

1 **UPON RESUMPTION:**

2
3 CMDR RUSH: Sir, I recall Mr McArthur.

4
5 **<TREVOR JOHN McARTHUR, on former oath: [2.03pm]**

6
7 THE PRESIDENT: Q. You are on your former oath,
8 Dr McArthur.

9 A. Yes, I understand that.

10
11 **<EXAMINATION BY CMDR RUSH CONTINUING:**

12
13 CMDR RUSH: Q. Yesterday, we were discussing the
14 merchant ship recognition procedure and I took you to two
15 matters that we went to again this morning - the memorandum
16 of Rear Admiral Crace and the memorandum of
17 CMDR Dechaineaux in December 1941 concerning the necessity
18 or the desirability of putting light on merchant ships for
19 the purposes of merchant ship recognition procedures so
20 that warships could stand off further than coming in to
21 read the flag signal.

22
23 In relation to the manner in which merchant ship
24 recognition procedure took place, at USQ.001.0246, if I can
25 ask you to go to the bottom of that page, the
26 identification issue, you say:

27
28 *According to Frame, on 25 December 1940 the*
29 *Admiralty issued instructions on how*
30 *merchant ships and warships were to*
31 *implement a relatively simple procedure for*
32 *the purposes of identification.*

33
34 You quote him:

35
36 *A merchant ship would be asked by a warship*
37 *using signal light for her four*
38 *international signal letters. When these*
39 *were given, usually with signal flags, they*
40 *were converted to a secret call sign in the*
41 *Admiralty Code Book. The warship would*
42 *then signal the two inner letters of the*
43 *secret call sign (by light or flag hoist)*
44 *with the merchant ship replying with the*
45 *two outer letters.*

46
47 You put in heavier type:

1
2 *The warship was not to demand the secret*
3 *call sign in a separate signal because the*
4 *merchant ship was supposed to know the*
5 *significance of the two-letter hoist. If a*
6 *ship was unable to give the outer two*
7 *letters of her secret call sign, the*
8 *warship would order her to stop (if she had*
9 *not done so earlier) and a boarding party*
10 *would check the merchant ship's*
11 *identity ... This procedure had been*
12 *followed precisely by Burnett in the*
13 *identification of Salland, and during*
14 *previous encounters with merchant ships.*

15
16 My question is: apart from Frame and what Frame refers to,
17 have you any other source in relation to what he sets out
18 there?

19 A. No. I contacted Dr Frame and tried to get further
20 information from him for my research, and I realised
21 yesterday the little bit about methodology being weak,
22 which I don't think is a fair comment. I don't know of
23 other procedures, because Tom never got back to me on this.
24

25 The point I want to make, too, is that when you said
26 I have been doing this for 30 years - I was doing this off
27 and on for 30 years. That wasn't constant 30 years' work,
28 because in that period of time I spent at least two years
29 in hospital having heart surgery several times. After each
30 time I had heart surgery, I was told that I was finished
31 and should just retire, take a rest. But I continued,
32 because I wanted to prove that I was not absolutely unable
33 to think, because that was said to me.
34

35 In that period of time, I did two Masters' degrees,
36 finished off a Bachelor's degree, and after the 1994 heart
37 surgery, that's when I commenced this work, bringing
38 together the information I had gathered over a period of
39 time. So I wanted to set that point right.
40

41 Yes, Mr Rush?
42

43 Q. At page 0252, you discuss Barbara Winter. At the
44 bottom of that page, you stated as follows:
45

46 *What Winter has overlooked is the fact that*
47 *the whole process of seeking identification*

1 *was one that had been followed scrupulously*
2 *by Burnett in recent encounters.*

3
4 Your footnote at the bottom of page 0253 --

5 A. I didn't see where you were reading then. I'm trying
6 to scan to see what you are showing me.

7
8 Q. It was what Winter said at the bottom. To give it
9 some more context, I'll go a few further lines up the page.
10 Discussing Winter, you say:

11
12 *Her words may be read to imply an*
13 *impatience amongst Sydney's bridge officers*
14 *to force a reply from this irritating Dutch*
15 *ship for no other reason than to have been*
16 *seen to go through all the necessary*
17 *protocols, to do things by the book. What*
18 *Winter has overlooked is the fact that the*
19 *whole process of seeking identification was*
20 *one that had been followed scrupulously by*
21 *Burnett in recent encounters.*

22
23 For that proposition, footnote 237, at the bottom of the
24 page, you put:

25
26 *For SS Salland, SS Bramora, SS Islander and*
27 *SS China were among the vessels challenged*
28 *by Sydney in the preceding three months and*
29 *the procedure used was in accordance with*
30 *the Admiralty Instructions of 1940.*

31
32 I just wonder what is your basis for saying that?

33 A. Yes, I have relied upon Dr Tom Frame, because he was
34 in the Navy and had access to information. Even though he
35 had left the Navy by that time, Tom had done an enormous
36 amount of work on documents. By him saying that, and this
37 is quite a common practice, when you are writing, you look
38 for what appear to be reasonable resources, and
39 particularly the work of other people who have been
40 prepared to publish and prepared to put their name against
41 things like this. So I had no problem, as I would say any
42 other Ph.D or academic would, in quoting what Dr Frame
43 says.

44
45 Q. Except, if I might say so, footnote 237 is not
46 attributed or quoted from Frame. It appears, if one is to
47 read it, to have been your own research.

1 A. No, that was by Frame. I just didn't put Tom's name
2 in it. That was an oversight, that's all.

3
4 THE PRESIDENT: Q. Dr McArthur, reading your thesis, as
5 I have, I had the impression that your concern was more
6 about, or at least the thesis was based on, an analysis of
7 those who had written about the loss of *HMAS Sydney* rather
8 than doing original research yourself into the loss of
9 *HMAS Sydney*. Would you regard that as fair?

10 A. No, I would not regard that as fair. I did a huge
11 amount of research in archives. I also did a huge amount
12 of interviewing of as many people as I could find who were
13 peripheral, in a way, to the *Sydney* story, in that they
14 served in the Army, the Air Force and the Navy, and there
15 were civilians I interviewed as well. But the book length,
16 the number of books I consulted - yes, there are quite a
17 few, but you are supposed to be able to show, in a Ph.D,
18 that you have read widely on the subject. It is important
19 for your supervisor to be able to see that you have read
20 widely as well as carried out a number of interviews. So
21 that's what I would say on that matter.

22
23 I really don't accept that it is based upon what they
24 would call totally secondary resources, no. If it gives
25 that impression, then that is an impression, but it's not
26 mine, and it certainly was not the impression of the three
27 markers who examine your Ph.D, criticise it, send it back
28 and say, "Well, what have you got to say about that?" No
29 marker pulled that out. I would have expected them to have
30 said, and they do say - I've read a number of reports where
31 they say, "We are concerned that this thesis has relied too
32 much on secondary resources and not enough on original
33 research." They say that, but none of them, none of the
34 three - the professor in Singapore, the Emeritus Professor
35 from Sydney and also head of AWM at that time, senior
36 research officer - two of them said, "Print it, you've got
37 to print it", but I don't have time. It's as simple as
38 that.

39
40 Q. The abstract to your thesis says this:

41
42 *It is argued that political necessity and*
43 *vested service interests combined to hasten*
44 *a rush to judgement which would find*
45 *Sydney's Captain and Gunnery Director to*
46 *blame. Over time, the Director's*
47 *culpability has tended to fade, but that of*

1 *the Captain has remained. This thesis*
2 *challenges the basis for allocating blame*
3 *and finds that there are others to whom*
4 *suspicion must be directed for their roles*
5 *in the loss of Sydney and the subsequent*
6 *distortion of the official historical*
7 *narrative.*

8
9 Is that what you set out to establish?

10 A. Yes. You will see also that there are a number of
11 points that I have to address in that. If you keep on
12 going through there, you will see that there are a number
13 of points that I have to address in proving that. Then you
14 have to go to the end of the thesis to see whether or not
15 I have proven those particular points, because that is how
16 you do it.

