the lighthouse tender vessel, SS Cape Otway.*

A. Yes, sir, at that time that was my honest belief.

Q. Those are the two primary submissions that you made in

1 that submission?

2 A. Yes.

3

4 Q. I want to ask you firstly about the next paragraph,  
5 where you say:

6

7 *The events referred to relate to evidence*  
8 *given in April 1998 to the Defence*  
9 *Subcommittee of the Joint Standing*  
10 *Committee on Foreign Affairs, Defence and*  
11 *Trade, ref: HMAS Sydney Inquiry.*

12

13 A. Yes.

14

15 Q. Putting aside the difference between submissions and  
16 evidence, that paragraph, as I read it, is intended to  
17 apply only to your submissions about the SS *Cape Otway*; is  
18 that correct, or do you contend that there was evidence  
19 and/or submissions put before the Parliamentary Inquiry  
20 concerning the burial of bodies?

21 A. It relates to the evidence of Jack Heazlewood.

22

23 Q. If I could ask you now about those two primary  
24 submissions, we'll start with the second one first - your  
25 submission that the master's official logbook of the  
26 *Cape Otway* had been interfered with - it's true, isn't it,  
27 that this morning you attended an office with me and  
28 Mr Ralph from National Archives where Mr Ralph showed you  
29 the *Cape Otway* logs and you had a chance to examine them?

30 A. Yes, I examined them. They are not in the same  
31 condition as they were when I first looked at them.

32

33 Q. And you have heard the evidence given this morning by  
34 Mr Ralph and the evidence that was put on the record about  
35 the *Cape Otway's* log between 1936 and 1941?

36 A. Yes. You and I have already discussed this, and  
37 further down in my submission I put those questions  
38 basically to you, and by letter you asked me to point out  
39 those areas of the log which I believe had been interfered  
40 with. I have done that in my second submission. I gave  
41 you all those details.

42

43 What you showed me this morning - I now thank you for  
44 doing what I asked you to do in my original submission,  
45 which was to look at this log, and I think if you turn down  
46 the page a bit further you'll see where I've asked  
47 10 questions of the Commission to investigate those various

1 elements.

2

3 Q. You are referring to the second page.

4 A. And you've done that, so thank you very much.

5

6 THE PRESIDENT: Q. So what is your position now on the  
7 *Cape Otway* log?

8 A. My position, sir, is that there are elements of the  
9 *Cape Otway* log which don't add up, if you like. I've  
10 pointed to them. There are entries made - and I can give  
11 you the actual entries, if you wish. One of them in  
12 particular points to a date that the *Cape Otway* couldn't  
13 possibly have been in one position; the resignation of an  
14 officer in Brisbane, when *Cape Otway* was in fact between  
15 Cairns and Timor - there's a whole lot of little errors, if  
16 you like. Sometimes I wondered whether the captain was  
17 dyslexic, actually, with the date changes and that. There  
18 are elements of the log that still require some  
19 explanation.

20

21 Q. But is there anything in the log which causes you any  
22 concern regarding *HMAS Sydney*? The only relevance of the  
23 *Cape Otway* log is whether or not she sailed, as it is said,  
24 amongst bodies.

25 A. You can't read it in isolation, sir. You have to look  
26 at it in a wider spectrum. If you look at it in isolation,  
27 I could not agree more with what you are saying. When you  
28 look at it in a wider situation, the elements interweave to  
29 a certain extent. For instance, the elements concerning  
30 Heazlewood, I was rather doubtful about Mr Heazlewood's  
31 submission to the Commission, the DFAT Inquiry, so I looked  
32 his military service record up and found that he was in  
33 fact a member of the RAN; he did serve on the doomed  
34 defence vehicle, *Lanikai*. The *Lanikai* was a vessel  
35 I recognised, because I had seen it in Fremantle.

36

37 From then, Mr Heazlewood became credible. His  
38 evidence to the Inquiry that was first referred to in the  
39 third paragraph became a credible level of evidence as far  
40 as I was concerned. So I went further and I obtained his  
41 letter to Dr McCarthy in which he asks Dr McCarthy various  
42 questions. He tells him the story and he also identifies  
43 the person who presented himself as CAPT Aubrey Baddham and  
44 he described him. He asked Dr McCarthy, "Do you have  
45 a photograph of this person?"

46

47 When McCarthy wrote back to him, he didn't answer that

1 but he said that he had heard from other sources the story  
2 of the *Cape Otway*, so it widened the field. I didn't go to  
3 Dr McCarthy and ask him his other sources. I just accept  
4 that what Heazlewood said was credible. In my terms of  
5 reference, the way I work, I look to see if something is  
6 logically possible. If it's not logically possible,  
7 I don't throw it out the window; I put it aside; or if it  
8 is absolutely ridiculous, I dismiss it.

9  
10 But when you bring these elements together, that then  
11 makes a credible story, that it was logically possible that  
12 the *Cape Otway* did see some bodies. So I then went looking  
13 for the *Cape Otway* log.

14  
15 Q. Logically possible because there was a statement that  
16 Mr Heazlewood had made that somebody in a hotel, who he  
17 identified as being the Captain, possibly accompanied by  
18 the First Mate, who said that they had sighted some bodies;  
19 is that right?

20 A. Yes. So, as I say, I then checked on the authenticity  
21 of the person who made that statement. I obtained the  
22 letter that he wrote, the signed letter, in 1994.

23  
24 Q. I understand that. So you formed the view that  
25 Heazlewood was a man on whose statement you could rely?  
26 You formed the view that you could rely on the statement  
27 that Mr Heazlewood had made?

28 A. No, I never formed the view that I could rely on the  
29 statement. I formed the view that it was credible.

30  
31 Q. Credible?

32 A. It was logically possible, because then when I went to  
33 the *Cape Otway* log, I found that the *Cape Otway* had come  
34 down the coast from Carnarvon on a southbound voyage  
35 between I think 1 December and 3 December 1941. Then, when  
36 you do a further construction, I knew, having been at sea  
37 plenty of times down that piece of coast, how the  
38 *Cape Otway* operated and I knew where it went.

