

1 yesterday for an error he made in his submission with
2 regard to my role in going to the Shark Bay area, and he
3 has undertaken to write to the Commission to correct that.
4 I'm not sure whether he has at this point.

5
6 CMDR RUSH: We haven't received anything as yet, sir, but
7 there was a note with the material provided by the witness
8 noting the matter that was raised by Dr McCarthy. Once
9 that is received, we will deal with it, sir. The letter
10 received from Mr Christian is SUBM.008.0001.

11
12 THE PRESIDENT: Yes. I've read that letter and I will
13 bear that in mind. Thank you, Mr Christian.

14
15 **<THE WITNESS WITHDREW**

16
17 CMDR RUSH: Sir, I call Mr Montagu.

18
19 **<JOHN ALEXANDER MONTAGU, sworn:** [10.30am]

20
21 **<EXAMINATION BY CMDR RUSH:**

22
23 CMDR RUSH: Q. Mr Montagu, could you state your full
24 name to the Commissioner, please?

25 A. John Alexander Montagu.

26
27 Q. And your business address?

28 A. [REDACTED]

29
30 Q. And your occupation?

31 A. I'm retired.

32
33 Q. Mr Montagu, you have indicated in your submission to
34 the Commission of Inquiry that you have been an engineer.

35 A. That's correct.

36
37 Q. What was the nature of your engineering background?

38 A. Investigation. This included marine engineering
39 investigation also.

40
41 Q. Could you repeat that, please?

42 A. Investigation. Engineering investigation was one of
43 many things I specialised in.

44
45 Q. And you say that you are a licensed investigator?

46 A. I was. I've recently retired now, but, yes, I was
47 a licensed investigator.

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Q. What was the nature of that investigation?

A. Insurance claims, small craft investigation - that's about it, I suppose.

Q. Mr Montagu, I want to understand the theory as to the nature of the engagement between *Sydney* and *Kormoran* that you propound. As I understand it, firstly, you assert that the German story in relation to that engagement is flawed.

A. Yes, I think so, yes.

Q. In relation to the engagement, you have indicated that both ships, on the research that you undertook, were 180 nautical miles apart.

A. That's correct.

Q. Do you still assert that?

A. This was based basically on information I received from the Chief Petty Officer of the *Kormoran*, who was Otto Jurgensen. I communicated quite a lot with him, and this is one of the assumptions - well, he gave me coordinates which specified that, basically.

Q. Do you still assert that they are 180 nautical miles apart?

A. I have some doubts about the *Kormoran*, because the *Aquitania*, which picked up one lifeboat, or life raft, actually, was on coordinates 24 degrees plus I think it was 05 and 110 59, and that's where the *Aquitania* picked up the life raft. The five airmen who were on the life raft were clean shaven and had only been on the raft for about four or five hours. This was as from the log of the *Aquitania*, as far as I can understand, yes.

Q. Do you accept the evidence that the Commission of Inquiry has received from those that were on *Geosounder*, who have indicated that they found the wrecks of *Sydney* and *Kormoran*, and they were 12 nautical miles apart?

A. I accept that the *Sydney* is where she is, but the *Kormoran* I have doubts about. I think that she's further north than the Foundation mentioned. I think she's a bit further north, for this reason: possibly for people who want to trophy hunt it, maybe. This happened to the --

Q. Perhaps if I can ask you this: can you give any reason, Mr Montagu, why would the GPS coordinates given by those on *Geosounder* be incorrect as to the precise position

1 of *Kormoran*?

2 A. It depends on what she had on board. I think she --

3

4 Q. No, my question is this: the Commission of Inquiry
5 has the coordinates of where *Geosounder* said it located
6 *Kormoran*. Can you give any reason to the Commission as to
7 why those persons would give incorrect coordinates as to
8 *Kormoran*?

9 A. Basically, there is a lot of secrecy about the
10 *Kormoran* because - and this is my opinion, anyway - maybe
11 there might be some recoverable booty on it, like gold or
12 something like this. The survivors who were picked up on
13 the 24th parallel latitude were clean shaven, and that
14 means - I think it was 2 degrees or something further south
15 where the action was.

16

17 THE PRESIDENT: Q. Mr Montagu, are you seriously
18 suggesting to me that those on the *Geosounder* thought there
19 might be recoverable booty on the *Kormoran* and therefore
20 gave a false location for her?

21 A. Well, sir, I'm not sure, but the coordinates of the
22 *Titanic* were given, and she was in international waters and
23 pretty deep, about 4 miles, so I suppose it's not
24 inconceivable that the coordinates were withheld from the
25 public, or whatever it is.

26

27 Q. And that's the only basis you have for suggesting that
28 they gave false coordinates for the *Kormoran* but accurate
29 coordinates for *Sydney*?

30 A. No, not really. One of the considerations was where
31 the lifeboats were recovered by the *Aquitania*, because it
32 was probably 2 degrees north of where the wrecks had been
33 reported by the Search Foundation.

34

35 CMDR RUSH: Q. Your theory goes on, does it not,
36 Mr Montagu, to assert in the book - I should establish that
37 you had a book published called, "The Lost Souls & Ghosts
38 of *HMAS Sydney II* of 1941"?

39 A. That's correct.

40

41 Q. And that book was published I think in 2006?

42 A. 2006, yes.

43

44 Q. The theory you propound in that book is that *Sydney*
45 was sunk as a consequence of running into a practice
46 minefield that was being laid by *Kormoran*; is that right?

47 A. That's correct.

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Q. And then two days later *Kormoran* was sunk as a consequence, it seems, of some negligence of its own crew when it ran into one of its own mines.

A. Basically, yes, that's the assumption.

Q. Do you still maintain that theory?

A. I don't want to digress too much from you, but the damage inflicted on *Sydney*, which was a 7,000ton warship, the torpedos of the *Kormoran* would not have caused that damage by knocking the bow off it. It would have had to have been a bigger explosion, possibly like the capabilities of the Japanese - I'm not going on about the Japanese, but one of their torpedos, long-lance torpedos, had a hell of a clout. Otherwise, with the power of explosion, it would had to have been a mine.