17
18 CMDR RUSH: Q. If we can go to page 0256, in the central
19 paragraph you say:

20
21 *Finally, the last moments of Sydney have*
22 *been graphically captured by Bunjes and*
23 *Detmers and others who describe a warship*
24 *which was not captained with the discipline*
25 *that the German Navy would have enforced -*
26 *with pantrymen, other crew and officers*
27 *lounging on the rails apparently bemused by*
28 *the site of the Dutch ship - which had no*
29 *sign of life at all. (This situation, as*
30 *with the striking of the Dutch flag, could*
31 *later be recalled even by lower deck*
32 *survivors whose Action Stations made it*
33 *impossible for them to know what was*
34 *happening). There is no evidence that*
35 *anyone in Naval Intelligence ever*
36 *questioned the bizarre sight of a warship*
37 *with all arms manned - in a state of*
38 *immediate combat readiness - and the*
39 *incongruity of her officers and pantrymen*
40 *lounging, as described by the Germans, on*
41 *the ship's rails watching the proceedings.*

42
43 I take it that, as far as your analysis is concerned, you
44 reject any idea of pantrymen being at that part of the ship
45 at that particular time.

46 A. Yes. I have rejected it, because I think there are
47 other explanations for it. In particular, if they were

1 dressed in white, they could have been - the upper deck,
2 the gunnery deck, the 4-inch guns - I have seen photographs
3 which indicate clearly the dress of these gunners and
4 everyone working on the 4-inch gun.
5

6 As for the bit about the pantrymen, you have to go a
7 little further on that and see where Barbara Poniewierski,
8 or Barbara Winter, as she's called, states that the cooks
9 were putting pressure on Burnett to hurry up and finish
10 with the ship in front of him so that they could serve tea.
11 I put that to the late Reg Hardstaff, who in one of the
12 reference points I make down below, completely destroyed
13 that.
14

15 As far as I'm concerned, that is unacceptable.
16 I could not accept that. Once I had spoken to a number of
17 ex-servicemen Officers, and particularly Reg Hardstaff, who
18 I used a lot, because of his association with the Navy over
19 such a long period of time and his willingness to tell me
20 in places that I was absolutely wrong, that this is not
21 what happened. It's handy to have people like that, who
22 can put you right as to certain procedures. Reg Hardstaff
23 is a man of impeccable honesty and ethics. Sadly, he's
24 dead now.
25

26 Q. Dr McArthur, there would be nothing bizarre about
27 pantrymen being in that area of the rails at 1600, would
28 there?

29 A. I think there would be. If we look at the context
30 that - if one accepts --
31

32 Q. Just on a normal day, if the ship wasn't at Action
33 Stations.

34 A. If the ship wasn't at Action Stations, anything could
35 happen. But this is a ship at Action Stations.
36

37 Q. Why do you say that it was at Action Stations?

38 A. Simply because I believe - oh, yes, if you read the
39 German account, you will find time and again that even
40 those who weren't on deck made mention about the guns that
41 were pointed at them. I think it is Bretschneider who says
42 that he was looking virtually down the barrel of a rifle.
43 These guns, the big 6-inch guns, were pointed directly at
44 them.
45

46 In addition, when they saw the *Salland* earlier, not
47 only were the 6-inch guns manned, but the 4-inch guns were

1 manned as well. This bit about going to Action Stations is
2 made clear by Homard, the young LAC of the RAAF, who wrote
3 home to his parents that when the bell went and the ship
4 was seen, we went straight to Action Stations, everyone
5 went to an Action Station.

6
7 THE PRESIDENT: Q. I am not aware of any evidence which
8 suggests that the 4-inch guns were manned. Are you?

9 A. Yes. For a start, you must accept, then, that
10 Detmers' view --

11
12 Q. I'm not accepting anything. I'm just asking for
13 evidence?

14 A. Okay. Part of the evidence lies in Detmers' view,
15 that he says that the British never manned their 4-inch
16 guns if it wasn't an aerial attack. When Gunner Freer
17 wrote to his wife about the earlier incident with *Salland*,
18 he said that they went straight to Action Stations and
19 manned their guns, the 4-inch guns, and he was on the
20 4-inch guns at the time. That would have been only a month
21 earlier.

22
23 Q. I'll say to you again that I'm not aware of any
24 evidence which suggests that, at the time of the encounter
25 with *Kormoran*, the 4-inch guns were manned.

26 A. Because the Germans say they weren't. That's the only
27 evidence that you would be able to get, from the German
28 point of view. But from Freer's point of view, they would
29 certainly be manned. This is a ship that would go to
30 full --

31
32 Q. They would be certainly be manned if it was at Action
33 Stations.

34 A. Yes.

35
36 Q. If they were not at Action Stations, they wouldn't be
37 manned.

38 A. All right, you are giving two scenarios. Take your
39 pick which one you'd like.

40
41 Q. I'm not giving two scenarios at all.

42 A. Well, you are.

43
44 Q. I'm asking if there is any evidence that you can point
45 to, from Germans or any other indicia, which says that the
46 4-inch guns were manned when *Sydney* came into the incident
47 with *Kormoran*?

1 A. If you use that argument, what you're saying, "Point
2 to evidence" - what is the evidence that the 6-inch guns
3 were manned at all or were pointing upwards? You're
4 saying, "Is there something written down that proves that
5 the guns were manned as opposed to something which says
6 that the guns weren't manned?" That's really it, isn't it?

7
8 Q. No, it's not it.

9 A. Okay. Well, keep coming and I'll try and explain it.
10

11 Q. I have limited time. I can't keep doing it time and
12 time again. There are about 380 accounts.

13 A. Yes.
14

15 Q. Or 318, whatever the figure is. There is evidence of
16 a great number of German witnesses, who were interrogated.
17 A great number of those - and we can go through them if one
18 needs - perhaps 17, 18 or 19, undoubtedly were in a
19 position to see. If you look at the evidence of those
20 people, they all, with a couple of exceptions, but the
21 great majority, say that the 6-inch guns were manned and
22 were pointing at them. None of them say that the 4-inch
23 guns were manned and pointing at them. There is also
24 evidence, when they were further questioned, where they
25 said that the 4-inch guns were not manned. If she was at
26 Action Stations, the 4-inch guns would have been manned.

27 A. Yes.
28

29 Q. Is there any information you have which would be to
30 the contrary of what I have just put to you?

31 A. I would have to go back and look at those
32 interrogations again, because I've read them, too, some
33 time ago. I understand what you are looking for, but as
34 far as I am concerned, I'm accepting a proposition that the
35 guns weren't manned, and you are asking for evidence. The
36 evidence of the guns being manned can only be seen from the
37 German point of view, and what other evidence - I can't
38 show you anything that says that the guns weren't manned.
39 I can't show you anything on that.
40

41 THE PRESIDENT: Yes, CMDR Rush.
42

43 CMDR RUSH: Q. Dr McArthur, you rely on, I think you
44 said, the fact that *Sydney* came to Action Stations when
45 recognising *Salland* as being a precursor to saying that she
46 would have been at Action Stations for *Kormoran*?

47 A. That's right.

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Q. Sydney didn't come to Action Stations for Salland, did she?

A. According to Freer's letter, it did, although you have it in the log that it didn't, I suppose.

Q. Let's look at the log. You mentioned at footnote 273 Bramora, Islander, Salland and China. At NAA.013.0055, this is a copy of the ship's log of 2 October 1941, Sydney travelling from Fremantle to Sunda Strait. Just to go down to the first remarks. You see 0535:

Assumed 1st degree of readiness.

The log discloses that every morning at dawn, the ship would come to its first degree of readiness?

A. Yes, I understand that.

THE PRESIDENT: She stood down to 4th degree of readiness at 0610.

CMDR RUSH: Yes.

Q. And they were the only two stations that Sydney operated at - the first degree and the fourth degree. Were you aware of that?