39  
40 You really need to know a little bit more about what  
41 the sea conditions are like off that particular coast. If  
42 it was to stand off about 5 to 7 nautical off the coast, it  
43 was in a position to be off what is now called the Zuytdorp  
44 Cliffs. The Zuytdorp Cliffs weren't named until 1951. We  
45 just called them "the cliffs" in those days. We had  
46 nicknames for all the spots. The thing that we call False  
47 Entrance is actually Dulverton Bay. The thing that lay

1 north of that that we call Crayfish Bay is Epineux Bay.

2  
3 So you have to take little bits like the fact that  
4 people talk about *Cape Otway* being off the Zuytdorp Cliffs.  
5 In 1941, it wasn't off the Zuytdorp Cliffs; it was off the  
6 cliffs, and the cliffs could be anywhere from Steep Point  
7 down as far south of Kalbarri to Wago Beach. There are  
8 only two entrances, two places you can get ashore in that  
9 area: one is in Dulverton Bay or False Entrance; the other  
10 is into the mouth of the Murchison River, which is  
11 Kalbarri.

12  
13 Further, when the *Cape Otway* travelled down, it came  
14 inside the Abrolhos and went down the Zeewijk Channel. It  
15 also stood off Shoal Point - or it didn't stand off; it  
16 steamed past Shoal Point. The night that it came down was  
17 three nights before the full moon, and visibility in  
18 those days would have been quite brilliant if there wasn't  
19 weather around.

20  
21 So it all adds up to the fact that it was logically  
22 possible for the *Cape Otway* to have come down the coast  
23 from Carnarvon to Geraldton and, in its transit, have seen  
24 those bodies. It is not illogical to have that thinking.  
25 It is logically possible that that could have occurred.  
26 The bodies didn't get there. If there were bodies there,  
27 they didn't float in from the wreck of the *Sydney*.

28  
29 I understand that all the bodies, all these men from  
30 *Kormoran*, were accounted for. The men who died were  
31 virtually locked in their burning engine room by the  
32 captain, because he was afraid of mines blowing up.

33  
34 Q. No, there weren't. There were 80 who lost their  
35 lives, in round terms, on *Kormoran*; 20 of them probably  
36 died on the ship and 60 were lost overboard.

37 A. Were they? I don't have that information. From what  
38 I've read, the majority of the men who were lost were  
39 locked in the engine room by a decision that the Captain  
40 made, with some regret, obviously.

41  
42 Q. Can I take you back to where we started. What that  
43 means is that you have considered and come to the view that  
44 it was possible that *Cape Otway* was in a particular area?

45 A. Yes.

46  
47 Q. So you then went to the logbook?

1 A. Yes, I sought evidence from the logbook to see if  
2 I could find anything from the logbook.

3  
4 Q. There is nothing in the logbook that suggests that  
5 anyone on board her saw any bodies.

6 A. I could find nothing in the logbook to that effect,  
7 sir.

8  
9 Q. Right. So what was your next process of reasoning?

10 A. With respect to what?

11  
12 Q. The logbook.

13 A. I went through the logbook carefully, and as I have  
14 explained in my second submission, or I asked the  
15 Commission to look at various elements of the logbook  
16 because I couldn't find the detail that I would have  
17 expected to find on a logbook that had nothing happen to  
18 it.

19  
20 If *Cape Otway* was in a normal transit between  
21 Carnarvon and Geraldton at that time and nothing happened,  
22 then there was no reason for that logbook to have any  
23 anomalies or any inaccuracies in it, from what I could see.  
24 When I looked at the logbook in those days, the element  
25 that LCDR Kerr has illuminated this morning to me, I accept  
26 that fully. I now understand that there was a change,  
27 obviously, in the way that that was put together within the  
28 logbook.

29  
30 When I looked at it in the first instance, it was  
31 obvious that those pages had a different serial number from  
32 the pages of the major part of the logbook.

33  
34 Q. Of course they did. It was perfectly obvious that  
35 they had been inserted.

36 A. But, sir, there's nothing to indicate in the logbook -  
37 there is a stamp. I have now checked, and there is a stamp  
38 on the front of it that gave a clue, but that wasn't very  
39 legible and I didn't understand at that time that that had  
40 occurred. So it presented to Mr Average Researcher an  
41 anomaly with the book, so I then went further --

42  
43 Q. You now recognise that there is no anomaly, as  
44 I understand you, do you?

45 A. Well, can I take you to page 11 of the book, sir?  
46 There are date anomalies in the book.

47

1 LCDR KERR: Q. Are you referring, sir, to an entry in  
2 the log at page 11, which is NAA.028.0068, and can we  
3 scroll down to line 7. On line 7, you will see there is an  
4 entry for what looks like the 16th of the 12th 1940, at  
5 8.20am leaves Carnarvon, and across the page, 20 December  
6 1940, arrives at Fremantle.

7 A. No.

8  
9 Q. Excuse me, Mr Shepherd. On the next line down, there  
10 is an entry that appears to be the 11th of the 2nd or the  
11 3rd 1941, at 5.30pm the ship leaves Fremantle, and on the  
12 right-hand side of the page it says that the ship has  
13 returned to Fremantle. From the date that is entered  
14 there, it says it did this on Christmas Day, 25 December  
15 1941. That's the anomaly you're referring to, sir?

16 A. Yes.

17  
18 Q. It is obvious on its face that it appears to be an  
19 error, but what do you say the significance of that error  
20 is, if it is an error, to the loss of *HMAS Sydney* or  
21 whether the *SS Cape Otway* did or did not sail through  
22 bodies on the West Australian coast?

23 A. I don't draw any conclusion from it, sir. I look at  
24 it and I say that that doesn't fit. That is an anomaly.  
25 I don't draw a conclusion from it.

26  
27 Q. On the same page further down, I think the other error  
28 that you refer to as an error in this log appears on the  
29 fifth line from the bottom of that page, or more correctly  
30 involves the fifth line, "On 31st of October 1941 at 7am  
31 the vessel left Thursday Island, arriving on the 12th of  
32 November 1941."

33 A. The relevant line is the line before that.

34  
35 Q. "Left Cairns 22-10-41, 6am. Arrived Thursday Island  
36 30-10-1941." Do you say that that has some impact because  
37 of the entry on page 5 of the log, at line 74, which  
38 involves "1st Mate", and I think that is a "C" or "G"  
39 "Pedersen", "Discharged Brisbane 29-10-1941". Mr Shepherd,  
40 you say that "29-10-1941" falls within the time period that  
41 *SS Cape Otway* was at sea between Cairns and Thursday  
42 Island?

