

COMMISSION OF INQUIRY INTO THE LOSS OF HMAS SYDNEY II

Before The Hon TRH Cole AO RFD QC

Held at level 5, 55 Market Street, Sydney

Counsel Assisting: CMDR JT Rush RFD QC RANR
LCDR PW Kerr RANR

On Tuesday, 17 March 2009 at 10.05am
(Day 32)

1 THE PRESIDENT: Yes, CMDR Rush.

2
3 CMDR RUSH: Sir, I call CMDR Blenkin.

4
5 <MATTHEW BLENKIN, sworn: [10.06am]

6
7 <EXAMINATION BY CMDR RUSH:

8
9 CMDR RUSH: Q. CMDR Blenkin, could you state your full
10 name and your current posting to the Commissioner, please?

11 A. Certainly. My name is CMDR Matthew Blenkin, and I am
12 the Senior Health Officer for the Australian Defence Force
13 in Victoria, currently on secondment to the Victorian
14 Coroner investigating the bushfires.

15
16 Q. Your secondment to the Coroner and the Victorian
17 bushfires may explain your expertise. What does it relate
18 to?

19 A. I am a specialist qualified forensic odontologist,
20 a forensic dentist, and my current secondment is with the
21 disaster victim identification operation that is currently
22 ongoing to identify the victims of the bushfires in
23 Victoria six weeks ago.

24
25 Q. What are your qualifications in relation to
26 odontology?
27 A. I have a Masters in Forensic Dentistry from the
28 University of Sydney and I am board registered in New South
29 Wales as a specialist forensic odontologist.

30
31 Q. In that capacity, CMDR Blenkin, were you seconded to
32 the group that set about the task of attempting to identify
33 the body that was located at Christmas Island?

34 A. Yes, I was.

35
36 Q. Were you, in fact, part of the party that went to
37 Christmas Island for the purpose of trying to find the
38 grave and then removing the body from the grave site?
39 A. Yes, I was on both expeditions, on the 2001 and 2006
40 digs.

41
42 Q. Perhaps in general terms in relation to the body that
43 was located at Christmas Island, you examined the teeth of
44 that body?

45 A. Yes, I did.

46
47 Q. In relation to that, did you prepare a report?

1 A. Yes, I did.

2

3 Q. Is your examination of the teeth of the body contained
4 in a report that you prepared - the forensic odontology
5 report - in relation to the unidentified remains?

6 A. Yes.

7

8 CMDR RUSH: That is to be found at COI.001.0071.

9

10 Q. Is what we see there, CMDR Blenkin, the first page of
11 your report?

12 A. Yes.

13

14 CMDR RUSH: Sir, I tender that report and its enclosures.

15

16 **EXHIBIT #212 FORENSIC ODONTOLOGY REPORT IN RELATION TO**
17 **REMAINS FOUND ON CHRISTMAS ISLAND**

18

19 CMDR RUSH: Q. Can we go, please, to 0089, which is the
20 victim identification form. Is this a report that you
21 prepared in relation to the Christmas Island body?

22 A. Yes, it is.

23

24 Q. Specifically, does it set out the dental findings in
25 relation to the body?

26 A. Yes, it does. It sets out the location and type of
27 each of the fillings and any unusual features of teeth or
28 missing teeth.

29

30 Q. Can I ask you, in relation to victim identification,
31 as this is called, how important are the teeth and the
32 dental work in relation to victim identification?

33 A. As far as victim identification in general goes, we
34 look at five different, I guess, specialty areas for
35 identification - DNA, fingerprints and dental records are
36 all considered stand-alone primary identifiers, in that
37 each one of those on its own is often accepted by a coroner
38 as a positive identifier. The other two methods are using
39 medical or anthropological information and what we call
40 property, but that's things like clothing, jewellery, dog
41 tags, tattoos, scars and that sort of thing.

42

43 With the primary identifiers of fingerprints, dental
44 or DNA, I guess the main point about using dental records
45 is that, whilst dental treatment on people is distinctive,
46 there were no radiographs found with any of the records
47 that we located, dental X-rays. For us to be 100 per cent

1 positive of a dental identification, we need radiographs or
2 photographs of the teeth, because unless you have a visual
3 image, what dental records will show is somebody's
4 interpretation of what they saw at the time. A written
5 record is not necessarily 100 per cent reliable. So we
6 rely, in a coronial matter, on the visual images provided
7 by either photos or X-rays.