A. Yes.

Q. Relying on Frame, I suppose?

A. Yes.

Q. Then if we go down to 1800, do you see there the entry just above, between 1700 and 1800 in the "Remarks":

*1720 altered course 300 degrees.
1740 altered course 325 degrees to close
unknown vessel. Action Stations. Increase
speed as required.*

A. Right.

Q. So from 1740, we go to 1800:

*Altered course 80 degrees to port. Resumed
station 1 mile ahead of convoy. Vessel
identified as Norwegian tanker Bramora
north bound. Reverted to 4th degree of*

1 *readiness.*

2

3 That's the ship acting, as you would understand it, in
4 relation to ships merchant recognition procedure; is that
5 correct

6 A. In this particular instance, yes.

7

8 Q. Then if we go to the log on the next page, on
9 3 October, Fremantle to Sunda Strait and returned to
10 Fremantle. I think this is prior to the engagement:

11

12 *0010, Action Stations. Increase speed as*
13 *required to close unknown vessel on port*
14 *bow.*

15 *0145 [30 minutes later] reverted to 4th*
16 *degree of readiness. Resume station 1 mile*
17 *ahead of convoy, vessel identified as*
18 *Islander, British, north-bound.*

19

20 Again, "Ship coming to Action Stations", then resuming.

21

22 Coming down the page to 0545, we have the ship
23 assuming first degree of readiness and at 0625 reverting to
24 the 4th degree of readiness. Then if you come down to just
25 below 1800:

26

27 *1800 altered course to close object bearing*
28 *225 degrees. Speed 20 knots. Action*
29 *Stations.*

30 *1830 reverted to 4th degree of readiness.*

31 *1834 stopped, lowered second cutter.*

32 *1900 salved floating rectangular target.*

33 *1904 hoisted second cutter.*

34

35 Again, the ship came to Action Stations. I think you have
36 recounted that in your writing?

37 A. In my writing, yes.

38

39 Q. If we can go to the next page of the log, on 4 October
40 1941, if we go down to 1300 across the page:

41

42 *1210 increased 22K.*

43 *1220 identified vessel as Dutch Salland.*

44 *Distance 18K.*

45 *1230 sighted unknown vessel. Bearing 195,*
46 *distance 10 miles.*

47 *1352 identified 2nd vessel as China*

1 (Panamanian).

2

3 In each of those identifications, one taking between 1230
4 and 1352 for identification, you see that the ship did not
5 come to Action Stations.

6 A. All right. There must be an answer for that, of
7 course.

8

9 Q. What is your answer?

10 A. No, I can't give an answer to that. There has to be a
11 reason, but I have no idea what the reason could be. But
12 I will say, and reiterate again and again, that I don't
13 believe that this then paints Burnett as a rather whimsical
14 Captain.

15

16 THE PRESIDENT: Q. No-one is suggesting that. What
17 we're trying to do is to establish the facts. Doesn't that
18 indicate to you that it's not correct to say that on each
19 occasion that *Sydney* came across an unidentified vessel, it
20 went to Action Stations?

21 A. All right, only in this case that I have found so far.
22 You say it didn't. Would it be possible, in your
23 experience, for it to be left out, or do you think it could
24 have been left out?

25

26 Q. Probably in the extreme, I would have thought.

27 A. Yes, but it is a probability. It is a probability.

28

29 Q. I take it that you have not done any analysis of the
30 *Sydney* log for 1941.

31 A. No. You made that point very clear yesterday.

32

33 CMDR RUSH: Sir, could we look at NAA 010.0225.

34

35 Q. You see that this is a minute from the Commanding
36 Officer of *HMAS Sydney*, dated 7 October 1941, to the
37 Secretary of the Naval Board concerning the subject of "The
38 Board of Investigation on Suspicious Sighting by *HMAS*".
39 Have you seen this document before?

40 A. Yes, I have.

41

42 Q. If we turn to page 027, paragraph 17:

43

44 *Late in the afternoon, the signal ... was*
45 *sent by SWACH to HMAS "Sydney", to which*
46 *"Sydney" replied in her ... 1316Z/6 saying*
47 *that the real "Salland" had been identified*

1 <EXAMINATION BY LCDR KERR:

2
3 LCDR KERR: Q. Mr Jeffery, could you please tell the
4 Commission of Inquiry your full name, your business
5 address, and your occupation?

6 A. Victor Brian Jeffery, Regional Manager, Defence Public
7 Affairs, and I am based at *HMAS Stirling*.

8
9 Q. Could you spell your surname for the record, please?

10 A. J-E-F-F-E-R-Y.

11
12 Q. Do you wish to make it clear that you appear this
13 afternoon as Mr Jeffery, private citizen, and not as any
14 kind of representative of the Royal Australian Navy; is
15 that correct?

16 A. That's correct.

17
18 Q. Having said that, it is without doubt, isn't it, true
19 that your knowledge and role, if I can put it that way,
20 concerning aspects of *HMAS Sydney II* is inextricably tied
21 to your job as a public relations officer at *HMAS Stirling*?

22 A. That's correct.

23
24 Q. Much of the information you have had come to you is
25 because of your role in that position?

26 A. Yes.

27
28 Q. And you have written some articles for local
29 newspapers; is that correct?

30 A. Very little on *HMAS Sydney* itself.

31
32 Q. I'm referring only to *HMAS Sydney*.

33 A. Yes, I write a lot of Naval history.

34
35 Q. In what component do you do that - as a private
36 citizen?

37 A. Yes.

38
39 Q. Have you ever written articles relating to *HMAS Sydney*
40 for the popular press in your capacity as a public
41 relations officer?

42 A. No.

43
44 Q. Can I ask you how long you've held the position or did
45 you hold the position of public relations officer at
46 *HMAS Stirling*?

47 A. I've been there since August 1981, which is 27 and a

1 half years.

2

3 Q. Did you have an involvement with the Royal Australian
4 Navy before that time?

5 A. I did serve as a Naval Reserve Officer for 20 years.

6

7 Q. In what capacity or what category?

8 A. Public relations and intelligence.

9

10 Q. When did your interest in *HMAS Sydney II* first arise?

11 A. Some years before that, when I worked in newspapers.

12

13 Q. I would like to ask you about some particular aspects.
14 Your name has been mentioned by a number of witnesses who
15 have appeared before this Commission of Inquiry in various
16 aspects. I would like to ask you, amongst other things,
17 about the evidence of those people.

18

19 Before I turn to that, could I ask that WAM.013.0206
20 be brought up. Sir, that is underneath orange tab 4.

21

22 Mr Jeffery, this appears to be a copy of a letter
23 written by you in March 1988 to the Gascoyne Telegraph?

24 A. Yes, I remember it well.

25

26 Q. It's a response by you to some comments made by
27 Mrs Barbara Winter. I would like to direct your attention
28 to the middle column. Do you see the highlighted section
29 there, and the article says:

30

31 *Winter went on to say I should get hold of*
32 *a book titled "Submarines of the Imperial*
33 *Japanese Navy 1904-1945".*

34

35 What is your position on the involvement of a Japanese
36 submarine in the sinking of *HMAS Sydney*?

37 A. The book she refers to - she uses a reference which
38 she quoted when she attacked me, which she's renowned for.
39 There were certainly Japanese submarines around. Whether
40 they were involved with *Sydney*, I don't know.

41

42 THE PRESIDENT: Q. What you said in that article was
43 that there were Japanese submarines of a type which had a
44 range capable of putting them in that area?

45 A. That's correct. Those very class of submarines
46 operated off Fremantle in February and March 1942
47 monitoring shipping, so they certainly had the range to be

1 there.

2

3 LCDR KERR: Q. What is your position? Do you hold a
4 position on whether or not a submarine was involved, or do
5 you have no opinion?

6 A. I've heard some stories supporting it and others -
7 I couldn't say yea or nay. All I would confirm is that
8 they had the range to be there.

9

10 Q. You don't go any further than that?

11 A. I can't confirm or deny it.

12

13 Q. Could I ask that WAM.009.0032 be brought up. This is
14 under tab 6, sir. This is a letter authored by you to the
15 editor. It is not clear what publication it is.

16 A. That was the Australian Naval Historical Journal.

17

18 Q. The Naval Historical Review?

19 A. That's it.

20

21 Q. Your letter is dated 15 January 1990.

22 A. Yes.

23

24 Q. In the first and second lines, you refer to an article
25 by Bryan Clarke entitled "Australia's Forgotten Son" and
26 you reference, Naval Historical Review, December 1989.
27 That letter was written by you?