43 A. That's right. That's what the log says. I don't  
44 bring these up as anything more than to point out that  
45 there are anomalies in the log that, as an average  
46 researcher, hit you in the eye. In fact, I understand that  
47 you can make errors in a log. I understand all those

1 things. But when I first looked at this log, I held  
2 a genuine belief that there had been interference. I asked  
3 the Court of Inquiry to look at that and I asked them  
4 specifically to find if such interference represented -  
5 I can't think of the words now --  
6

7 THE PRESIDENT: Q. Well, Mr Shepherd, to cut to the  
8 chase, let me say this to you: there may be or there may  
9 not be what I shall call casual errors of date or notation.

10 A. Yes.

11  
12 Q. It would be surprising, perhaps, if there weren't.  
13 The two matters that so far have been pointed out to me, on  
14 any view, have absolutely nothing to do with *HMAS Sydney*.

15 A. I never said that they did, sir.

16  
17 Q. Well, then, you may take it that I really don't want  
18 to hear about things that have absolutely nothing to do  
19 with *HMAS Sydney* or its loss.

20 A. I understand you were asking me questions about the  
21 anomalies in the log.

22  
23 Q. I now understand those. But I thought that the  
24 anomalies had something to do with the loss of Sydney, and  
25 on the face of it, those do not.

26 A. Yes.

27  
28 Q. Now, my understanding from reading your material was  
29 that you initially had a view that the log had been  
30 tampered with, but my understanding is that, as a result of  
31 your discussions with LCDR Kerr this morning, you no longer  
32 take the view that it was tampered with, although you do  
33 point to the fact that there are in it what I have called  
34 might be casual errors. Is that a fair summation or not?

35 A. I haven't really had sufficient time to sit down and  
36 go through it after LCDR Kerr told me what they found out  
37 this morning. That was sprung on me this morning. I like  
38 a little bit of time to absorb these things and just to see  
39 how logically possible it is. I accept, sir, that there  
40 was the insertion in the log, which I referred to in my  
41 original submission was done under Government orders. It's  
42 logical. It is quite logical that that happened.

43  
44 I queried the voided page. That has been explained.  
45 I thank the Inquiry for explaining that. I suggested from  
46 the very beginning that there was a tenable argument as far  
47 as CAPT Thomson turning over those pages 35 and 36 as one

1 page. I put that to LCDR Kerr in Sydney when I spoke to  
2 him.

3

4 I also was aware, sir, that the *Cape Otway* laid up  
5 over the Christmas period. I'm quite familiar with the  
6 *Cape Otway*. I've seen it. It was a terrible little ship.  
7 It was a purpose-built ship. Yes, it wasn't a pretty  
8 little thing. It worked the lighthouses.

9

10 LCDR KERR: Q. Sir, do you accept that it is logical  
11 that when the Master of *Cape Otway* turned page 35 to 36, he  
12 picked up two pages in error.

13 A. It's a tenable argument.

14

15 THE PRESIDENT: Q. It's obvious that that's what has  
16 happened, because you get to page 50, and it says, "Go back  
17 and see page 36", and they continue the log?

18 A. That's what it says at page 50, yes.

19

20 LCDR KERR: Q. Page 50 says to go back to page 36, and  
21 page 36 is chronologically consistent with the last entry  
22 on page 50, isn't it?

23 A. That was what I put to you, sir, in Sydney. I said it  
24 was a tenable argument that two pages had been turned at  
25 once and that they had used their other page.

26

27 Q. Do you accept that that's what happened?

28 A. I don't know. I wasn't there.

29

30 Q. Your second point in your first submission is that  
31 *Cape Otway* sailed through bodies. Having heard the  
32 evidence that you've heard yesterday and today, what is  
33 your position on that?

34 A. I don't dismiss it.

35

36 Q. Where do you say that it occurred?

37 A. Between Carnarvon and Geraldton.

38

39 Q. Can you be any more specific than that?

40 A. No.

41

42 THE PRESIDENT: Q. What is the distance between  
43 Carnarvon and Geraldton?

44 A. A bit over 200 - well, if you measure going in, 200,  
45 220, 230 nautical.

46

47 Q. Miles?

1 A. Mmm.

2

3 LCDR KERR: Could we please bring up CORR.006.0053. .

4

5 Q. At the top of the page, Mr Shepherd, you say:

6

7 *When the following factual recorded*  
8 *sequence of events is considered, a logical*  
9 *possibility exists that the SS Cape Otway*  
10 *sighted the remains of crew members of HMAS*  
11 *Sydney II on Tuesday, 2/12/1941.*

12

13 A. Yes.

14

15 Q. Then you list five points that you rely on. You don't  
16 give a location in those points or in that explanation, do  
17 you?

18 A. Are you asking me a question, sir?

19

20 Q. Yes.

21 A. What did you say?

22

23 Q. I said you don't give a location in those points or in  
24 that explanation on that page, do you? You don't give  
25 a location?

26 A. No.

27

28 THE PRESIDENT: Q. Point number 2 says "25 November".  
29 I think that should be the 24th, should it not?

30 A. Pardon?

31

32 Q. If you look at the screen, do you see your point  
33 numbered 2?

34 A. Yes.

35

36 Q.

37 *Aerial search from Geraldton commences at*  
38 *0800 Tuesday 25 [November] ...*

39

40 It should be the 24th, I think, should it not be?

41 A. 24th was the Monday. I think the search started on  
42 the Tuesday.

43

44 LCDR KERR: Q. I would like you, sir, to keep that date  
45 in your mind at the top of the page. You say in that  
46 document that:

47

1                   *... a logical possibility exists that the*  
2                   *bodies were sighted on Tuesday, 2/12 ...*

3  
4                   If we could bring up PTE.004.0180. At the top of that  
5                   page, which is an extract from your submission submitted on  
6                   24 August, you say:

7  
8                   *The alleged sighting of bodies by the*  
9                   *Cape Otway, which as a point of interest*  
10                  *was approximately 7 n/miles off Sandalwood*  
11                  *Bay at 0730 hours WST on 3/12/1941 ...*

12  
13                  That's a different time than what you stated in the earlier  
14                  document.