Q. You also assert, do you not, that after *Sydney* ran into a mine in the practice minefield, members of the crew were taken on board *Kormoran*?

A. That's correct.

Q. What's your evidence for that?

A. I suppose a lot of it's just conjecture, but with a crew of 845 men and in ideal weather conditions, you would expect some survivors out of that capacity of crew. It's just logic. You can't put that on paper. I haven't seen anything on paper, apart from - oh, I have seen something on paper. There's a document that was in the book.

Q. A document that was in the book?

A. Yes. It stated that there were 30 survivors off *Sydney* and they were picked up by the *Kormoran*.

Q. Where did you get that document from?

A. I've been researching this for about 10 years or so. I can probably give you the number, if you like, sir.

Q. You have referred to a document in your book that indicated that 30 survivors were picked up from *Sydney*. I'm asking you a pretty direct question: where did you get it from?

A. The document?

Q. Yes.

A. Yes, I've been researching this for about five or

1 six years, maybe a bit more - maybe 10 or 15 years, but it
2 just seems like five or six years - and I've travelled
3 overseas on about eight occasions, I think, and all my
4 family and relatives are all related to the Navy, and they
5 do a lot of work for me in England and in America, in
6 Virginia, where the files of the German Navy, the
7 Kriegsmarine, were stocked.

8
9 Q. Where did you get the document --

10 A. Well, I've just told you. I couldn't say. It's
11 either America or England that it came from.

12
13 Q. You referred to three documents in your book, and if
14 I can ask that the first one be brought up, sir. It is
15 CORR.010.0082. Where did that document come from?

16 A. This is a standard document, I should say, that came
17 from a small pack of stuff we got from the UK.

18
19 Q. From the UK?

20 A. Yes.

21
22 Q. From where in the UK?

23 A. It was down Cornwall way. I think it was the Cornwall
24 Maritime Museum or something down that way.

25
26 THE PRESIDENT: Q. Did you go there personally and get
27 it?

28 A. I didn't go there, but this is where my relatives
29 procured it from, apparently.

30
31 Q. When you say "apparently", do you know that, or is
32 that conjecture?

33 A. My relatives got it, sir.

34
35 Q. I beg your pardon?

36 A. My relatives got it from down at Cornwall.

37
38 Q. Yes, you told me that, but do you know which relative
39 it was who got it?

40 A. Well, my wife's son is a McElhinney and I think it was
41 Terry. He was in the submarines and he was down that way
42 and he just brought this up when he was over there in - it
43 would have been about 1996 or something like this. He
44 brought a batch of stuff over for me. That's basically
45 what I can tell you, that's all.

46
47 If you don't mind, in the book, I've authenticated

1 only two items from the documentation, and that was from
2 Otto Jurgensen, which was a copy of the *Kormoran*, and also
3 a letter from Jurgensen. I think that's in your hands, the
4 letter from Jurgensen.

5
6 CMDR RUSH: Q. Who wrote the note towards the bottom on
7 the left-hand side:

8
9 *Note: Otto Schmiewind was a personnel*
10 *friend of Kormoran's Kapitan Theodore*
11 *Detmers.*

12
13 A. Yes, the spelling's wrong on that, but --

14
15 Q. Who wrote it?

16 A. I'm not sure if that was on the document when it came
17 or that we inserted it; I'm really not sure.

18
19 Q. The spelling's wrong in what way?

20 A. Well, the "S-c-h-m" should have been "n". It was
21 Schniewind.

22
23 THE PRESIDENT: Q. When you refer to "we", do you mean
24 you?

25 A. I have people who were doing some research for me,
26 sir. We - I put it together. I'm responsible for the
27 book, but it was more or less a team effort.

28
29 CMDR RUSH: Q. Perhaps if we can go to 0084, two pages
30 on in your book, to a German document that you have
31 inserted in the book?

32 A. It's a Kriegsmarine document.

33
34 Q. If we could go to the top.

35 A. I don't speak German, sir.

36
37 Q. If we could scroll up to the heading, how did this
38 document come to you?

39 A. As I told you, it came from either the English
40 connections or from the United States, I think it was in
41 Virginia, where all documents were available, all documents
42 were available, and released 1954 to 1958, I think it was.

43
44 Q. The Commission of Inquiry has searched documents in
45 the relevant US archives, has searched documents in the
46 relevant UK archives and never have we found a description
47 that matches the top of this correspondence, which spells

1 "Deutschen" as D-E-U-T-C-H-E-N. It should be "Deutsche",
2 without an "N", shouldn't it?

3 A. I'm not sure.

4
5 Q. You don't know?

6 A. As I said in the book, sir, we put in a disclaimer
7 that there were only two documents that we could
8 authenticate, and they were from Otto Jurgensen. That was
9 the two of them. We inserted in the book stuff that we
10 thought was relevant to the case.

11
12 Q. Would you put in a document that was a fraud?

13 A. It's not been a fraud. Who's saying it's a fraud?
14 You're saying it's a fraud, sir.

15
16 Q. You purport that this is a German document.

17 A. I think so, sir.

18
19 Q. You can't tell us where you got it from?

20 A. Yes, I told you.

21
22 THE PRESIDENT: Q. No, you haven't told us. You said
23 that you got it from either America or England?

24 A. I can turn around and say it's English or American.
25 I can say that but I can't be sure. That's why I put this
26 disclaimer in the book, because any documents that were in
27 the book, apart from two from Jurgensen, I can't verify.

28
29 Q. But you must know where you got it from?

30 A. I just told you - I got it from either England or the
31 United States. People who did research for me did so in
32 these two countries.

33
34 Q. Who were the people who did the research in America
35 from where you think you may have got this document? Who
36 were the people who did the research that you say occurred
37 in America, or England, who gave you this document?

38 A. It was a friend of the family's. Her name was - I say
39 "a friend of the family's", but not an awfully good friend.
40 I think it was Simons or something. Simons, I'm sure.

41
42 Q. How did she come to be doing research for you?

43 A. She worked for the British Government as a typist or
44 a clerk or something. That's basically it. She was
45 a friend of the family's.