8
9 Q. I'll come to it in more detail in a minute, but in
10 relation to the crew of *HMAS Sydney*, there were some
11 hundreds of crew members excluded on the basis of dental
12 records. If I understand your last answer, it is to the
13 effect that there were no radiographs in relation to the
14 crew of *HMAS Sydney*?

15 A. That's correct. I guess you would call them, in
16 a way, soft exclusions. The victim identification process
17 we were working through was that it would be unrealistic to
18 try to screen family members of the 645 crew if we could
19 narrow it down to a targeted group. So how do we narrow it
20 down? By making the assumption that the dental records are
21 accurate and ruling people out if there is a definite
22 non-match there. Using height and age on the
23 anthropological method helped to narrow the field down even
24 more, and then there were the other factors as well.

25
26 Q. Your evidence is to this effect, as I understand it:
27 it is preferable to work off radiographs, but here there
28 were none available?

29 A. Yes, that's correct.

30
31 Q. So it was on the written record?

32 A. Yes, that's correct, and that happens in reality. In
33 fact, we're going through the same process in Victoria at
34 the moment and the Coroner will accept written records if
35 the other evidence available at the time supports the
36 findings.

37
38 Q. What we're looking at in the enclosure to your report
39 concerning the examination of the body and the dental
40 findings - I take it that each tooth was examined, and your
41 findings are set out against numbers, which are numbers
42 given to teeth?

43 A. Yes. Each little box on that diagram represents
44 a tooth from the top right, right around to the top left,
45 bottom right, around to the bottom left, and each tooth is
46 divided into five different areas, which are the back, the
47 front, each side and the top, and it shows what surfaces of

1 that tooth actually have a filling in them.

2

3 Q. So just by way of explanation, if we go across the
4 page to 18, 17, 16, 15, there are black spaces filled in in
5 relation to those teeth.

6 A. Those black spaces represent the fillings. A cross
7 represents that the tooth is missing. As you can see on
8 tooth 12, that little arrow above tooth 12 indicates that
9 the space between the adjacent teeth is closed. In this
10 case, that was quite a distinctive marker.

11

12 Q. At paragraph 87, just down the page, you note, "9 gold
13 inlays present".

14 A. Yes. Whilst the majority of the restorations were
15 amalgam fillings, there were nine gold fillings present as
16 well as empty spaces where fillings had been and fallen
17 out, and they looked to be the shape that you would cut if
18 you were to put gold in place, so we suspect that he had
19 had roughly 12 gold fillings.

20

21 Q. So on the basis of what you accepted, which I'll come
22 to, for the age of this person, being a relatively young
23 man, there was a considerable amount of dental work?

24 A. Yes.

25

26 Q. And, also, if one accepts nine gold inlays, expensive
27 dental work?

28 A. Yes, very much so. It's also worth considering, in
29 the context of the standard dental treatment of the time,
30 with the majority of the 320-odd people that we excluded on
31 dental basis, for the most part it was on the fact that
32 they had other teeth missing and extracted. The default
33 treatment, when fillings became too big, was to pull the
34 teeth out at the time. Root canal treatment and everything
35 that we do a lot of nowadays was uncommon back then. What
36 we found was that the majority of the crew that we had
37 dental records for had one or more teeth extracted.
38 Obviously, teeth don't grow back. So if you can find
39 a record that says that this tooth was extracted, but we
40 have a body with that tooth in it, we know that it wasn't
41 that person. And that was the basis for the majority of
42 the dental exclusions.

43

44 Q. Again, looking at this issue historically, would that
45 be considered usual or unusual to have that amount of
46 dental work in a --

47 A. Unusual. Very unusual. You would expect either that

1 they were quite well off and could afford that sort of
2 treatment, or that they were related to a dentist.

3
4 THE PRESIDENT: Q. Looking at the document on the
5 screen, where the Xs are, where the numbers 12 and 36
6 appear, does that mean that those teeth had been extracted?

7 A. It means that they were missing. Whether they were
8 extracted or not present at birth we don't know, but what
9 it means is that they were definitely not there.

10
11 Q. When you examined it, they weren't there?

12 A. Yes, but all the other teeth were.

13
14 CMDR RUSH: Q. Sometimes, as I understand it,
15 CMDR Blenkin, where a tooth is removed, the other teeth may
16 move, in a sense, to fill the space?