15                  A. It is another logical possibility. I don't retract  
16                  either of them. They're both logically possible.

17  
18                  Q. Do I understand you to be saying that it is logically  
19                  possible that *Cape Otway* could have sailed through bodies  
20                  anywhere off the coast between Carnarvon and Geraldton?

21                  A. It is logically possible that it sighted them  
22                  somewhere off the coast between Carnarvon and Geraldton.

23  
24                  THE PRESIDENT: Q. It is logically possible only because  
25                  the ship was there. It is logically possible only because  
26                  the ship was sailing that route.

27                  A. Yes. The places that had the potential for bodies to  
28                  wash ashore were Zuytdorp, False Entrance and south of  
29                  Wagoe near Shoal Point.

30  
31                  Q. Mr Shepherd, I've heard a lot of evidence from some  
32                  experts a week or two ago, who told me that it was  
33                  improbable in the extreme that any bodies would have risen  
34                  from the ocean floor.

35                  A. From where?

36  
37                  Q. The ocean floor, after they had sunk.

38                  A. Sir --

39  
40                  Q. Now, you may not accept that, but that's the evidence  
41                  to date before this Inquiry.

42                  A. Well, might I ask where are they talking about on the  
43                  ocean floor? If they're talking about 2,500 metres deep,  
44                  I accept that, too. I'm talking about water that's in the  
45                  order of 50 to 70 metres deep.

46  
47                  Q. So your thesis is that --

1 A. It's not a thesis, sir.

2

3 Q. -- the bodies did not come from *Sydney*; the ship  
4 itself, but came from a boat?

5 A. It is impossible for the bodies to have come from the  
6 sinking location of *Sydney*.

7

8 Q. Right, and is it impossible for the bodies to have  
9 come from the *Kormoran* where she sank?

10 A. It is impossible for the bodies to have come from the  
11 *Kormoran* where she sank.

12

13 Q. So if there were bodies there, they came from some  
14 other vessel?

15 A. No.

16

17 Q. Or boat?

18 A. A boat.

19

20 Q. And what is your thesis about which boat it was that  
21 they came from?

22 A. Sir, I don't like the word "thesis" very much. It is  
23 a logical possibility that one of the four boats that have  
24 not been accounted for, one or all of the four boats that  
25 are not accounted for from the wreck of *Sydney*, could have  
26 got ashore and they could have carried men from the *Sydney*.  
27 In my mind, there is no doubt that men got off the *Sydney*.  
28 We know one did - the man from Christmas Island. He got  
29 off, and he got into a Carley float.

30

31 Sir, people say that it was impossible to get people  
32 off *Sydney*. Can I take you back to a gentleman whom I know  
33 very well. His name is Charles Pasisto Thompson. Charles  
34 Pasisto Thompson is a person in whom I have impeccable  
35 trust. I shared many secrets with him. He was a member of  
36 the crew of *HMAS Perth*, which sank 101 days after the  
37 *Sydney* in the Sunda Strait. Charles Pasisto Thompson was  
38 an engine room artificer. He jumped in after the second  
39 torpedo hit, into the ocean. He got ashore. He survived.  
40 He's one of the 200-odd men that got off *Perth* and survived  
41 the prisoner-of-war camp and returned to Australia.

42

43 That man I asked what were the chances of men from  
44 *Sydney* getting off, and he said, "You've got to be born in  
45 the 1920s to know what you do when you are under that much  
46 pressure and you're looking death straight in the face."  
47 So on that basis, I believe that men did get off *Sydney*.

1 There is some evidence that a boat was lowered from the  
2 *Sydney*.

3  
4 Q. No doubt we'll come to that, but --

5 A. Sir, on that basis, if men got off *Sydney*, they would  
6 not have been in very good condition. As you heard this  
7 morning from Mr Cramer, it is quite possible to come in  
8 from the wreck of *Sydney* in a boat - row, motor, sail,  
9 whatever - to get to shore close to either Dulverton Bay or  
10 False Entrance, or further south. If men got away from  
11 *Sydney*, if there were any West Australians amongst them,  
12 they would have had no doubt what faced them if they tried  
13 to get ashore on the cliffs, because it is impossible to  
14 get ashore in the weather conditions in November, to get on  
15 to those cliffs between Steep Point and Wago Beach down  
16 the bottom. You can get in the river at Kalbarri if you  
17 know how to get into the mouth of the Murchison. You can  
18 get into Dulverton Bay, but you'd be tipped over if you  
19 were in a small boat going in there, it's that sort of  
20 place to get in. Once you get in, you are safe, but I am  
21 talking about if you get tipped over coming in there.

22  
23 So on that basis, it is logically possible that men  
24 got away from the *Sydney* and that men came ashore, or tried  
25 to get ashore, and were drowned in the process.

26  
27 THE PRESIDENT: Yes, you go on.

28  
29 LCDR KERR: Q. Could we bring up SUBM.007.0159.

30  
31 Q. While it is coming up on the screen, Mr Shepherd, can  
32 I ask you if you have read the evidence that was given by  
33 a lieutenant in *Sydney* in respect of the weather conditions  
34 that were in effect on 19 November 1941 and the evidence of  
35 the captain who gave evidence after him, who talked about  
36 the logic of lowering a boat on the port side in that  
37 weather or in those sea conditions? Have you read that?

38 A. I did, actually. To be quite honest, that person has  
39 never been to sea out there. That person has never been to  
40 sea out there.

41  
42 Q. Which person are you referring to?

43 A. The expert.

44  
45 Q. The captain who said that it was --

46 A. Captain who?  
47

1 Q. CAPT Bairstow.

2 A. Has he been to that area?

3

4 Q. I have no idea, sir, but he gave evidence. He is an  
5 experienced Naval seaman officer of Captain rank, and he  
6 had command of a West Australian-based ship, so I think it  
7 is beyond any doubt that he would have sailed this ship in  
8 that area. He gave evidence that an experienced captain,  
9 in the sea conditions that were apparent on 19 November  
10 1941, at the time of the encounter, would not lower a boat  
11 on the port side.