46
47 Q. How did she come to be doing work for you? How did

1 she come to be doing research for you?

2 A. We have probably about 150 family members around the
3 world, and when I was researching for this I wrote to these
4 people and asked them, "Is there anything pertaining to the
5 *Sydney/Kormoran* affair?", and I got this stuff back over
6 the last 10, 15 years, maybe, and that's basically it.

7
8 Q. You say that these people did research and got it from
9 official records, so why did you require to put
10 a disclaimer about it?

11 A. I put a disclaimer in, because if it comes from
12 another person, then obviously I didn't know where she got
13 it from. That's basically what I'm saying. But I know she
14 got it from Virginia, the girl in America - she got it from
15 Virginia. I think there's an American Navy base there.
16 That's all I can tell you, sir.

17
18 CMDR RUSH: Q. Who is Irene Moore?

19 A. She's a relative of my wife's basically - well,
20 a friend of the wife's, not a relative.

21
22 Q. What does she do?

23 A. She was a - what the ladies do here, a stenographer.

24
25 Q. You describe her in your book as a British
26 Intelligence woman officer.

27 A. I didn't say that she was a British Intelligence
28 officer. What page was that?

29
30 Q. If we could go to 0081.

31 A. 0081, was it?

32
33 Q. It will come up on the screen. Do you see at the top
34 of the page:

35
36 *The Kriegsmarine documents were also*
37 *examined. A British Intelligence woman*
38 *officer by the name Irene Moore located an*
39 *incident concerning the German raider*
40 *Schiff ...*

41
42 You have described a stenographer as a British woman
43 Intelligence Officer.

44 A. Stenographers can be Intelligence Officers just the
45 same as anybody else, sir, if they work for the
46 Intelligence Department.

47

1 Q. I'm sorry?

2 A. Stenographers can be the same as anybody else. If you
3 work for the Intelligence Department, that's it. She was
4 working for British Intelligence, as far as I know.

5

6 Q. You just said before, before we took you to that, that
7 you've never described her as that, but now you say that
8 you have and give a justification, which I suggest is being
9 manufactured on the spot.

10 A. It's not a justification; it's a fact. If the person
11 has worked overseas and she works for the British
12 Intelligence or the British Government, then that's
13 basically it. It's not a big issue, really.

14

15 Q. If we can go back to 0084, please. Do you think that
16 in a German document, Mr Montagu, the Germans would spell
17 the Admiral's name correctly?

18 A. That has been pointed out to me on numerous occasions.

19

20 Q. That's not my question. My question is: do you think
21 that in a German document, purporting to come from German
22 Military Archives, the Admiral's name would be spelt
23 correctly?

24 A. You would expect so, yes.

25

26 Q. Is it spelt correctly in this letter?

27 A. I'll have to put my glasses on, if you'll excuse me.

28

29 Q. If you go right down to the bottom of the page, and
30 perhaps if we could enlarge it a little bit.

31 A. Yes.

32

33 Q. "Konteradmiral Otto Schiewind".

34 A. Yes, it looks as though the "N" is missed out there.

35

36 Q. Missed out?

37 A. It looks like it. It's got an "I", is it? That's
38 supposed to be an "N", is it?

39

40 Q. This is a document that you say is produced --

41 A. Sorry, excuse me, I'm looking at the bottom line
42 instead of the one up on the right.

43

44 Q. Otto S-C-H-I-E-W-I-N-D.

45 A. Yes, there's an "N" missed out on that, that's for
46 sure.

47

1 Q. So this document has incorrectly spelt the name of the
2 Admiral, who is meant to have signed it?

3 A. If that's his signature, yes, it looks like it,
4 doesn't it, sir?

5

6 Q. If we can go up to the top of the document, do you see
7 where it has "Vizeadmiral Herman Densch"?

8 A. Yes.

9

10 Q. I suggest that in German, there are not two As in
11 "Admiral".

12 A. You've got it over me with your education, but I don't
13 speak German, so I'm not sure.

14

15 Q. It didn't strike you as somewhat anomalous that there
16 would be two As in "Admiral"?

17 A. Oh, sorry, just the "Admiral".

18

19 Q. "Vizeadmiral".

20 A. That's the German spelling, is it?

21

22 Q. You can't speak German?

23 A. My language is probably "Sprechen zie Deutsch?", and
24 that's about it - "Do you speak German?"

25

26 Q. What about the English words that are in this
27 so-called German document? You would have been able to
28 recognise them, wouldn't you?

29 A. Sorry, repeat that.

30

31 Q. The English words that are in this document --

32 A. Yes, go ahead.

33

34 Q. If you go down to the third paragraph that commences:

35

36 *Durch die mono phase ...*

37

38 That's not German.

39 A. What is it, sir? Do you know what it is?

40

41 Q. It's English.

42 A. Repeat it?

43

44 Q. "Mono phase" are English words, not German words.

45 A. Well, meaning what? What are you trying to imply,
46 sir?

47

1 THE PRESIDENT: Q. Meaning that this document is an
2 obvious fraud.

3 A. Well, if it's an obvious fraud, all I know is where we
4 got it from - sorry, I keep saying "we", but where I got it
5 from, and I'm responsible for what goes in the book.

6
7 CMDR RUSH: Q. If we can go to the document that
8 preceded it, 0083, if we can go down to the reference
9 106662 in the square, it reads:

10
11 *Thirty Crewmen were recovered from the*
12 *Light Cruiser sinking. Eight officers and*
13 *twenty two other ranks were recovered from*
14 *the Indian Ocean, only ten seamen had life*
15 *jackets on. The ships capsizing to port was*
16 *the cause of very few of the light cruisers*
17 *plus the hours of darkness were responsible*
18 *for the high loss of life.*
19 *konteradmiral Otto Schniewind.*

20
21 This time it is spelt correctly.

22 A. That's his right name, apparently.

23
24 Q. The "N" went into that one. Where did this document
25 come from?

26 A. Can we clear that up about the spelling of it, please?

27
28 Q. Sorry?

29 A. The spelling is right on the Admiral's name.

30
31 Q. No-one's arguing or asking you about the spelling.