28 A. I'm just catching up on this, if you don't mind. Yes.

29

30 Q. That letter refers to a visit by a Norwegian merchant
31 ship. Perhaps if I can read parts of it to you, you say
32 that on numerous occasions you have attended on
33 *HMAS Stirling*, or the NOCWA, Naval Officer Commanding
34 Western Australia, as it was then, and the Registry to
35 obtain files relating to the *HMAS Sydney-Kormoran*
36 encounter. You say this:

37

38 *A couple of years ago, when I drew the*
39 *file, the pleasant young lady who signed*
40 *the file out asked my interest in the*
41 *action. Once I told her she went on to*
42 *explain how her mother and grandmother*
43 *recalled a Norwegian ship calling at*
44 *Geraldton (where the family resided) in*
45 *October, 1941.*

46

47 *She went on to explain how the two were*

1 *sitting on the beach at Geraldton when*
2 *passing Norwegian sailors were leering at*
3 *them, much to their disgust. Later that*
4 *same year when the local theatre showed a*
5 *newsreel of the KORMORAN survivors coming*
6 *down the brow of the ship in Fremantle they*
7 *both claim the two sailors previously seen*
8 *on the beach in Geraldton were together*
9 *among them ...*

10
11 *Since then I have obtained copies of the*
12 *Port of Geraldton's Shipping Logs for the*
13 *period September-November, 1941.*

14
15 *On October 13, 1941, the Norwegian*
16 *merchantman Seirstad (9916 tons) berthed at*
17 *7am for a 48-hour stopover. This was the*
18 *only Norwegian ship listed in that period*
19 *for a port which drew few visitors.*

20
21 The *Seirstad* left Fremantle and sailed for Geraldton, where
22 it arrived 19 hours later after a 296 nautical mile
23 journey.

24
25 Based on what you were told by the young lady, that
26 her mother and grandmother believed the two Norwegian
27 sailors they saw in Geraldton were the same two sailors
28 they saw come off *Kormoran*, you posed the question:

29
30 *Did KORMORAN perpetuate a great*
31 *embarrassment to the Australian authorities*
32 *by having the audacity to put into a sleepy*
33 *little Australian coastal port and give the*
34 *crew members a chance to go ashore? How*
35 *many people would have known the difference*
36 *between a German and a Norwegian at that*
37 *time?*

38
39 You say further down:

40
41 *SEIRSTAD (or KORMORAN) departed from*
42 *Geraldton at 7am on October 15, 1941, bound*
43 *for Palembang.*

44
45 Can I ask you seriously if that is a position that you put
46 any authority in?

47 A. It says in there that the ship had to average

1 15.5 knots. Allegedly, which is not included in the
2 letter, *Seirstad* called into Geraldton because she had
3 engine problems.

4
5 Q. Putting that aside --

6 A. What I was actually aiming at was that *Kulmerland* - it
7 was aimed at Barbara Winter. There was a fair bit of
8 business going on. When I research anything, I write.
9 Barbara Winter attacks people if they don't support her
10 views. That's what that was about. She wrote a very
11 scathing response, which they refused to print. The actual
12 word I got back from the Naval Historical Society was that
13 it was libellous, slanderous, the works. After that, it
14 stopped.

15
16 THE PRESIDENT: Q. I understand from this letter that
17 you were a member of the *Sydney* Research Group?

18 A. I was an adviser.

19
20 Q. An adviser?

21 A. Yes.

22
23 Q. I'm not concerned about any internecine warfare
24 between critics or members of the group or anybody else.
25 I'm just concerned with trying to establish factual
26 situations. If it be the case that *Seirstad*, with
27 Norwegians on board, including two sailors whom two ladies
28 thought they saw, why do you suggest that these people
29 would be *Kormoran* survivors and thus *Kormoran*, not
30 *Seirstad*, was in the port? Is it only because these ladies
31 said they recognised, when they saw pictures of prisoners
32 of *Kormoran*, these two faces?

33 A. They were very adamant, sir. Keeping in mind that
34 *Kormoran* would have been at sea for a long time. If they
35 could get anybody ashore for a bit of R&R, I think it would
36 do wonders for morale. The harbourmaster in Geraldton said
37 to me, "Vic, we wouldn't have known the difference back
38 then."

39
40 If I could just go back to the *Sydney* Research Group,
41 they were a group of very professional gentlemen. I was
42 proud to be associated with them and advise them. They
43 weren't a ratbag group - I've encountered a few such
44 individuals along the way - but they're men I respect.

45
46 Q. The short answer to the conundrum or the question you
47 pose is that the ladies were simply mistaken.

1 A. They could have been.

2

3 LCDR KERR: Q. Mr Jeffery, I would like to take you now
4 to an email or fax, which is at WAM.034.0060. That is
5 after tab 10. It is a fax from you to Dr Michael McCarthy,
6 WA Maritime Museum, dated 4 May 1998. Its contents concern
7 a cigarette case that was found on South Beach with a
8 *HMAS Sydney* crest on it. You refer in the first line to a
9 number of photocopies, which I presume Dr McCarthy sent to
10 you?

11 A. That's correct.

12

13 Q. We don't have possession of those, but then there is a
14 reference to the cigarette case, and you say:

15

16 *I believe it would have almost certainly*
17 *come from HMAS Sydney II.*

18

19 You go on to state your reasons for reaching that
20 conclusion. Do you know what became of the cigarette case?

21 A. No. I only saw images of it. Michael McCarthy held
22 the cigarette case.

23

24 Q. You say that your reasons for concluding that it did
25 come from *Sydney II* were because *Sydney* spent a lot of time
26 operating out of Fremantle, and in point 3 you say:

27

28 *The style of the cigarette case I think was*
29 *more fashionable in Naval circles post*
30 *World War One.*

31

32 Do you know whether any further expert analysis or
33 historical analysis was done of that cigarette case?

34 A. No. That was the last I saw of that.

35

36 THE PRESIDENT: Q. When was the cigarette case found -
37 1998?

38 A. That's correct, sir.

39

40 Q. You don't know what became of it?

41 A. No. Mike McCarthy and I worked very closely for many
42 years on most Naval matters, not just *Sydney*. It's a
43 little-known fact that early in the War, in 1940, *Sydney*
44 used to actually anchor in the lee of Rottneest Island where
45 nobody would be able to sight it, and all the signals were
46 taken ashore to the Army Kingstown Barracks and relayed to
47 Fremantle that way. Apparently, she was always there. She

1 had to basically raise anchor and up steam and go. She
2 could go at very short notice. That is not generally
3 known.

4
5 LCDR KERR: Q. Is it the case that that cigarette case
6 could be in the West Australian Maritime Museum?

7 A. It should be.

8
9 Q. If you turn then to WAM.036.0044, which is under
10 tab 11, can I ask you to try to cast your mind back just
11 under 10 years to another fax you sent to Dr McCarthy dated
12 17 May 1999. It is identified as being two pages. The
13 Commission of Inquiry has been provided only with this
14 page. I would like you to spend a few moments, while
15 I read this onto the record, trying to think what the
16 documents are that are referred to in it. You say:

17
18 *Mike, ref, our telcon of 14 May and your*
19 *subsequent fax.*

20
21 *1. Obviously the first step is to verify*
22 *the authenticity of the document in*
23 *question. The file on which this was*
24 *located is of significance.*

25
26 *2. If authentic, it is not HMAS Sydney I*
27 *as RAAF Pearce was not in existence until*
28 *1938, and it is not the present day Sydney*
29 *IV. It can only be Sydney II or III.*

30
31 *3. Looking at the terminology and acronyms*
32 *I believe it would have to be the cruiser*
33 *Sydney II. Ceylon became an independent*
34 *Commonwealth nation in 1948 and the*
35 *aircraft carrier HMAS Sydney III did not*
36 *depart from Devonport on its delivery*
37 *voyage until April, 1949 and arrived in*
38 *Fremantle the following month.*

39
40 *4. However despite the date and time group*
41 *not fitting, the course - 28 degrees*
42 *24 minutes S 112 degrees 55 minutes E on a*
43 *course of 342 degrees - is feasible,*
44 *placing the ship in the shipping lanes.*

45
46 *5. I am not comfortable with a ship*
47 *sending an SOS and yet claiming to be*

1 *making 15+ knots, a very good cruising*
2 *speed. It simply does not add up.*

3

4 You go on to say that you forwarded a copy to the
5 Canberra-based Director of Public Affairs, Navy,
6 CMDR Rod Dudfield. Are you able to recall what that
7 document was that is referred to?

8 A. No, to be honest, I don't, I'm sorry.

9

10 Q. Would there be a file at *HMAS Stirling* that would
11 contain that, or would that have now been forwarded to
12 archives, do you believe?