12

13 THE PRESIDENT: Q. Never mind about that. I just want  
14 to understand what you're saying. You're saying this:  
15 Otway was sailing down the coast off these cliffs that  
16 you've described --

17 A. Yes.

18

19 Q. -- between Carnarvon and Geraldton. That's the first  
20 step. The second step is that it is possible that, as  
21 *Sydney* had nine boats, five of which are now on the seabed  
22 and four of which are unaccounted for, some persons on  
23 board *Sydney* got away in one of those boats. That's the  
24 second thing. The third thing is that if they did that and  
25 they approached the cliffs, they would have known, if they  
26 were from Western Australia, that they couldn't land, and,  
27 in some circumstances - sea conditions, leaking boat,  
28 whatever - they drowned. That's the third thing. The  
29 fourth thing is that there may have been bodies in the  
30 water at this time when *Cape Otway* passed through it. Is  
31 that right?

32 A. Yes.

33

34 Q. And that is the basis on which you say that it is  
35 logically possible that persons on board *Cape Otway* might  
36 have seen the bodies in the water, and that, you say, is  
37 consistent with or confirmatory of the account that  
38 Mr Heazlewood gave of having been told by people in a hotel  
39 in the south of Western Australia that officers on board  
40 *Cape Otway* had seen bodies in the water?

41 A. That is one of the elements, yes.

42

43 Q. I understand that aspect of it. Is there anything  
44 else that you have which would support the view that there  
45 were bodies in the water that might have been seen by  
46 *Cape Otway*?

47 A. Yes. There is evidence that what was described as

1 a whaler-type boat came ashore at Shoal Point. There is  
2 evidence that a debris field came ashore in the same  
3 location as that boat. Currently, I am endeavouring to  
4 find out more about that.

5

6 Q. Your suggestion is that this whaler, which was clinker  
7 built, I think from your statement, may have come from  
8 Sydney?

9 A. I asked the question of a person if it was clinker  
10 built. I suggested that it might have been clinker built,  
11 clinker-built whaler, yes. It is logically possible that  
12 this boat came ashore near Shoal Point.

13

14 Q. Now, what's the evidence that a whaler came ashore?

15 A. The evidence, sir, is that this boat was seen by  
16 a person from Balline Station, which is just north of  
17 Shoal Point. He was a very young child at that stage.

18

19 Q. Is this the person aged 4?

20 A. He was aged 4. I have spoken to the gentleman.  
21 Unfortunately, he is no longer with us. He confirmed what  
22 was said. It was under a canvas and it was taken away. My  
23 latest information is that it was taken up the Hutt River  
24 and burnt.

25

26 Q. So the evidence that a whaler came ashore is the  
27 recollection, later repeated, of something a person saw  
28 when they were 4?

29 A. Yes.

30

31 Q. Is there any other evidence?

32 A. Yes. His father rode to Northampton and reported it  
33 to the police.

34

35 Q. Reported to the police the finding of a whaler?

36 A. He reported the boat coming ashore.

37

38 Q. Is this the same incident or a different incident?

39 A. It's the same boat, sir.

40

41 Q. So we have the recollection of a 4-year-old and we  
42 have the father of the 4-year-old riding to Carnarvon, did  
43 you say?

44 A. Northampton.

45

46 Q. Northampton police station and reporting the arrival  
47 of this boat?

1 A. Yes. I've tried to follow that up, the report.  
2 I obtained a police report regarding a JF Crowe, who was an  
3 officer in the police station in Northampton. I have  
4 searched the Batty Library in Perth here for evidence of  
5 police daily occurrence files for Northampton and Geraldton  
6 for that period. I have not found them, but I have been  
7 told that they were destroyed. I can't confirm that.  
8 I went to a policeman friend of mine, who was able to check  
9 for me in the police archives in Mayland, and he said,  
10 "Those files are missing," so I can't verify it.

11  
12 Q. So you cannot confirm that there was a report made to  
13 the police?

14 A. No, I can't confirm that, sir.

15  
16 Q. So how do you know or suspect that such a report was  
17 made to the police?

18 A. By the evidence of Mr Forrester.

19  
20 Q. The 4-year-old boy?

21 A. No, his father. That evidence has come through, that  
22 his father rode to Northampton and reported it.

23  
24 Q. So have you spoken to the 4-year-old boy, now grown  
25 up?

26 A. Yes.

27  
28 Q. And you've spoken to his father?

29 A. No. His father's dead.

30  
31 Q. Well, how do you know that he reported it to the  
32 police?

33 A. Sir, about four years ago I wrote an article in the  
34 Northampton News.

35  
36 Q. I've read that.

37 A. And I put a proposition to the people of Northampton  
38 regarding that. I got a lot of feedback from that article.  
39 When I put the feedback together, there was a theme that  
40 comes through which supports that view or that contention.

41  
42 Q. The question I asked you was: how do you know that  
43 the father made the report to the police, because you can't  
44 verify it by looking at the police records; you haven't  
45 spoken to the father. Your response was, "Well, I wrote an  
46 article and I got feedback." How does that support the  
47 view that the father reported the boat to the police?

1 A. There was more than one person who told me about that  
2 same story.

3

4 LCDR KERR: Q. Mr Shepherd, the final point to do with  
5 the SS *Cape Otway* is your submission and assertion that she  
6 was directed to leave the area where you say that she had  
7 seen those bodies. My first question, sir, is that if you  
8 are unable to identify where *Cape Otway* saw these bodies,  
9 how is it that you are able to say that she was told to  
10 leave that area?

11 A. I can't say for definite that the ship was directed.  
12 I asked that question in my request. There is a document  
13 in which two ships were advised - I think you have it;  
14 I gave it to you. *Evagoras* and *Cape Otway* were asked to  
15 search the area if they were in the area. That was done  
16 via District Naval Office, I think. It was done by SWACH  
17 and it was done by District Office.

18

19 Q. You are referring to a signal that originated from the  
20 Naval Board directed to DNO WA, the District Naval Office  
21 at WA?

22 A. Yes.

23

24 Q. In that signal, Naval Board referred to an earlier  
25 signal sent to *Evagoras* and also said in that signal that  
26 *Cape Otway* is to join the search if she's in the area; is  
27 that a correct summary?