17 A. They can, and that's not unusual and that's how
18 orthodontists do it. They just help push things along
19 a little quicker than would happen naturally. In this
20 man's case, the missing 12 tooth and the space closure
21 would indicate that the tooth had been missing for at least
22 10 years - it takes at least that long for a space like
23 that to close - or even from birth.

24
25 Q. If we can go back to page 0071, the first page of your
26 report, and looking under "Ante-Mortem Dental Records", you
27 there state that 340 records of the ship's company of 645
28 were obtained.

29 A. Yes.

30
31 Q. Were there records on the ship?

32 A. Yes, I'll clarify that. Records containing dental
33 information for 340 members of the crew were actually
34 recovered. The majority of those records were initial
35 medical examinations for entry into the Royal Australian
36 Navy at the time. There was a medical section and a dental
37 component.

38
39 The practice at the time was to actually store dental
40 records on the ship, and it's still the practice today -
41 ill advised as it is. So all the original dental records
42 went down with the ship. The recruit medical records were
43 held elsewhere, so that's how we managed to get hold of
44 a number of those. But, from what I understand, the
45 archive where they were held was originally in Melbourne
46 and had moved a few times in the meantime, and I suspect
47 that's how many of the records were lost.

1
2 We also found some information in the ship's medical
3 logs up to September 1941. They're still held in the
4 archive and we actually went through that and waded through
5 that. That was more anthropological in nature, but there
6 was the odd piece of information - a sailor was hit in the
7 mouth and broke some teeth, that sort of thing.

8
9 Q. So using that information from dental records and from
10 the medical log of the ship, you indicate at the bottom of
11 the page under "results" that at this stage 310 of the crew
12 were excluded on the basis of dental records.

13 A. Yes.

14
15 Q. That was by comparison with what we've seen with your
16 examination of the dental work and the teeth of the
17 Christmas Island body?

18 A. Yes.

19
20 THE PRESIDENT: Q. Why was it that if you recovered
21 320 records, all those people were not excluded?

22 A. We actually recovered slightly more records than that.
23 Some of the records didn't have dental information on them,
24 or, because they were medical and dental combined, the
25 dental section might have been blank; there might not have
26 been a dentist in the recruiting centre on that day to do
27 the entry exam.

28
29 Q. So they weren't really dental records at all?

30 A. Well, no, but there were some that were specifically
31 dental records. I can't off the top of my head remember
32 the number of the form, but it's a service dental record.
33 But there was no clinical information on it. It may have
34 been a record that, in the detail of the record, listed
35 that the member had posted in to this establishment or to
36 this ship, had a dental examination, and then that was all
37 it said; it didn't actually list any details of any
38 treatment, so the records were incomplete.

39
40 So from all of the records that we obtained, the only
41 ones that we didn't exclude were the ones that didn't have
42 enough information - didn't have any dental information on
43 them.

44
45 Q. They must have had no information, I expect, because
46 the information that you have in the diagram that we saw
47 before is very particular.

1 A. Yes.

2

3 CMDR RUSH: Q. The exclusion process, then,
4 CMDR Blenkin, without the sort of information that you were
5 able to ascertain from the Christmas Island body, without
6 that information for individual crew members, therefore,
7 could it be said, lacks the authority or the accuracy that
8 might be necessary for exclusion?

9 A. Without dental radiographs, as I said earlier, we are
10 making the assumption that the written records are
11 accurate. I guess the only way that that could be proved
12 wrong is if we go through the people who we haven't
13 excluded, rule all of them out through a process and find
14 that we don't have our man.

15

16 Q. And in relation to the exclusion process that was
17 undertaken on the basis of the written record, obviously
18 a comparison between that record and what you have as your
19 results of the examination of the Christmas Island body -
20 from your point of view, was it sufficient; did those
21 records provide the sort of information that was necessary
22 for exclusion?

23 A. Yes, I think they did, and the reason for that is that
24 whilst much of the dental work and fillings were not
25 routinely recorded in the examinations, the teeth that were
26 extracted were routinely recorded, and the pattern of
27 extractions of the teeth was, in the majority of those
28 exclusions, the basis for the exclusion. They were very
29 good at charting which teeth were missing, and it was quite
30 common for people to have two, three, four or five teeth
31 missing. As I said, it was the default treatment once
32 dental treatment failed at the time.

33

34 Q. In this report, you indicate 310 people as being
35 excluded. Has that number been increased as a consequence
36 of the obtaining of further records and further comparison?