32 A. I thought you were. I thought you were asking about
33 the contents of the letter.

34
35 Q. I said it is spelt correctly this time.

36 A. Did you? Sorry, I didn't hear.

37
38 Q. Where did the document come from?

39 A. It could have come from America, but I think this one
40 came from England. This was down in Cornwall.

41
42 Q. Did this come from your same source - Irene Moore?

43 A. No, this isn't Irene Moore's source at all.

44
45 Q. Where down in Cornwall?

46 A. Pardon?

47

1 Q. Where in Cornwall?

2 A. As far as I know, it's the Maritime Museum.

3

4 Q. The Maritime Museum where?

5 A. In Cornwall, I've just told you.

6

7 Q. Cornwall is a very large place.

8 A. Sir, I'm not familiar with Cornwall at all. I lived
9 in England for many years, but it was always in the
10 north-west, sir.

11

12 Q. And you can't tell us where the Maritime Museum in
13 Cornwall is?

14 A. No, I haven't been to the Maritime Museum, but I was
15 assured that it came - my wife's maiden name is McElhinney,
16 and her brother was on the submarines in the British Navy,
17 and he'd done some research for me over there, and this was
18 one of the things that were sent over to us.

19

20 Q. Had you told your researchers of your theory that
21 survivors of *Sydney* went on to the *Kormoran*?

22 A. Have I told?

23

24 Q. Did you tell your researchers of your view or opinion
25 that survivors of *Sydney* went on to the *Kormoran*?

26 A. They probably read the book, sir. It's been out since
27 2006.

28

29 Q. Well, they couldn't read the book before you published
30 it, could they?

31 A. Why not?

32

33 Q. So you gave them a copy of the book before it was
34 published?

35 A. No. I might have given them extracts from the book
36 before it was published.

37

38 Q. They didn't manufacture documents to suit the theories
39 propounded in your book?

40 A. I know what you're getting at, but I can say
41 emphatically no.

42

43 Q. Did you see the date on this document - 28 June 1962?

44 A. Yes.

45

46 THE PRESIDENT: 28th or 29th?

47

1 CMDR RUSH: Q. 29 June 1962.

2

3 THE PRESIDENT: You may be right - the 28th.

4

5 CMDR RUSH: Q. 28 June 1962?

6 A. Yes.

7

8 Q. If we can go to the top of the page --

9

10 THE PRESIDENT: Q. Who was on the throne in 1962?

11 A. Sorry, sir, who was what?

12

13 Q. On the throne. Who was King or Queen?

14 A. I'm sorry, for some reason I can't hear what you're
15 saying.

16

17 Q. Who was King or Queen in 1962?

18 A. I don't think she'd have anything to do with the
19 *Kormoran* being sunk, sir, or the *Sydney*, so probably King
20 George V or something.

21

22 Q. In 1962?

23 A. That's 40 years ago.

24

25 CMDR RUSH: Q. When did you leave England, Mr Montagu?

26 A. Fifty-two years ago - no, sorry, about 42 years ago.

27

28 Q. And who was on the throne when you left England?

29 A. It was George - no, it wouldn't have been; it would
30 have been the Queen, the current Queen.

31

32 Q. The current Queen --

33 A. Yes.

34

35 Q. -- when you left England. Who was on the throne then
36 in 1962?

37 A. Who was on the throne?

38

39 Q. The throne. She was still Queen in 1962.

40 A. Well, all right then, she was still Queen in 1962, but
41 I can't see your point, actually.

42

43 Q. Well, have a look at the top of your document.

44

45 *This document is the property of His*
46 *Majesty's Britannic Government.*

47

1 A. So what about it - "His Majesty's", do you mean?

2

3 Q. Well, look at the date on it. It's 28 June 1962.

4 A. I still don't see the point.

5

6 Q. The point is that there was no "His Majesty" in 1962.

7 A. I thought - well, I don't know. I can't say - I mean,

8 I can't verify anything virtually on that. All I can

9 say --

10

11 Q. You thought at the time this was prepared that there
12 was a King on the throne?

13 A. Pardon?

14

15 Q. You thought at the time that this document I suggest
16 was manufactured, that there was a King on the throne?

17 A. Look, sir, you can suggest as you like. What I'm
18 saying is that there seems to be a lot of time spent on
19 things that are virtually not relevant, although I do see
20 the relevance about the survivors.

21

22 THE PRESIDENT: Q. It's very relevant, because your book
23 relies, in a significant way, on these two documents, and
24 both of them are obvious fakes.

25 A. Well, as you say, we put a disclaimer - sorry, I keep
26 saying "we". I put a disclaimer in the book.

27

28 Q. Is that because you knew the documents were fake?

29 A. Not at all. It was all in good faith, sir.

30

31 Q. And the faked documents, you tell me, were provided to
32 you from England by a relative of your wife's and from
33 America by some other relative?

34 A. That's correct, sir.

35

36 Q. And that's all you can tell me about the origin of
37 them, except that one may have come from Cornwall.

38

39 CMDR RUSH: Q. Do you see the date 21 November 1941 on
40 this document in the square box that we went to?

41 A. Yes, yes, 21 November 1941, yes.

42

43 Q. Have you read any of the signals emanating from the
44 German Navy that were sent to *Kormoran* between 19 November
45 and early December 1941?

46 A. No, sir. I'm not sure. Just give me that again,
47 please?

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Q. Have you read any signal sent by the Kriegsmarine to *Kormoran* between 19 November 1941 and early December 1941?

A. No, I don't think so.

Q. The signals that were in fact read to the Commission of Inquiry on Monday morning of this week indicate very clearly that the Kriegsmarine had no idea of the loss of *Kormoran* between those dates. Were you aware of that?

A. I'm not aware of that information, no.

Q. If you accept that, it makes what is written in that box a nonsense, doesn't it?

A. If I accept?

Q. If you accept what I've just said to you about the nature of the signals sent by the Kriegsmarine to *Kormoran* between 19 December 1941 and early December 1941, indicating that the Kriegsmarine was unaware of *Kormoran's* loss, it makes what is written in that box a nonsense.