13 A. 1999, it's probably on file.

14

15 Q. We can check later. Could we then go to PUB.001.0001,
16 which is under the next tab. This is an extract of a book
17 written by Mr John Samuels called "Somewhere Below", in
18 which you are mentioned. On page 137, the first full
19 paragraph:

20

21 *A written record of life jackets and*
22 *flooring timbers from ship's boats, coming*
23 *ashore on the Zuytdorp Cliffs, near the*
24 *mouth of the Murchison River, exists in the*
25 *form of a letter written to the commanding*
26 *officer of HMAS Moresby by Reg Harrison of*
27 *the Naval Association of Australia,*
28 *on August 6th 1993, a copy of which is now*
29 *in the possession of LCDR Vic Jeffery OAM,*
30 *RANR.*

31

32 The Commission has a copy of that document. I will read an
33 extract from that document. It is a second-hand hearsay
34 statement from Mr Harrison. At WAM.021.0044, if we close
35 in on the bottom of the second paragraph, it says:

36

37 *Sir, I have been involved in the*
38 *construction of the Sydney cairn ...*

39

40 If you go to the fourth line of that paragraph:

41

42 *May I say that an older cousin of mine was*
43 *on HMAS Wyrallah which was sent to look for*
44 *"Sydney", and he told me of all the orange*
45 *Mae West jackets hooked up on the rocks of*
46 *the Zuytdorp Cliffs and of having picked up*
47 *floorboards from whale boats.*

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Have you seen that letter before, sir?

A. I don't recall it, but I must have. I certainly know the gentleman involved. He has had a lot of correspondence with the Navy over the years.

Q. Are you aware of any follow-up on those Mae West jackets? Do you know whether anybody was despatched, whether any inquiries were made about when this sighting occurred - those kinds of things? Do you have any information about this?

A. It would be on file, and there should be a follow-up letter.

THE PRESIDENT: Q. Who is this letter from?

LCDR KERR: A gentleman named Reg Harrison of the Naval Association of Australia, dated 6 August 1993. At the time, Mr Harrison was a resident of Carnarvon. Could we then bring up, please, CORR.014.0152.

THE PRESIDENT: Would you give me the reference to the previous document, please?

LCDR KERR: The letter is WAM.021.0044, sir.

If we can go to just above the footnotes, this is an extract from a paper from Dr McArthur.

THE PRESIDENT: Where do I find this?

LCDR KERR: I'm sorry, sir, it is tab 16, around a red tab, sir.

THE PRESIDENT: Thank you.

LCDR KERR: Q. In his paper, towards the bottom of the page, Dr McArthur refers an address given by CAPT Burnett:

It was a standard operation in an area not regarded as high risk in comparison with the hazardous North Atlantic convoy routes, but at the customary church service held on Sydney's quarterdeck on Sunday morning, 9 November, Joseph Burnett, the Captain of the Australian cruiser, had exhorted his crew once again to be vigilant on their

1 *forthcoming voyage. He observed, "There's*
2 *a strange ship out there and we are going*
3 *to have a bit of fun with her." Len*
4 *Crabbe, who was to be transferred just*
5 *before the warship sailed, still remembers*
6 *these prophetic and, in hindsight, ironical*
7 *words.*

8
9 It is footnoted as follows:

10
11 *L Crabbe to V Jeffery, July 1998 (private*
12 *communication).*

13
14 Do you remember that conversation you had with Mr Crabbe?

15 A. Vividly.

16
17 Q. Would you tell us about it?

18 A. Crabbe was very well known in WA. He was a champion
19 footballer. He was one of the last men off *Sydney*. As you
20 know, you don't leave your ship until your replacement
21 arrives. As he said, CAPT Burnett stood up on one of the
22 turrets down aft, addressed a fair section of the ship's
23 company, and among part of his address was, "There's a
24 funny ship out there. We're going to have a bit of fun."

25
26 Q. Was that the extent of your conversation with
27 Mr Crabbe?

28 A. No, it was about *Sydney*, and other people have made
29 that same claim, and they all thought it was an odd sort of
30 thing to say.

31
32 Q. Mr Crabbe thought it was odd?

33 A. He thought it was an odd comment to come out with.

34
35 Q. During the conversation or any other conversation you
36 had with Mr Crabbe, did he ever say anything about the
37 routines in *HMAS Sydney* that are relevant to the
38 approaching of unidentified ships?

39 A. No, unfortunately. I pursued him on that. All he
40 wanted to do was talk about another incident off Darwin,
41 but that's irrelevant.

42
43 Q. Two tabs following that, there is WAM.021.0096, sir.
44 Again, Mr Jeffery, this is correspondence from you to
45 Mike McCarthy, Curator of Maritime Archeology, WA Maritime
46 Museum. It concerns a coloured photograph of an
47 *HMAS Sydney* ceremonial life buoy. If we bring up the next

1 document, WAM.021.0097, that is a photograph of the life
2 buoy. Do you recall the provenance of this life buoy?

3 A. Vaguely.

4

5 Q. Did you see the life buoy, or were you again provided
6 with a photograph?

7 A. A photograph.

8

9 Q. You say in the letter to Mr McCarthy that you have
10 examined the photograph and it is your belief it most
11 likely came from the third *HMAS Sydney*, an aircraft carrier
12 which served in the Royal Australian Navy between 1948 and
13 1975. You dismiss in paragraph 3 the first *HMAS Sydney*,
14 and in paragraph 4 you say:

15

16 *Furthermore, I do not believe the*
17 *ceremonial lifebuoy came from the ill-fated*
18 *second HMAS SYDNEY.*

19

20 In paragraph 5, you give your reasons in respect of the
21 second *Sydney*, and you say:

22

23 *Reasons for dismissing the second SYDNEY*
24 *are the fact that the ceremonial lifebuoys*
25 *would have been stowed below decks in the*
26 *ship's final action and if this item had*
27 *survived, it would be in a damaged*
28 *condition. The quality of the gold on the*
29 *lifebuoy shows no signs of it having been*
30 *immersed in sea water.*

31

32 What was that opinion based on?

33 A. That was talking to a few Naval Association people -
34 old sailors, basically.

35

36 Q. Do you have any knowledge about whether or not any
37 further examination was made of that lifebuoy?

38 A. Mike never came back to me. I never saw the lifebuoy.
39 It was a photo. Actually, if you look at that photograph,
40 you can see the staples on the photo where it was attached.

41

42 Q. If I can go to the last matter, COI.005.0184. Do you
43 know a gentleman by the name of George Karlov?

44 A. He has contacted me. I wouldn't know him if I fell
45 over him.

46

47 Q. Do you know of him?

1 A. I know of him.

2

3 Q. The bodies that are said to have been buried in the
4 sands in Carrarang Station - are you aware of that theory?

5 A. Yes.

6

7 Q. Do you have an opinion about that?

8 A. I'm open to - I have my own views on bodies. I don't
9 know this man. He contacted me out of the blue. I've had
10 no dealings with him but every now and again I get an email
11 from him. I don't know where he's from, who he's connected
12 with.

13

14 Q. Can I ask you what your opinion is about whether or
15 not there were bodies buried on the beach?

16 A. Going back to newspaper days, many, many years ago,
17 the information that has been conveyed to me over the
18 years, I would lean that way, but like previous people who
19 have been before this Commission, I cannot verify people's
20 letters, confirm them.

21

22 Q. Do you have any independent evidence about whether or
23 not there were bodies buried in Carrarang Station in
24 particular?

25 A. I had never heard Carrarang Station mentioned up until
26 this chap came along.

27

28 Q. What about any other place?

29 A. Most of them are pretty wild stories. During a
30 Coastwatch trip as a Naval Reserve Officer and trips up
31 north, 30 or 40 years in the media and public relations, it
32 certainly has arisen, and from reliable people. But the
33 other side of that is my concern that if we did find
34 graves, what would it actually do to the families?
35 Unidentified graves? It's a can of worms.

36

37 Q. Mr Karlov says in his submission:

38

39 *The only ray of hope is that*
40 *LCDR Vic Jeffery (RAN Public Relations and*
41 *Navy Intelligence) has come out to me*
42 *publicly to say that he believes the body*
43 *story.*

44

45 Is that a correct statement?

46 A. That's exactly what I told you, but he never mentioned
47 this Carrarang Station. I would love to know who he's

1 connected with, myself.