37 A. Yes, it has. The initial search for records was done
38 by a clerk for me out of the Queanbeyan archives, but
39 during the search I went back just to double-check, just to
40 have another dig around to see if we could find any more,
41 and I managed to locate an additional 24 records, 16 of
42 which had dental information on them, and they were all
43 excluded as well.

44

45 Q. So is the number excluded on dental information 326?

46 A. Yes, it is, based on a comparison of the records.
47 Since that time, there have been a number of other

1 exclusions on a dental basis.

2

3 Q. Perhaps if we can deal with that. Further down the
4 track, was an identification process attempted that
5 involved DNA testing?

6 A. Yes. After narrowing the list by excluding people on
7 the basis of dental treatment, height and age, we were left
8 with I think 118 men from the ship.

9

10 Q. Perhaps I jumped too far ahead. After the dental
11 records, was there also an exclusion process undertaken in
12 relation to examining the crew by height and age?

13 A. Sorry, yes, there was.

14

15 Q. Was that put against the findings of Dr Denise Donlon
16 concerning her anthropological examination of the body and
17 her opinion as to the height and age of the body?

18 A. Yes.

19

20 Q. In relation to that, Dr Donlon has given evidence to
21 the Inquiry. Her evidence is that the height of the body
22 was between 5 foot 6 and 6 foot 2?

23 A. Yes.

24

25 THE PRESIDENT: To an accuracy of 99.7 per cent.

26

27 CMDR RUSH: Q. To an accuracy of 99.7 per cent. It's in
28 her report, which is exhibit 153. In the age range that
29 she gave, she allowed a year underneath and a year in
30 advance of the average that she found on examination of the
31 body, and she has given evidence of an age range between
32 22 years and 31 years.

33 A. Yes.

34

35 THE PRESIDENT: Q. I think her exclusion was one year
36 below and one year above the greatest extremities that she
37 found by scientific analysis, as distinct from an average.

38 A. Yes. You're correct, because the average would be
39 a single point. The range was the extreme ranges in the
40 reported literature.

41

42 CMDR RUSH: Q. Again, in relation to height and age, did
43 you rely on service records to make a determination?

44 A. Yes, we did. Whilst some of the records didn't have
45 any dental information, they did provide height and age of
46 the individuals, so some of the information was gathered
47 from the medical records and some of it was from personnel

1 records.

2

3 Q. After exclusion for dental and exclusion for height
4 and age, how many of the crew were left in relation to the
5 identification process?

6 A. At that stage, that left 118.

7

8 THE PRESIDENT: Q. Well, I don't know how that works,
9 because we have done the same exercise in the Inquiry. We
10 have 645 on the list. When we exclude for dental, height
11 and age but leave in DNA, there are 99 people remaining,
12 and there are 10 excluded for DNA, which leaves 89 people
13 remaining.

14 A. Those figures probably postdate. The 118 people
15 was the initial list that we came up with to further
16 narrow down before we even commenced DNA testing.
17 CMDR Greg Swindon maintained the database of the personnel
18 and the exclusions, and at the time he had the up-to-date
19 list, and on the day, when we excluded the dental and the
20 height and age, we came to, I distinctly recall, 118 at the
21 time.

22

23 Q. I've seen a report where it was.

24 A. Yes.

25

26 Q. The material that has been given to me after work on
27 all the records that we have been given from Navy reduces
28 it down to 99?

29 A. Since that time, we've managed to exclude a number of
30 others on a dental basis, based on smiling photographs,
31 specifically because from the record you can see that that
32 lateral incisor is missing and the space is closed. That's
33 very obvious in photos of high quality. We ruled out
34 a number of people. I guess they're the only solid dental
35 exclusions, if you want to be quite specific about that.

36

37 The DNA evidence and additional information we have
38 gathered that we previously didn't have on the age of some
39 of the people allowed further exclusions from the list.

40

41 THE PRESIDENT: My concern is to make sure that we have an
42 accurate list.

43

44 CMDR RUSH: Sir, I tender the list that has been prepared
45 by the Commission, which takes into account the most recent
46 information that the Commission of Inquiry has received.
47 After, as you've said, sir, DNA testing is taken into

1 account, our records would reveal that 89 persons out of
2 the complement of 645 remain as people who as yet have not
3 been excluded under the process that commenced I think
4 around the beginning of 2007.