A. That may be so, sir, but what can I say? I can't say what the Kriegsmarine do. I have no idea what they do and I can't see the relevance of them, apart from the document you seem to be implying - but there we are.

THE PRESIDENT: Q. The document is a fake, and an obvious fake.

A. Sir, you've said that and I can't dispute it. If you say it's fake, sir, that's fine. What can I do? I think the point is - if you don't mind my interrupting - I came here with the assumption that we were going to talk about the survivors, or lack of survivors, from the *HMAS Sydney*, relevant to the damage which I've seen in a DVD on the *Sydney*. I thought that this was the issue. All these side issues which, as I say, I have a disclaimer in the book which virtually exonerates me, bar from Otto Jurgensen's statements. You say "or because it was a fraud", but, with respect, I printed the book in good faith.

Q. I have great difficulty, if I may say so, in accepting the view that two of your relatives - one in the United Kingdom and one in the United States - each provided to you independently a fake document on which you have based the theories in your book.

A. I didn't say that we have only two relatives, sir. I have about 120 relatives overseas.

1 Q. I realise that, but one in England gave you one
2 document which is a fake --

3 A. Yes.

4
5 Q. -- and another in America gave you a second document,
6 which is also a fake, and you tell me that you had nothing
7 to do with that?

8 A. I had nothing to do with it, no. I can't say any more
9 about it.

10
11 Q. Yet they form the very basis of your theories in the
12 book.

13 A. They conform with the theories?

14
15 Q. No, they form the basis for your theories.

16 A. Only on one aspect of it, with the survivors. I mean,
17 the book, even though I say it myself - the coordinates
18 were wrong, because they have been justified, but the rest
19 of the book is pretty authentic.

20
21 CMDR RUSH: Q. Has it always been your opinion,
22 Mr Montagu, that *Sydney* was sunk going into a practice
23 minefield being laid by *Kormoran*?

24 A. Only because I've been the only researcher, over the
25 long period of time which I've read, who has stated that
26 the action was a night action. I'm not sure if that's the
27 answer to your question, but the thing is that the book is
28 based - sorry, your question again, please? Just give me
29 the question again.

30
31 Q. I'll withdraw the question and let me ask you this
32 one. In your investigation work as a licensed investigator
33 and engineer, you say, doing inquiry work and writing
34 reports for insurance companies --

35 A. Yes, that's right.

36
37 Q. -- would you check to validate documents that are
38 given to you?

39 A. Of course I would.

40
41 Q. What did you do to check or validate the two documents
42 in particular that we've looked at here?

43 A. There's very little documentation on the *Sydney*.

44
45 Q. No, my question is what did you do to validate these
46 two documents?

47 A. I took it in good faith that the people who I knew and

1 respected would do the right thing by me, and I put it in
2 the book, and that's why I took it in good faith.

3

4 Q. From this sort of material, you have gone on to assert
5 that survivors of *Sydney* were set on fire by diesel being
6 poured in the water by the personnel of *Kormoran*?

7 A. That's correct.

8

9 Q. What's your basis for that?

10 A. Basically, 845 men --

11

12 Q. No, there weren't 845 men.

13 A. Sorry, excuse me, 645 men - 645 men on a ship
14 120 nautical miles from the coast of West Australia in
15 summer conditions, there must have been survivors, and
16 because the *Aquitania*, which was coming down from -
17 two days later, the Germans could not afford to have bodies
18 floating around the ocean. It wasn't the *Sydney* that was
19 the target for the *Kormoran*; it was the *Aquitania* that she
20 wanted. She wanted to keep it clear so that there would be
21 no problems. She didn't want the *Aquitania* seeing dead
22 bodies or sailors floating around in the ocean..

23

24 THE PRESIDENT: Q. What's the basis for saying any of
25 the things that you've just said?

26 A. Well, this is the law of averages, sir, for the amount
27 of seamen, for the dead bodies - or, sorry, for the
28 survivors. Have you seen the photograph from Jurgensen in
29 his letter? You haven't seen it?

30

31 THE PRESIDENT: You go on, CMDR Rush.

32

33 CMDR RUSH: Q. Sir, your theory, the theory that you
34 provided to the Parliamentary Inquiry in 1998, was totally
35 different from the theory that you propounded in your book.

36 A. What did I say, sir?

37

38 Q. Don't you remember what you said?

39 A. In 19?

40

41 Q. In 1998, your submission to the Parliamentary Inquiry.

42 A. Remind me, sir.

43

44 Q. Could we please bring up PINQ.SUBS.001.0057. That's
45 the first page of your submission No. 16 to the
46 Parliamentary Inquiry.

47 A. It's off cue. It's cut off. Can it come back?

1 Thank you.

2

3 Q. I'm going to ask that we turn to page 0060.

4 A. I'm sorry, I didn't finish reading what was on there.

5

6 Q. I'm going to take you to the part of your submission
7 that I want you to read, Mr Montagu. If we can bring up
8 about the fourth-last paragraph on page 0060. Do you see
9 under paragraph 4, where you say, Mr Montagu:

10

11 *It is my consortiums opinion that the*
12 *HSK Kormoran was east of Sydney around this*
13 *chart fix and either torpedoed her without*
14 *being seen by the Sydney's watch. Or had*
15 *her torpedo carrying motor cutter sink the*
16 *HMAS [Sydney] without the Australian ship*
17 *firing a shot. Or Sydney hit a Kormoran*
18 *mine.*

19

20 You're not serious, are you, Mr Montagu?

21 A. Am I serious about what - hitting a mine?

22

23 Q. Serious about *Sydney* being attacked by *Kormoran* and
24 not being seen by *Sydney's* watch?

25 A. You understand that the night of the 19th and the
26 20th --

27

28 Q. My question is, are you seriously putting that
29 forward?

30 A. I'm putting it forward - I'm just explaining.

31

32 Q. Based on what?

33 A. Based on that there was no moon that night. That was
34 a moonless night and the *Sydney* was not probably
35 expecting - well, she wasn't expecting, obviously, the
36 encounter with the *Kormoran*. She thought that she was out
37 further west.