28 A.

29 *MY 00215 --*

30

31 *something unreadable --*

32

33 *to "Evagoras", "Cape Otway" should also*  
34 *search if in vicinity.*

35

36 That's the message.

37

38 THE PRESIDENT: The signal you're referring to is  
39 NAA.026.0155. We will put it on the screen.

40

41 LCDR KERR: Q. Is that the signal you're referring to?

42 A. Yes.

43

44 THE PRESIDENT: Q. What you couldn't read is "0021". So  
45 it reads:

46

47 *My 0021 Z/28 to "Evagoras", "Cape Otway"*

1           *should also search if in vicinity.*

2

3       A.    Yes.

4

5       Q.    Would you now put up, please, NAA.026.0159.   That is  
6   the signal which was referred to in the previous one.

7       A.    Oh, is it?  Yes.

8

9       Q.    This one reads:

10

11           *Proceed immediately to position 21 degrees*  
12           *south 50 [sic] degrees east and search for*  
13           *aeroplane.*

14

15       A.    I read that as "30", sir.

16

17       LCDR KERR:    I think it is "30".

18

19       THE PRESIDENT:    Q.    "30 east and search for aeroplane".  
20   Just so that you're aware, what happened was this:  there  
21   were a number of aeroplanes which were engaged in the  
22   search for *HMAS Sydney*.  One of them got into trouble and  
23   had to land.  The Air Force then mounted a search for the  
24   aeroplane.

25

26

27       Q.    And they asked *Evagoras* to take part in that.  They  
28   then sent out a signal and said, "If the other vessel is in  
29   the area, it should go and search as well."  They weren't  
30   looking for *Sydney*.  They weren't looking for survivors.  
31   Those two were looking for an aeroplane which had gone  
32   missing.

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

1 Q. I think you'll find it's 28.

2

3 LCDR KERR: I read it as 28, sir.

4

5 THE PRESIDENT: Q. Yes.

6 A. Well, it's saying it was received the day before it  
7 was sent.

8

9 LCDR KERR: Q. Can we bring up ROI.003.0026. This is  
10 my last question to you on this matter, Mr Shepherd.  
11 You've said on a number of occasions that you haven't made  
12 findings or made assertions; you've raised possibilities  
13 and asked the Commission of Inquiry to do investigations.  
14 May I suggest to you that at line 19, and this is  
15 a transcript of a conversation between you and I that took  
16 place on 15 July 2008 at 55 Market Street in Sydney, after  
17 we've had some discussions about *Cape Otway* being asked to  
18 leave, you said:

19

20 *They [being Cape Otway] radioed somebody.*  
21 *I don't know who they radioed.*

22

23 That's a statement of assertion, isn't it, sir?

24 A. I don't know who they radioed. I asked the question.  
25 Was it the Navy?

26

27 THE PRESIDENT: Q. Do you have any evidence at all that  
28 *Cape Otway* sent a radio signal?

29 A. No, I don't have any evidence, sir.

30

31 Q. Let me just say to you that we have searched the  
32 records and we can find none, and no-one has ever produced  
33 any. I just wonder why it is that people say she sent  
34 a signal.

35 A. Well, it intrigues me also, until I found out that the  
36 *Trocas*, for instance, when it found a raft a little bit  
37 further north of this area, didn't radio Western Australia,  
38 either; it radioed C-in-C China, and they contacted DNO.

39

40 LCDR KERR: Q. Also in your initial submission to the  
41 Commission of Inquiry which I referred to earlier, you  
42 said:

43

44 *It is my submission that the remains of an*  
45 *unspecified number of the crew of HMAS*  
46 *Sydney II were buried by an Army party near*  
47 *Dulverton Bay on Carrarang Station in*

1                   *Western Australia in ... 1941.*

2  
3           What evidence can you present to this Commission of Inquiry  
4           that supports that?

5           A.    I present again the evidence of Ivy Mallard's  
6           relatives, whom I know personally. I lived in the area for  
7           10 years. There was a lot of chatter about it. In fact,  
8           I knew about the evidence of bodies near Dulverton Bay  
9           before the *Cape Otway* business came up. There was talk  
10          about an Army party travelling through Carrarang to  
11          False Entrance, and the Mallards tracked them out to False  
12          Entrance to find out what they were doing. They were sent  
13          away. That's the story that was told by more than one  
14          person. I went to Dick Hault and asked him what he knew  
15          about it, and he said, "I was still at college at that  
16          point."

17  
18          Q.    You heard the evidence of Mr Cramer this morning and  
19          you heard the interaction between he and I about the record  
20          of conversation that Ivy Mallard made in 1992?

21          A.    Yes.

22  
23          Q.    You saw that, in that record of conversation,  
24          Mrs Mallard referred to her fears about Japanese invasion  
25          and things that she says she saw and heard over the ocean?

26          A.    Yes.

27  
28          Q.    You saw that there was nothing in that record of  
29          conversation concerning the presence of any Army party,  
30          didn't you?

31          A.    Yes. I have read that, and it's in a book. It was  
32          done by a Sunday Times journalist. You really need to know  
33          these people to understand a little bit about them.  
34          Ivy Mallard was a Poland before she was married. They are  
35          the creamy people in Shark Bay. They are a mixture of  
36          Aboriginal, Kopanga, Malay, Chinese, white people, and they  
37          don't tell strangers everything that they need to know.  
38          They answer questions, but they don't tell strangers  
39          everything. When they talk to you, they can be quite  
40          stand-offish, particularly with a stranger. Sometimes they  
41          will tell you things that you wouldn't normally expect them  
42          to tell you.

43  
44                   I don't take anything out of that, to be quite honest.  
45                   It's just one of those things. She told the story that she  
46                   saw. I quite frankly believe that Ivy Mallard was telling  
47                   the truth. I know where Carrarang Station is. I haven't

1 sat on the same verandah, but I've been there, and the  
2 story that she told about looking out to the north-west and  
3 seeing and hearing bang, boom and smoke, it was logical.  
4 The story is logical that she could have seen something.  
5

6 Q. I'm not talking about, with respect, what she said  
7 about what she saw over the ocean. I'm talking about the  
8 fact that in that document there is no reference to an  
9 incident --

10 A. Does there need to be?  
11

12 Q. -- that must have been large in her mind about the  
13 Army trucks that were coming out and the stories that you  
14 say were circulating about bodies being buried in the  
15 beach - Ivy Mallard, if they were true, would have known  
16 about them. I suggest to you that it is something that she  
17 would have put in a document like that, and the fact that  
18 she didn't is telling. Do you agree with that?