2

3 Q. He says that you told him that you believed the story
4 about bodies being buried.

5 A. Bodies being buried, but I don't know where
6 Carrarang Station is.

7

8 Q. If you take Carrarang Station out of the equation.

9 A. Yes, I do believe that bodies are buried.

10

11 Q. On what basis do you believe that?

12 A. The biggest problem we have today - maybe it's
13 opportune, or maybe it's not - is that the people who had
14 this information are no longer with us. We are looking at
15 something that happened more than 60 years ago. I have
16 dealt with these people over many years. They were men of
17 credibility, gentlemen. They are all gone. It now just
18 becomes hearsay.

19

20 Q. Have you spoken directly to any of these people you
21 referred to?

22 A. Several.

23

24 Q. Who are they?

25 A. I wouldn't remember their names now. As I said, some
26 of this goes back to newspaper days. They were
27 predominantly ex-Army.

28

29 THE PRESIDENT: Q. You addressed this matter, I think,
30 in WAM.063.0150. This is a note from you to Dr McCarthy of
31 18 November 1991:

32

33 *... As promised, when one takes away the*
34 *attacks on everyone else who has expressed*
35 *a point of view on this subject and the*
36 *inaccuracies, there's little left.*
37 *Cheers.*

38

39 The next document appears to be the document you are
40 referring to. It says:

41

42 *Then there's the story of a Japanese*
43 *submarine being involved in the sinking,*
44 *linked with a radically different battle*
45 *site from the official version. It's*
46 *interesting that Montgomery, in his book,*
47 *considered he had conclusive proof that the*

1 *battle site was somewhere else.*

2

3 What is this document, do you know?

4 A. No. We're going back to 1991. I don't recall.

5 I must stress that I'm not employed as a Navy public

6 relations officer; I'm a Defence public relations officer.

7 I'm not an historian. I do my best. As you'll appreciate,

8 we deal with anything to do with Defence in WA and the

9 Services. There's so much involved, but that doesn't ring
10 any bells. It should be on file.

11

12 Q. This looks as though it comes from an author who is
13 planning another book?

14 A. Yes. I can't place the style of writing. There has

15 been no shortage of potential authors. There have been

16 very strange theories, as you are well aware.

17

18 THE PRESIDENT: Somebody said in this Inquiry, in the last

19 day or two, that Mr Jeffery was aware of the name of a

20 person who it is said had buried bodies.

21

22 LCDR KERR: Sir, you are probably referring to my next

23 point. That was Mr Cramer, who gave evidence yesterday.

24

25 Q. As part of his evidence, he was answering a question

26 from me about buried bodies, or on that general topic, and

27 he said:

28

29 *I spoke to confirm that ...*

30

31 And he's talking about the reference in Mr Samuels' book to
32 buried bodies:

33

34 *I spoke to confirm that with Vic Jeffery.*

35 *Allegedly he was at the meeting when a*

36 *woman came forward. He spoke of two things*

37 *that are not in the booklet. One of them*

38 *was that the girl said that her mother*

39 *stated that her husband was never the same*

40 *man after he returned ...*

41

42 He was referring to returning from being part of an alleged
43 burial party:

44

45 *I [being Mr Cramer, I think] could not get*

46 *any more out of it [being you], whether*

47 *that meant returned from the trip or*

1 *returned from the Army ...*

2

3 He went on to say that you had told him that the man who
4 had been part of the burial party had turned grey
5 overnight. Mr Cramer said that he got all of that from
6 you, whom he knows personally.

7 A. I wouldn't say I've had a lot to do with Mr Cramer.

8 I only met the man about 12 months ago. What he's
9 referring to is a member of the *Sydney* Research Group, who
10 interviewed this woman whose husband had come back - they
11 were rushed up north, and when he came back, he had a white
12 streak in his hair. He was never the man she married -
13 that was her actual quote. He was very sullen after that.
14 Allegedly, on his death bed, he was ranting about burying
15 bodies. It would have gone back 25 or 30 years that we
16 were told that. But Max Cramer and I have never discussed
17 *Sydney's* bodies.

18

19 THE PRESIDENT: Q. Do you know the name of anyone who
20 asserts that they were part of a burial party?

21 A. No, I don't, sir.

22

23 LCDR KERR: Q. Do you know the person who interviewed
24 this lady?

25 A. I'm not quite sure, but I think it was
26 Mr Malcolm Barker. I'm going back 25 or 30 years.

27

28 Q. Have you seen, or are you aware of any letters
29 purportedly written by members of an alleged burial party
30 who went to Geraldton or Carnarvon, or somewhere in
31 between, to bury bodies? Have you seen any?

32 A. I certainly know of them. I honestly don't recall
33 whether I've seen them. I've had letters read to me.

34

35 Q. By whom?

36 A. People who allege these people were involved. I'm
37 going back a long way. It was always Army; it wasn't Navy.

38

39 Q. How far are you going back when you say, "I'm going
40 back a long way"?

41 A. In the 1980s, early 1990s.

42

43 Q. I'm referring specifically to the letters.

44 A. Yes, it's a long time ago. As I said, I'm not a Naval
45 historian; I'm a PR man with an interest in Naval history,
46 but I don't write articles about *Sydney*.

47

1 Q. But you are an ex journalist, Mr Jeffery, aren't you?

2 A. Yes.

3

4 Q. You keep notes about things?

5 A. Well, you will find that since I came in this position
6 28 years ago, the notes are all on file, or a record of
7 conversation. I must admit that there have been times when
8 I felt that the Navy has been restricted in pursuing some
9 of these claims.

10

11 Q. What do you mean by that?

12 A. I firmly believe, when we have been given alleged
13 positions to look at, positions have not been forthcoming,
14 ie, *HMAS Moresby*, the survey ship. I know we were
15 strapped; there are constraints, but if a ship is steaming
16 through an area, I can't see why it couldn't have a look.

17

18 Q. You are referring to the fact that *HMAS Moresby* could
19 have surveyed a particular area that it was passing through
20 anyway. Is that what you mean by that answer?

21 A. Some of these areas over the years - *Moresby* has
22 carried out searches in conjunction with the Maritime
23 Museum. But I firmly - maybe it's just a belief - but I do
24 feel at times that, and I'm going back to the 1980s now, we
25 weren't really given much encouragement.

26

27 THE PRESIDENT: Q. I'm not sure what all that means.
28 If it is anything to do with the loss of *HMAS Sydney*,
29 I would like to understand it. If it is not, I don't need
30 to?

31 A. No, it is not, sir. Basically, people come up with
32 theories and give us positions, or Mike McCarthy, if it was
33 something from the Museum, I would ring and say, "Look,
34 there's something in position so-and-so. Can you look on
35 an opportunity basis?" Admittedly, in the 1980s we had
36 *Moresby*, the survey ship, and in the early 1980s a couple
37 of patrol boats, and I know that *HMAS Stuart* later looked
38 at a position for us, but there are a lot of rocky outcrops
39 out there, too, which is maybe the reason we didn't get a
40 lot of support, because steaming hours are valuable.

41

42 LCDR KERR: Q. Two other areas, Mr Jeffery: an extract
43 from Glenys McDonald's book, chapter 6, the last document
44 in the bundle, page 55. The reference is SUBM.007.0271:

45

46 *One rumour I had heard for many years was*
47 *about a lifeboat guarded at the water's*

1 *edge by soldiers, and supplementary to the*
2 *two German boats that landed at Red Bluff*
3 *at 17 Mile Well north of Carnarvon.*
4 *I first heard of it when I read Mike*
5 *McCarthy's 1991 HMAS Sydney forum papers,*
6 *and I also heard from the Navy of a*
7 *possible additional lifeboat located during*
8 *the search for Sydney.*

9
10 *Vic Jeffery kept me posted on this matter:*
11 *"The bullet-riddled HMAS Sydney lifeboat*
12 *... was located at the shallows [down to*
13 *the gunwales] about 600 yards south of the*
14 *Germans [Red Bluff]. It was guarded by two*
15 *soldiers. Seems there were many people*
16 *around.*

17
18 The footnote reads:

19
20 *Personal correspondence with Vic Jeffery,*
21 *22 September 1995.*

22
23 Is that correct; it was a statement made by you?

24 A. Yes.

25
26 Q. On what basis did you make that statement?

27 A. People actually contacted us when the interest in the
28 *Sydney* flared up and they recalled as kids - one woman,
29 recalled that their father took them down the beach. That
30 boat was in the shallows guarded by two militia men. Then
31 a chap contacted us and basically told the same story, but
32 when he saw it, it was covered by a tarpaulin.