38

39 Q. Based on what? Why do you say that?

40 A. What you're implying is that the *Sydney* was looking
41 for the *Kormoran*.

42

43 Q. No, I'm not. I'm just asking why do you say that she
44 knew *Kormoran* was out further west?

45 A. It's a common track from down the West Australian -
46 there's a width of about 10 to 15 miles. It was always
47 understood that the *Sydney* took the eastern track, the

1 short run. I've made a point, but not in the book, that
2 I can't understand why she was so far west.

3

4 Q. Do you want to answer my question?

5 A. I thought I was, sir.

6

7 Q. Why do you say that the *Sydney* knew that the raider
8 was out west?

9 A. I've stated that I knew where it was and I knew the
10 raider was out west?

11

12 Q. No, what you said was that *Sydney* knew that the raider
13 was out west?

14 A. Did I say that?

15

16 Q. That's what you said.

17 A. The point I'm making, without diverting from what
18 you're asking me, is that the *Sydney* obviously was coming
19 back light. She'd handed over her escort and she was
20 coming back to Fremantle. Her normal course would have
21 been the eastern track, which is the inside route. Why she
22 was over west, far west - there's nothing to detect why she
23 was over so far west, because she was off her general run.
24 That's basically it. I'm not sure if that answers your
25 question, sir.

26

27 THE PRESIDENT: Q. Mr Montagu, will you tell me, please,
28 of any material which you have which suggests that *Sydney*
29 was sunk by a torpedo that was fired by *Kormoran* at night
30 without the watch on the *Sydney* seeing the *Kormoran*, or is
31 that just speculation?

32 A. It's all on steaming time, sir. We knew the positives
33 of the steaming time of the *Sydney* starting her return
34 voyage on 17 November. And then you break it down to
35 arrival time in Fremantle, and you work it out then. That
36 is 18 or 20 knots, which is her cruising speed, and you
37 work it out on that calculation where she would be at a set
38 time.

39

40 Q. And accepting that you can do calculations to indicate
41 where she would be, on what basis do you say *Sydney* was
42 sunk by a torpedo from *Kormoran* at night without *Sydney's*
43 watch seeing *Kormoran*?

44 A. That was the night of the new moon, as I say, sir.
45 You've been to sea, sir? Once you get out into the open
46 seas of a night and there's no moon there, you need radar.
47 *Sydney* didn't have radar. *Kormoran* had radar, but the

1 Sydney didn't.

2

3 Q. Is that the basis on which you say that *Sydney* was
4 sunk by a torpedo from *Kormoran* without *Sydney*'s watch
5 seeing *Kormoran*?

6 A. Not really. I mean, we can't determine the exact
7 time, but it was in darkness between, say, 2300 and
8 probably 0400 on the morning of the 20th. In that period,
9 that's when she was sunk. Does that answer your question,
10 sir?

11

12 Q. No.

13 A. So could I have it again, please?

14

15 THE PRESIDENT: No. You go on.

16

17 CMDR RUSH: Q. Mr Montagu, what you have propounded this
18 morning and what is propounded in your book is that
19 *Kormoran* was in fact on a mission to sink the *Aquitania*.

20 A. Exactly.

21

22 Q. For that proposition, you rely on what signal, what
23 piece of evidence?

24 A. She wasn't after the *Sydney*.

25

26 Q. Sorry?

27 A. She wasn't after the *Sydney*.

28

29 THE PRESIDENT: Would you mind just directing your mind,
30 as best you can, to the questions CMDR Rush asks you, and
31 please try to answer them.

32

33 CMDR RUSH: Q. What signal, what piece of evidence, do
34 you have to support the proposition that *Kormoran* was
35 engaged in a mission to destroy the *Aquitania*?

36 A. There are no records of any signals, apart from one
37 that went to Java, I think, when she changed over her
38 escort duty with the *Zealandia*.

39

40 Q. I'm talking about *Kormoran*, not *Sydney*.

41 A. You're talking about the *Sydney*.

42

43 Q. I'm talking about the *Kormoran*, and my question is:
44 what evidence, by way of document or signal or anything, do
45 you have to say that *Kormoran* was directed on a mission to
46 sink the *Aquitania*?

47 A. The *Kormoran* was a raider, sir, and she had free

1 range. She had no control on where she was and what she
2 was, to a certain extent. I'll give you an explanation.
3 Obviously, she was not in that area just to start testing
4 the water; she was on a mission, and the only mission that
5 she would have been on would have been the *Aquitania*.

6
7 THE PRESIDENT: Q. So it's speculation; you have no
8 other evidence than that?

9 A. Well, I thought it was obvious what she was after,
10 with the --

11
12 Q. You have no evidence at all; it's just your theory?

13 A. It's commonsense, actually. The raider's up there on
14 a job and she's raiding Allied ships. The *Aquitania* was
15 the biggest prize that she would have had, I think, in her
16 history - 25,000 or 23,000 tons. That was the target. The
17 *Sydney* wasn't the target, that's for sure. Whether it's
18 theory or whether it's commonsense I'm not sure.

19
20 CMDR RUSH: Q. When did *Aquitania* leave Singapore?

21 A. She left on the 23rd - she came through on the morning
22 of the 23rd on 24 degrees, it would have been about
23 three days after that, or maybe two days.

24
25 Q. What date do you say *Aquitania* left Singapore?

26 A. I'm not sure, but I know she arrived on the 23rd, at
27 0700 or 0500.

28
29 Q. Your theory, then, is that *Kormoran* survived the
30 engagement between *Sydney* and *Kormoran* --

31 A. Certainly did.

32
33 Q. -- and then two or three days later --

34 A. No, it was not two or three days.

35
36 Q. How many days?

37 A. The *Sydney* went down on the morning of the 20th. I'm
38 saying that she went down in the black of night. Sir,
39 you're contradicting your own Service. You think that
40 Royal Navy or Royal Australian Navy sailors are going to
41 sit and just cruise the ocean. They'd have a plan
42 somewhere, sir, and *Sydney* on her escort, coming back, was
43 either going to Fremantle, which was her home port, which
44 was empty, and she does about 18 or 20 knots, or if she was
45 going after the *Kormoran*, then she must have got some
46 information on it, and she was going out west. *Kormoran*
47 was out west. Raiders don't operate in the daytime near

1 the coast; they operate at night. That's the thing about
2 raiders.