19 A. No, I don't. You'd have to know Ivy Mallard. You  
20 have to know the people.  
21

22 Q. You didn't have a direct conversation with Ivy  
23 Mallard, did you?

24 A. No.  
25

26 Q. So you don't know what her story about the Army trucks  
27 was; you're only relating something that a third party told  
28 you?

29 A. There are more people than just the Hoults. I met  
30 a Mallard in a doctor's surgery in Northampton. He knew  
31 the story.  
32

33 Q. The story that Ivy Mallard told?

34 A. He knew about the trucks, and he was completely  
35 removed from that area. He lived at Manjimup.  
36

37 Q. His surname is Mallard.

38 A. Yes.  
39

40 Q. He's related to Ivy Mallard?

41 A. Yes. Well, he's related to Joe Mallard.  
42

43 Q. Apart from that story that you've told us about, is  
44 there any other evidence that you can present that supports  
45 the assertion that there are bodies buried in the sands in  
46 Dulverton Bay?

47 A. I went with Mr Cramer on the first trip. It was

1 basically an exploratory trip. We had metal detectors, we  
2 had probes --

3

4 Q. Sir, I don't wish to be rude, but did you find  
5 anything?

6 A. Yes.

7

8 Q. What did you find?

9 A. I found some bones.

10

11 Q. You have had those bones tested?

12 A. Yes.

13

14 Q. What was the result?

15 A. I took them to my local GP, and he said that there was  
16 every possibility that they were metacarpal bones, so  
17 I then took them to the Forensic Department of the  
18 University of Western Australia to a Daniel Franklin. He  
19 examined them. He spent two weeks with them. I was away  
20 at that time. He came back to me. He didn't put it in  
21 writing to me. I expected him to give me a letter. He  
22 said, "We can't really identify them." He said, "We don't  
23 think they're human. They look like a small marsupial  
24 bone, but we can't really identify them." He supplied me  
25 with a picture of a metacarpal bone. There the bones are -  
26 this is what he gave me. There are pictures of them, which  
27 you have, and that is what he gave me, a human hand, which  
28 shows which bones they resemble.

29

30 THE PRESIDENT: Q. Was his name Daniel Franklin, did you  
31 say?

32 A. Yes.

33

34 Q. Anyway, he said that they weren't human?

35 A. He said that they didn't think that they were human;  
36 they were more like a marsupial bone. There's a tiny  
37 little bit on the end of the bone that has a facet that is  
38 more common in a marsupial than in a human.

39

40 LCDR KERR: Q. Do you have any intention of having those  
41 bones further examined?

42 A. No. If you want them, you can have them.

43

44 THE PRESIDENT: Q. You accept his view, do you, that  
45 they are marsupial?

46 A. Yes. I can't do anything else, sir. I can't do  
47 anything other than accept the advice of a forensic

1 scientist.

2

3 Q. May I step back to one previous issue. You told me  
4 that you have no evidence that you can give me that  
5 a signal was sent by *Cape Otway*; do you agree?

6 A. As yet I haven't found anything of that nature.

7

8 Q. Do you have any evidence that you can give me that  
9 a signal was received by *Cape Otway* telling it to depart  
10 the area?

11 A. The only evidence that I have that gives that any  
12 credibility is from Glenys McDonald's book, in which she  
13 talks about a person calling in to a radio station,  
14 I believe, or writing to a newspaper and indicating that  
15 they had heard the *Cape Otway* signal and that it was near  
16 bodies and it was sent away. I have never been able to  
17 verify that and I haven't really further discussed it with  
18 Glenys McDonald.

19

20 Q. So the only basis for your advancing that would be  
21 whatever it is that Mrs McDonald has written in her book?

22 A. Not the only basis, sir. I would like to check that  
23 further myself. I haven't done that.

24

25 LCDR KERR: Q. Just finally on that matter, sir, in your  
26 first submission that you wrote, which was signed by you on  
27 21 May 2008, you said:

28

29 *... I advise that preliminary "on ground"*  
30 *exploration at Dulverton Bay has*  
31 *identified, from a 1942 aerial photograph*  
32 *of Dulverton Bay, an area of interest.*

33

34 *Within 3 to 4 weeks from this date [being*  
35 *21 May] at least one search party using*  
36 *sophisticated equipment will search*  
37 *a specific area of Dulverton Bay for*  
38 *skeletal remains and/or material of RAN*  
39 *interest.*

40

41 Firstly, is that the search that revealed the bones that  
42 you referred to?

43 A. No, and I've made a mistake there. The aerial photo  
44 I believe was taken in 1943 and it was the one that was  
45 referred to by Mr Cramer this morning. I was privy to  
46 seeing that particular aerial photo, and I joined them on  
47 that search party.

1  
2 LCDR KERR: Sir, I don't have any more questions on those  
3 topics. I will move on to one other matter. Could we  
4 bring up PTE.004.0182, the last paragraph of that page.  
5

6 Q. Sir, in that paragraph, you talk about evidence from  
7 the Northampton people, and you go on to say:

8  
9 *One element I considered vital, was an*  
10 *expended flare attached to a piece of wood*  
11 *with a marking, HMAS Sydney found in the*  
12 *washed up debris field.*  
13

14 When you say "debris field", could I clarify what you mean?

15 A. Washed up on the beach.  
16

17 Q. How did you come to be aware of this expended flare  
18 attached to a piece of wood with the marking "HMAS Sydney"?

19 A. That came up in a number of places after I wrote that  
20 article and I gave a talk at the Northampton Historical  
21 Society. I heard it from a number of sources at the same  
22 time as the person told me about the reconstituted cabbage.  
23 Now, a whole lot of bits and pieces came up from that.  
24 Already, it had been identified from Glenys's book  
25 previously.  
26

27 Q. Had you ever seen that item, sir?

28 A. No.  
29

30 THE PRESIDENT: Q. Do you know who says they found it?

31 A. When you live in a community, once people trust you,  
32 they will tell you a whole lot of various things that they  
33 possibly wouldn't tell a stranger. Then when you hear it  
34 from more than one source, it becomes a possibility; it  
35 came from more than one source. If that flare is a fact,  
36 it fits in with anecdotal evidence of a flare being sighted  
37 off that area.  
38

39 Currently, the search for bodies is work in progress.  
40 I went out last week, as a matter of fact, into the  
41 Yallabatharra swamps, out into that area, to find if  
42 I could get any further evidence of the cabbage or the  
43 various things that were washed up, and the boat in  
44 particular. Also, I wanted to see if I could find out the  
45 detail of the sightings that people saw from various places  
46 within the region of the Hutt River up through to the  
47 swamps in Yallabatharra.