33
34 Q. Did you keep any records of these --

35 A. They would be on file, I should imagine, down at
36 *HMAS Stirling.*

37
38 Q. Do you have any memory of those names?

39 A. No. I haven't read Glenys McDonald's book or John
40 Samuels' book. What is in the books is all new to me, but
41 that's definitely correct.

42
43 Q. Finally, Mr Jeffery, if we could bring up
44 COI.005.0080, this is an email from John Samuels to
45 Georg Karlov dated 13 May 2006. It purports to be the text
46 taken from an article that appeared in *The Bulletin*
47 magazine. If we could turn to the second page, the

1 highlighted bit with the asterisk:
2

3 *One theory is that skeletons were some of*
4 *the "extras" off the Bandoeng Maru.*
5 *Vic Jeffery, a Perth-based Navy reservist*
6 *and historian, is sure they were captured*
7 *Japanese - probably executed by Z Special*
8 *Unit, an elite Australian outfit akin to*
9 *the current Special Air Service. The Z men*
10 *occupied Garden Island at the time.*

11
12 A. That's correct.

13
14 Q. You say that there were men from Z Force occupying
15 Garden Island?

16 A. There were gun batteries on the island, and the south
17 end we are dealing with today is where Z Force carried out
18 its training and, yes, we did find skeletons. Dr Clive
19 Cook, the senior pathologist, identified them as Asians and
20 having been there about 50 years. There was a piece in the
21 Sunday Times. The phone calls I had from that confirmed a
22 lot of things, which I'm not prepared to elaborate on, for
23 obvious reasons.

24
25 Q. What are those obvious reasons?

26 A. I don't think this is the right time and place in the
27 public forum.

28
29 Q. Do you have any evidence that --

30 A. I don't see any association with *Sydney* in this.

31
32 Q. There has been evidence that there was a Japanese
33 presence - I think that you are one of the propounders of
34 that - in and around Fremantle, in that area. Do you have
35 any evidence of Japanese coming ashore on 19 November and
36 being captured by this Z Force group?

37 A. I don't think that Z Force were on the island on
38 19 November, quite frankly. They weren't formed that early
39 in the War.

40
41 Q. When you attended today, you passed me a bundle of
42 documents which included a number of photographs.

43 A. Yes.

44
45 Q. Can I ask you the source of those photographs?

46 A. Ninety per cent of them came from a couple of pages
47 out of an old photograph album that a lady gave me when her

1 brother, her brother-in-law or somebody died. I had them
2 copied at *Stirling*. I thought it was worthy of inclusion
3 here, showing a little bit of life on *Sydney*.

4
5 LCDR KERR: I tender those photographs, sir.

6
7 THE PRESIDENT: Those photographs will be exhibit 186.

8
9 EXHIBIT #186 PHOTOGRAPHS SUPPLIED BY MR JEFFERY
10 EXH.186.0001; ARTICLE TITLED "VIC'S VIEW" APPEARING IN THE
11 GASCOYNE TELEGRAPH ON 16 MARCH 1988 WAM.013.0206; EXTRACT
12 FROM THE NAVAL HISTORICAL VIEW TITLED "LETTERS TO THE
13 EDITOR" DATED 15 JANUARY 1990 AND AUTHORED BY VIC JEFFERY
14 WAM.009.0032; RAAF HISTORICAL RECORD OF NO. 4 SERVICE
15 FLYING TRAINING SCHOOL, GERALDTON, WA, COMPILED BY
16 DJ BRENKLEY EXH.186.0012; SIGNAL DATED 7 OCTOBER 1941 FROM
17 HMAS SYDNEY TO THE SECRETARY, NAVAL BOARD AND WITH SUBJECT:
18 BOARD OF INVESTIGATION ON SUSPICIOUS SIGHTING BY
19 HMAS YANDRA NAA.010.0225; EXTRACT FROM THE HMAS SYDNEY
20 SHIP'S LOG OF 2 OCTOBER 1941, SHOWING SYDNEY TRAVELLING
21 FROM FREMANTLE TO SUNDA STRAIT NAA.013.0055; FAX FROM VIC
22 JEFFERY TO DR MICHAEL McCARTHY FROM WA MARITIME MUSEUM,
23 DATED 4 MAY 1998, CONCERNING A CIGARETTE CASE THAT WAS
24 FOUND ON SOUTH BEACH WITH AN HMAS SYDNEY CREST ON IT
25 WAM.034.0060; FAX FROM VIC JEFFERY SENT TO DR McCARTHY
26 DATED 17 MAY 1999 WAM.036.0044; EXTRACT FROM A DOCUMENT,
27 BEING A SECOND-HAND HEARSAY STATEMENT FROM MR HARRISON
28 WAM.021.0044; LETTER FROM MR TJ McARTHUR PhD, MA, MEd AND
29 VARIOUS PAPERS REWRITTEN FROM EARLIER TRANSCRIPTS
30 CORR.014.0139_R; CORRESPONDENCE FROM VIC JEFFERY TO
31 MR McARTHUR, CURATOR OF MARITIME ARCHEOLOGY, WEST
32 AUSTRALIAN MARITIME MUSEUM, CONCERNING A COLOURED
33 PHOTOGRAPH OF AN HMAS SYDNEY CEREMONIAL LIFE BUOY
34 WAM.021.0096; NOTE FROM VIC JEFFERY TO DR McCARTHY OF
35 18 NOVEMBER 1991 WAM.063.0150; EXTRACT FROM GLENYS
36 McDONALD'S BOOK, CHAPTER 6 SUBM.007.0271; EMAIL FROM JOHN
37 SAMUELS TO GEORG KARLOV DATED 13 MAY 2006 COI.005.0080

38
39 LCDR KERR: Do you require copies to be made of these?
40 A. No, they are the Commission's.

41
42 THE PRESIDENT: I think I should add to exhibit 186 all
43 the documents you referred to while examining Mr Jeffery.

44
45 LCDR KERR: Yes, sir. I have no further questions of
46 Mr Jeffery, sir.

1 LCDR KATTER: I have no questions, sir.

2
3 THE PRESIDENT: Thank you, Mr Jeffery.

4
5 <THE WITNESS WITHDREW

6
7 CMDR RUSH: I think, sir, Dr McArthur is ready to
8 continue, but I think not for too long.

9
10 <TREVOR JOHN McARTHUR, on former oath: [3.49am]

11
12 THE PRESIDENT: If at any time you feel you need to stop,
13 please indicate?

14 A. Thank you.

15
16 <EXAMINATION BY CMDR RUSH CONTINUING:

17
18 CMDR RUSH: Q. Dr McArthur, as I understand it, you
19 would expect of *Sydney*, when identifying a merchant ship,
20 that the identification NNJ for the signal letters should
21 be done at a range as far out as possible?

22 A. Yes. I guess, yes. Mr McDonald said up to
23 15 kilometres, so knowing the size of those Aldis lamps,
24 I would say it would be quite a distance. I can't be
25 specific.

26
27 Q. I think Mr McDonald agreed that, to recognise a flag,
28 you would need to be, I think he said, at 5 miles.

29 A. Yes, okay.

30
31 Q. If there is a failure to comply with the ship's
32 recognition procedure, you would expect an order for the
33 ship to stop?

34 A. Yes.

35
36 Q. If the ship did not stop, you would expect a shot
37 across the bows?

38 A. Yes.

39
40 Q. And, once that had occurred, you would expect the
41 sending of a boat across?

42 A. Under those circumstances 1, 2, 3 leads to the other,
43 yes.

44
45 Q. That is the expectation that you would have had of
46 *Sydney*, with the engagement with *Kormoran*, if *Kormoran* was
47 not complying with merchant ship recognition procedure?

1 A. It is not only my expectation; it also comes from the
2 readings that I've made and particularly some of the
3 interviews that were made with the crew where they said
4 that *Sydney* fired first. I assumed that to mean that the
5 *Sydney* fired a stop shot. Go on with your next question
6 because I can add on to that.

7
8 THE PRESIDENT: Q. Why did you assume, if you accept
9 that evidence from a German witness that *Sydney* fired
10 first, that that witness was referring to a stop shot?

11 A. Because it didn't hit them. The shot went in front of
12 their bows. There is only one indication of that; there is
13 only one who says that.

14
15 Q. I don't recall that that person said that it was a
16 shot across the bows. I may be wrong.