3

4 Q. You've studied the raider activity --

5 A. I've read a lot about raiders, yes, sir.

6

7 Q. My question, though - and I'd ask you to just direct
8 your mind to the question, Mr Montagu - is, is it your
9 theory that *Kormoran* survived the battle and then,
10 some days after the battle, tried to engage with *Aquitania*?

11 A. That is the theory that I have, yes.

12

13 Q. And apart from it being your theory, do you have any
14 scintilla of evidence to support it?

15 A. Apart from the procedure, I mean --

16

17 Q. Is the answer to that "no"?

18 A. Well, I suppose if you want to say no, it's not, no;
19 the question is ambiguous, actually, sir. I don't know
20 what the *Kormoran* activities were. If she was after the
21 *Aquitania*, regardless of what we say here, that was her
22 target, and the ideal place for her to be hit was on the
23 24th or something, out of reach of the Naval base at
24 Fremantle.

25

26 Q. So you would expect a signal to *Kormoran* alerting
27 *Kormoran* of *Aquitania*'s movements?

28 A. I would have expected the signals to the *Sydney* about
29 the *Kormoran*, yes, sir.

30

31 Q. No, no, listen to the question. You would have
32 expected signals to *Kormoran* alerting *Kormoran* to
33 *Aquitania*'s movements?

34 A. You mean back to Germany or?

35

36 Q. Can't you understand that question?

37 A. I don't.

38

39 Q. You would have expected that *Kormoran* would have been
40 informed of *Aquitania*'s movements?

41 A. Obviously, yes.

42

43 Q. Who would have informed *Kormoran* of *Aquitania*'s
44 movements?

45 A. You would have thought, obviously, the headquarters at
46 Hamburg or the agents in Singapore. There's plenty of them
47 there, agents in Singapore, to tell them when she started

1 and what goes on. That's German agents I'm talking about.

2

3 Q. Mr Montagu, we have checked all the signals to
4 *Kormoran* for the entirety of November.

5 A. Have you?

6

7 Q. Not one mentions *Aquitania*, not one.

8 A. What was she doing up there?

9

10 Q. What do raiders do anywhere?

11 A. Well, they roam the oceans of the world.

12

13 Q. You want to discuss survivors?

14 A. Yes, please, yes.

15

16 Q. Have you read the expert report which was put on the
17 website of the Defence Science and Technology Organisation
18 and the Royal Institution of Naval Architects concerning
19 the engagement and the battle damage?

20 A. I haven't, no.

21

22 Q. What work have you done to ascertain, for example, how
23 long people would survive in the waters of the Indian Ocean
24 in the circumstances that the sailors of *Sydney* potentially
25 found themselves in?

26 A. The sea temperature would have been around about,
27 I think, 59 degrees Fahrenheit.

28

29 Q. So what?

30 A. That's what body temperature is all about - survival
31 in the ocean is all about. If you don't have a life raft
32 or something, then apart from tiredness, it's sea
33 temperature that's going to kill them.

34

35 Q. Do you know the sorts of lifebelts that sailors were
36 equipped with in 1941?

37 A. Canvas, had air in them. That's about it.

38

39 Q. Do you know how they wore them?

40 A. How they what?

41

42 Q. How they wore them?

43 A. I'm not sure they wore jackets. I've asked people
44 about your question, about the jackets, and they said they
45 were very, very primitive, really. I think they had
46 a float mechanism over the shoulders or something.

47

1 Q. Was there any support for the head?

2 A. I think there was support for the head on the
3 inflation. I'm not too sure.

4

5 Q. There was no support at all for the head.

6 A. Wasn't there?

7

8 Q. No.

9 A. So they were just up to the waist and there was
10 nothing over the shoulders?

11

12 Q. You've studied how long you would anticipate, in these
13 sorts of circumstances, a person would survive?

14 A. With the temperature at 59 degrees Fahrenheit, a fit,
15 young person should survive quite adequately in the water,
16 apart from animals - sharks, or something like this.

17

18 Q. How long?

19 A. I think it's about 18 hours, maybe more, maybe
20 25 hours - 18 to 25 hours.

21

22 Q. What about hours - very few hours?

23 A. Pardon?

24

25 Q. Very few hours?

26

27 THE PRESIDENT: Q. You say 18 to 25 hours?

28 A. At the most, 18 to 25 hours.

29

30 CMDR RUSH: Q. Do you think that if you studied the
31 actual damage sustained to *Sydney*, it might give you an
32 idea of how her personnel fared?

33 A. I've seen a DVD photograph of the damage to *Sydney*,
34 and I've just had a word with Mr Bob Trotter, because he
35 showed me some items about it, and that's not affecting
36 what I'm going to say, but I think that with losing the
37 bow, it didn't leave many options for her. Can I go into
38 the damage on the *Sydney*, to tell you why I think this, or
39 what?

40

41 Q. What damage do you say she sustained?

42 A. Well, I've seen a DVD of the damage to the *Sydney*, and
43 it looks --

44

45 Q. Is that the DVD that was shown on the news recently?

46 A. No, I bought it. I bought a disk, sir.

47

1 Q. You bought a disk?

2 A. Yes. They've got them out, sir. I think I bought it
3 in April or May last year. It shows the *Sydney* on an
4 incline on the ocean bed at I think about 240 metres, or
5 something like that, deep.

6

7 Q. How many metres?

8 A. I think about 240 metres deep, I think. It's on an
9 even keel.

10

11 THE PRESIDENT: Q. It is 2,460 metres.

12 A. It should have been 2,460, yes. Sorry, I was getting
13 confused with the mileage. She's on an even keel. The
14 armoury - the main guns, on the video I've seen, are
15 forward. And on the aft turrets, there's one blown away,
16 and that's also facing forward.

17

18 CMDR RUSH: Q. You say that on the video that you have
19 seen, the main guns are facing forward?

20 A. That's exactly right. I think it is Mr Trotter who
21 has said that he has a video that shows they're at
22 45 degrees.