1  
2           When you go there and when you talk to the people, it  
3 is pretty obvious that more than one event occurred. The  
4 lifeboat coming ashore now appears to be a much more minor  
5 event than the bang, boom, shaking noise that occurred that  
6 was reported basically by Glenys McDonald.

7  
8           When you look, as I have pointed out to you, at the  
9 convergence point for that evidence that was given  
10 regarding the banging, flashing lights at night-time, that  
11 point is 5 nautical miles off the beach at Shoal Point.  
12 That's an impossible place for the *Sydney* battle to have  
13 occurred.

14  
15           People of Northampton, Horrocks and Port Gregory never  
16 saw anything of the *Sydney-Kormoran* battle. That was  
17 impossible. They never saw that. So what did they see?  
18 They saw something. There is other evidence regarding  
19 Japanese shelling part of the coast north of Port Gregory.  
20 People's memories - when you talk to them, if you can sit  
21 around their kitchen table and just talk quietly with them  
22 and when you put all those things together, you find that  
23 there is confusion after all these years. Those people  
24 tend to run things in together. To try to separate them is  
25 very, very difficult.

26  
27 THE PRESIDENT:   Q.   That's what I'm trying to do and  
28 that's why I asked you that when you wrote that an extended  
29 flare was attached to a piece of packing case which was  
30 marked "*HMAS Sydney*" and was washed up on the shore,  
31 whether you knew who found it. Do you know who found it?

32 A.   No, I don't know who found it, sir.

33  
34 Q.   Can you tell us who told you that they found it?

35 A.   I'm on oath. I wouldn't dare nominate a person's  
36 name, because I may be wrong.

37  
38 LCDR KERR:   Unless there is anything further, sir, I have  
39 no further questions of Mr Shepherd.

40  
41 LCDR KATTER:   I have no questions.

42  
43 THE PRESIDENT:   Thank you very much, Mr Shepherd.

44  
45 THE WITNESS:   Sir, I gave LCDR Kerr this morning a series  
46 of things that I have obtained from the National Archives.  
47 I would like to make a statement regarding them, please.

1  
2 THE PRESIDENT: Q. Are these the documents, exhibits 1  
3 to 30?

4 A. No.

5  
6 LCDR KERR: No, sir.

7  
8 Q. May I pre-empt you, Mr Shepherd. You want to make  
9 a statement concerning the fact that the Prime Minister,  
10 the Government, the Secretary of the Navy, the Navy, all  
11 knew about the location of the battle, and you say that  
12 they didn't make that known until when?

13 A. Can I make the statement, please?

14  
15 Q. Would you just answer my question?

16 A. Would you repeat it, please?

17  
18 Q. Your contention is that the Prime Minister, the  
19 Government, the Secretary of the Navy and the Chief of the  
20 Navy, or the First Member of the Navy in those days, knew  
21 about the precise location of the battle between *Sydney* and  
22 *Kormoran* but did not confirm that until a much later date;  
23 is that what you wish to say?

24 A. What I wish to say, sir, is that the position of  
25 26 111, the battle site and the sinking point for the  
26 *Kormoran*, was known by the Department of Navy and by the  
27 Naval Board, and they informed the Governor-General, the  
28 Prime Minister, the Minister for Navy and Mr Shedden no  
29 later than 28 November 1941. And it can be proven. These  
30 are source documents from the National Archives of  
31 Australia --

32  
33 Q. May I say that we don't contest you on that.

34 A. Okay. I'd still like to make the statement.

35  
36 THE PRESIDENT: Q. Mr Shepherd, I have studied,  
37 I believe, a history of the Government response to the  
38 finding and to the loss of *HMAS Sydney*, and in the process  
39 of that I have seen a great number of signals which  
40 initially told persons in authority that CAPT Detmers had  
41 said that the location was 26 degrees 111. That  
42 information was disseminated amongst particular areas of  
43 Government at various times which are shown in the  
44 documents. I think I have all those documents, but if you  
45 have some more documents there, you may hand them to  
46 LCDR Kerr, and if I haven't previously seen them, I will  
47 certainly look at them.

1 A. Sir, are you denying me to make a statement?

2

3 Q. I'm not quite sure what you want to make a statement  
4 about.

5 A. I wish to make a statement, sir.

6

7 Q. About what?

8 A. About these documents.

9

10 Q. Do you have your statement in writing?

11 A. I have.

12

13 Q. Very well. Would you show that to LCDR Kerr.

14 A. No, I wish to make it, sir.

15

16 THE PRESIDENT: Just show it to me, please. Yes, I'll mark  
17 that statement exhibit 173.

18

19 **EXHIBIT #173 STATEMENT OF PHILIP GEORGE SHEPHERD, FROM**  
20 **NATIONAL ARCHIVES OF AUSTRALIA WEBSITE 111; FACTS: THE**  
21 **SINKING OF HMAS SYDNEY, NOVEMBER 1941**

22

23 THE PRESIDENT: Q. Mr Shepherd, I've read it. I've seen  
24 all the material before to which you referred. This  
25 statement is an exhibit. It will now go on the website, so  
26 it can be widely disseminated. Anyone who wishes to read  
27 it will be able to do so.

28 A. Sir, you're denying me the opportunity of making that  
29 statement?

30

31 Q. No. It will just take time which will not progress  
32 this matter at all. I really do have some constraints.  
33 I am trying to get this thing done as efficiently as  
34 I possibly can.

35 A. Do you mind if I give it to the media, sir?

36

37 Q. I don't mind what you do with it. It will be on the  
38 website this evening.

39 A. Okay.

40

41 THE PRESIDENT: Thank you, Mr Shepherd.

42

43 <THE WITNESS WITHDREW

44

45 CMDR RUSH: Sir, I call Dr McArthur.

46

47