17 A. No. What do you call a shot across the bows? *Sydney*
18 would have been able to put a shot ahead of it, but could
19 it put it across the bows? I don't know in that particular
20 instance. I would have to have Naval opinion as to how
21 close they were. If a stop shot means a shot ahead of the
22 ship, then I would accept that as what he was saying. But
23 I gathered that it was a stop shot, and there is also other
24 evidence in what Detmers said. Remember that Detmers gives
25 different evidence at different times. But last night,
26 recovering from the ordeal during the day, I went back
27 through some of my old material that I had.

28
29 I found a document from the Sergeant of Police in
30 Geraldton, Sergeant Ledwich. The German officers stopped
31 at Geraldton and they were questioned by police - something
32 I found odd, but they were questioned by police. Ledwich
33 wrote that Detmers said to him that they had stopped and
34 *Sydney* had told them to stop and they stopped. I've never
35 seen this anywhere else before, and I found it, luckily,
36 amongst some notes that I had put aside and hadn't looked
37 at closely enough.

38
39 Q. You can make those available to us?

40 A. Yes, yes.

41
42 Q. And they are notes of what?

43 A. They are notes of an interview between Ledwich and the
44 German Captain. Someone has typed them up. It must have
45 come from police files. But I will provide it for you,
46 certainly, no problem.

1 Q. How did you come by those?

2 A. A lot of files --

3

4 Q. I take it that they are official records, are they?

5 A. The way in which it is set out, it looks very much
6 like an official record to me. I have seen lots of police
7 records. I had 10 years with the police. The way in which
8 this is set out, question/answer, question/answer, would
9 appear to me to be very similar to what I've seen in police
10 records.

11

12 Q. Do you recall how you came to have these documents?

13 A. To be frank, no, because in some instances the files
14 that I've looked at - well, in many instances, the files
15 that I have looked at, particularly in the Naval Historical
16 Society, NHS, and also the History Society and in Victorian
17 Archives, a lot of the Sydney material is simply scattered
18 notes, with no indication of who signed them or made them
19 up. They are just lying there in a file. They are very
20 hard to use, simply because there is no name, but as
21 Ledwich's name was on this one, I was able to find him
22 immediately at Geraldton.

23

24 The interesting thing of course is that Geraldton
25 occurrence books cannot be found, nor can the occurrence
26 books for Northampton, nor can the occurrence books for
27 Carnarvon. All the occurrence books would have an
28 indication of interview or what they said. They must put
29 that in. But these occurrence books can't be found.

30

31 I was given a very good reason by the police
32 archivist, who said, "Look, there were shortages of papers
33 then. Often these were ripped apart and other entries made
34 on them. You just can't say that they have been
35 deliberately destroyed." I said, "All right, that's fine
36 to me." Then he gave me some examples and I got other
37 examples from police who said, particularly when they were
38 in some of the northern stations, that the occurrence books
39 were just a hindrance, so they threw them down old mine
40 sites.

41

42 So we have lost a heck of a lot. It seems very
43 coincidental that there are three stations close to each
44 other, which have to keep record books because the
45 inspector travels the area and sights and signs these books
46 on a regular basis - so I don't know where they are.
47 Nobody can tell me where they are.

1
2 No-one can tell me, either, of an incredible thing
3 that happened at Fremantle Police Station very early when
4 the Germans were being interrogated. That was a German
5 officer brought in by a Navy patrol, and they said
6 something to the Police Sergeant in charge to the effect
7 that, "This man has been ordered to be on bread and water."
8 Then the German officer said something to the Sergeant, who
9 then picked him up and threw him literally across the room,
10 and said, "You don't speak to me like that."

11
12 It was quite a shock to the Naval escort that this
13 happened. Surprisingly, that story was confirmed to me
14 about 15 years ago in an interview I had with a retiring
15 policeman, who said, "There's one thing I remember very
16 well about that time." That was confirmed by Dr Anderson
17 at Swanbourne Barracks, who had seen an officer put in the
18 back of a wagon and taken away, and when he asked what had
19 happened, the answer was, "Well, he was very disrespectful
20 to the senior interrogating officer, and we're going to
21 teach him a lesson and he's going to be on bread and
22 water." That's from two totally different sources who
23 could never ever have spoken to each other about it.

24
25 That's the sort of story that can't be found, because
26 it is certainly not in the Fremantle books. I thought the
27 Fremantle would be there, but they are not.

28
29 Q. Coincident or not, you say the books from various
30 police stations have been destroyed, but you happen to have
31 an account between a Police Sergeant and Captain Detmers?

32 A. Yes, but that could easily have been put in any number
33 of files that I've looked at.

34
35 Q. We would like to see that tomorrow morning, if you
36 don't mind.

37 A. I'll try to dig it out tonight for you.

38
39 CMDR RUSH: Q. Going back to the order to stop, shot
40 across the bows, and send boat across, that is the
41 procedure you would expect to be followed by Sydney in the
42 circumstances that you put forward --

43 A. Yes.

44
45 Q. -- on this engagement. If I can ask that NAA.010.0061
46 can be put on the screen, sir.

47 A. Yes, yes. Hang on, I'll let you have a quick look at

1 that.

2

3 Q. It is marked "Secret"?

4 A. Yes.

5

6 Q. It is from the Commanding Officer of *HMAS Sydney* on
7 7 September 1941 writing a minute to the Rear Admiral
8 Commanding Australian Squadron on recognition procedure and
9 stating as follows:

10

11 *While recently escorting convoy US 12A,*
12 *three instances occurred of Merchant Ships,*
13 *having made their Signal Letters in reply*
14 *to the signal NNJ, failing to respond to*
15 *the Warship - Merchant Ship Recognition*
16 *Procedure. The Merchant Ship either*
17 *continued to make her Signal Letters or*
18 *made no further sign at all.*

19

20 *2. On two occasions, owing to the good*
21 *visibility, it was possible to establish*
22 *the friendly nature of the ship with*
23 *reasonable confidence at a satisfactory*
24 *range, but on one occasion it was*
25 *considered prudent to alter the course of*
26 *the convoy away until the unidentified ship*
27 *was at a safe range. It is accordingly*
28 *recommended that Naval Control Service*
29 *Officers should impress on Masters the need*
30 *of having all officers well acquainted with*
31 *the recognition procedure.*

32

33 *3. The ships, to which this letter refers,*
34 *were the "Gabriella", "Athlone Castle" and*
35 *"Columbia Star". In other cases the*
36 *recognition procedure was carried out with*
37 *gratifying efficiency.*

38

39 You can take my word for this, but the log does not record
40 *Sydney* coming to Action Stations in any three of those
41 encounters.

42 A. Okay.

43

44 Q. What you are looking at, I suggest, is a failure to
45 comply with ship recognition procedure, where the course of
46 conduct that you suppose should take place did not take
47 place?

1 A. Just give me a moment. Do you know what a convoy
2 escort US 12A was?
3

4 Q. I think it was the two "Queen" ships?

5 A. Queen Mary and Queen Elizabeth, okay. In this one, an
6 issue is raised that only recently have I been fighting
7 with it in what I've been trying to write, and that is this
8 NNJ procedure. I guess you have seen Mr Eagle's work on
9 this, where he completely tries to show that NNJ would not
10 be the signal that would be shown.
11

12 That causes quite a bit of confusion in reading both
13 Detmers' books. In answer to what you have said, it does
14 not seem to follow what I would agree to your series of
15 actions which would have taken logically one after another.
16 Yes.
17

18 THE PRESIDENT: Q. I don't understand any of that answer.

19 A. I'm sorry, sir?
20

21 Q. I don't understand any of that answer.

22 A. I'm not surprised, because once I have to take this
23 drug, I am in trouble is what it amounts to. I'm sorry,
24 but I'm getting confused as I start talking, and that's not
25 helpful to you or to CMDR Rush.
26

27 THE PRESIDENT: I think we probably should adjourn and
28 come back to this tomorrow morning if you are well enough.

29 A. Thank you. I'll see if I can find that document.
30

31 Q. If you would not mind getting that document that you
32 found last night?

33 A. Yes, I'll try to get that.
34

35 THE PRESIDENT: We will adjourn until 9.30.
36

37 **AT 4.06PM THE COMMISSION WAS ADJOURNED TO**
38 **THURSDAY, 5 FEBRUARY 2008 AT 9.30AM**
39
40
41
42
43
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46
47