23

24 Q. Tell me, Mr Montagu, is that the nature of the sort of
25 research that you do prior to publishing a book that we
26 have in this Inquiry?

27 A. No. There's a difference. I know what you're
28 suggesting, but the difference is that the *Sydney* wasn't
29 found when we published the book, as you realise, and we
30 were relying - or I was relying - I had a team that was
31 doing this book, by the way - I was relying on information
32 that was current at that time.

33

34 Q. What did the video show you of the implosion damage to
35 *Sydney*?

36 A. Tremendous, absolutely tremendous.

37

38 Q. Implosion damage - do you understand the word
39 "implosion"?

40 A. Yes, all right. The stern. The stern was off -
41 sorry, the bow was off forward of the electrical box, which
42 is the main supply to the *Sydney*.

43

44 Q. Just listen to the question. What did the video that
45 you had show you of the implosion damage to *Sydney*?

46 A. That's the explosion from inside.

47

1 Q. What did it show you?

2 A. It showed - it should have been waterproof, what I've
3 seen about the ship. It's very good vision of it. It
4 should have been waterproof, with the stern blown off.
5 I've seen ships come in off convoy work, as a child, in the
6 Atlantic, and they've had the bow and the stern blown off,
7 and they were still afloat. So I think that the damage to
8 the *Sydney*, the final damage, was by the J-boat of the
9 *Kormoran* that torpedoed it in the stern.

10

11 Q. There was torpedo damage to the stern of *Sydney*, was
12 there?

13 A. The starboard propeller and the shaft and the --

14

15 Q. There was torpedo damage to the stern of *Sydney*, was
16 there?

17 A. That's what sunk her.

18

19 CMDR RUSH: I have no further questions.

20

21 THE PRESIDENT: Q. Mr Montagu, I will give great thought
22 to the evidence that you have given me orally, in the
23 submission and in your book. My present view, subject to
24 that thought, is that what has been perpetrated in your
25 book is a fraud based on two false documents, which are
26 obviously faked. You have told me that one document was
27 provided to you by a relative in England, and that is
28 obviously faked, and the other document was provided to you
29 by a relative from America, and that is obviously faked.

30

31 I'm not able to accept, in my present thoughts, that
32 you were not aware of that. Unless I change my mind, when
33 I come to write my report I will be saying that you must
34 have known that the theories that you were propounding took
35 support from two fake documents, which you tell me were
36 provided to you from two relatives in different parts of
37 the world.

38

39 In fairness to you, I want to give you the chance to
40 put anything to me that you wish --

41 A. Sorry, what was your last sentence?

42

43 Q. In fairness to you, I want to give you the chance now
44 to put anything to me which you think might persuade me to
45 a different view from the view that I have just expressed
46 to you.

47

A. I can't honestly give you any other explanation than

1 that which I gave to this Commission about the documents.
2 I can't give any other explanation to you. I keep
3 reiterating that I put a disclaimer in the book. I don't
4 know what that means legally, but I think it has some
5 bearing on it. The only documents that are authentic is
6 the one from Otto Jurgensen and Dr List, who was the
7 cryptographer of the Germans that were on the ship.

8
9 Nothing has been said about the survivors, sir. But
10 that's basically about it. I can't honestly say I'd
11 present it any differently. I may be excused, but I think
12 that the Commission is more or less going on the wrong set.
13 You're spending a lot of time on incidents - we want to get
14 down to what happened to the survivors.

15
16 That's what my book is about, not about incidentals,
17 as you mention. It's to do with what happened to the crew
18 of the *HMAS Sydney*. That's what the book's about. It's
19 about the lost souls and ghosts of *HMAS Sydney*, and I want
20 to know what happened to them. And we've resolved nothing
21 here, from what I've heard here in the Commission in the
22 past few days, about the survivors.

23
24 Basically or fundamentally, it was impossible for
25 there not to be survivors off the *HMAS Sydney*, for the
26 amount of men that were on it. This business of the chap
27 who had the hole in the rear of his skull and put on a life
28 raft - that was a plant; I consider that a plant.

29
30 Q. This is the body of the Christmas Island man?

31 A. That's correct, yes.

32
33 Q. That's faked as well?

34 A. No, I didn't say it was faked.

35
36 Q. You said that it was a plant. What did you mean by
37 that?

38 A. I meant that it was a plant to substantiate that you
39 got survivors off, to give an impression. I think it was
40 a plant by *Kormoran* or CAPT Detmers to give an impression
41 that there were survivors, because it would take about two
42 or three days, or maybe more - it would have been about
43 a month before it got to Christmas Island. But you don't
44 go around in a life raft with a bullet in your head.
45 Somebody would have to put it in it before you got into the
46 raft.

1 Q. Is there anything else that you want to say?

2 A. Well, this book of mine has been in the public arena
3 for just on 18 months. A lot of it is based on, I think,
4 fact. You can pull it to pieces, as your colleague here
5 has done, sir, but that's his job.

6

7 I don't think there's any more for me to add, only
8 that nothing has been resolved about the survivors at all.
9 Nothing has come out in this Inquiry about the survivors,
10 and that is the key point about it. The ship's found.
11 What are you going to do? You can't bring sailors back.
12 You want to know what has happened to them.

13

14 What about the survivors on the Zuytdorp Cliffs that
15 were picked up - not survivors, sorry, dead bodies?

16

17 THE PRESIDENT: The present state of the evidence before
18 this Inquiry is that there weren't any.

19

20 Yes, very well. Is there anything further arising out
21 of that?

22

23 CMDR RUSH: No, sir.

24

25 THE PRESIDENT: Thank you, Mr Montagu. You are excused.

26

27 **<THE WITNESS WITHDREW**

28

29 CMDR RUSH: Sir, that concludes the evidence for this
30 week.

31

32 THE PRESIDENT: Very well. I will adjourn to a date to be
33 fixed.

34

35 **AT 11.35AM THE COMMISSION WAS ADJOURNED**
36 **TO A DATE TO BE FIXED**

37

38

39

40

41

42

43

44

45

46

47