5
6 THE PRESIDENT: Yes, very well. A list compiled by the
7 Commission of Inquiry, which numbers all 645 officers and
8 crew on board *HMAS Sydney* and notes their exclusion on DNA,
9 dental, height, age or any multiple of those factors will
10 become exhibit 213.

11
12 **EXHIBIT #213 LIST COMPILED BY THE COMMISSION OF INQUIRY,**
13 **WHICH NUMBERS ALL 645 OFFICERS AND CREW ON BOARD *HMAS***
14 ***SYDNEY* AND NOTES THEIR EXCLUSION ON DNA, DENTAL, HEIGHT OR**
15 **AGE OR ANY MULTIPLE OF THOSE FACTORS**

16
17 THE PRESIDENT: Q. You said that somebody within Navy
18 had a list, kept the records. Who was that?

19 A. CMDR Greg Swindon.

20
21 THE PRESIDENT: CMDR Rush, we should make inquiries to
22 ensure that this list is accurate and compare it with his.

23
24 CMDR RUSH: I will, sir.

25
26 THE WITNESS: We're still working off his list currently.

27
28 CMDR RUSH: Q. After the process that you have
29 identified of dental, height and age, was there a further
30 process which was adopted by Navy in relation to any
31 particular group of people that were focused upon?

32 A. Yes, there was. That group of 118 people is still,
33 I guess, an impractical amount to DNA screen or to track
34 down the relatives of and DNA screen all, so the intent was
35 to somehow narrow the field even more and pick, out of the
36 118, who would be the most likely group of people who would
37 possibly be the body recovered from Christmas Island.

38
39 When we recovered the body from the island with the
40 excavation of the grave site, we recovered some items of
41 clothing, specifically some press studs. Within those
42 press studs was some material that the War Memorial carried
43 out some analysis on. Their conclusions were that they
44 were likely to be from white overalls. We used that as
45 a filter, as a signpost, to point us in the direction of
46 the next most likely group of people, and at the time the
47 Naval historians from the Sea Power Centre gave us an

1 indication that the people most likely to be wearing white
2 overalls at the time were the technical officers or warrant
3 officers.

4
5 So we went back to those that were not excluded on the
6 other bases, and the people that fit that criteria were
7 just three.

8
9 Q. Three?

10 A. Three officers.

11
12 Q. What was the nature of the role of each of those three
13 officers?

14 A. They were engineering officers. I think they were all
15 engineering officers.

16
17 Q. And they were selected for the screening process on
18 the basis that it was believed that they may have been
19 wearing white overalls?

20 A. They were eligible to wear white overalls as part of
21 their uniform. They may have been wearing them on the day,
22 so they were the most likely group of people to test first.
23 Ultimately, if we really want to sort it out, we would have
24 to find the relatives of all 645 people. It was a matter
25 of narrowing it down to the most likely group and working
26 out from there. After some time, and with the help of the
27 media, we located relatives of those three men, DNA tested
28 them and there was no match, which excluded all three of
29 those men.

30
31 On that basis, we thought that the next most likely
32 group of people would be the remaining officer corps,
33 because we just assumed that if you're sharing a cabin with
34 someone and there's a fire on the ship or you go to Action
35 Stations, you may put on a pair of overalls to get to your
36 Action Station quickly, and you might put on a pair of
37 white overalls. It would be unlikely for a sailor to put
38 on an officer's overalls, but for one officer to put on
39 another officer's overalls wouldn't be unlikely from
40 a cultural point of view.

41
42 I guess our next group of people was the remaining
43 officer corps plus the canteen assistants, because we were
44 unsure what they were wearing, and we included the RAAF
45 pilot because we were unsure as to what his uniform would
46 be. Sorry, when I say "the remaining officer corps",
47 I mean those that hadn't been excluded on the previous

1 bases.

2

3 Q. The information concerning the DNA testings that the
4 Commission of Inquiry has been provided with indicates that
5 10 persons from the crew of *HMAS Sydney* have been excluded
6 as a consequence of DNA testing. That could not include
7 the entire body of officers.

8 A. No. The entire body of officers that hadn't been
9 excluded at that stage, including the canteen staff, was
10 13, and I think that also included technical warrant
11 officers.

12

13 THE PRESIDENT: Q. Many officers were excluded on the
14 basis of age, I think?

15 A. Yes, they were. Of that list of 13, a number were
16 excluded on DNA - I think about seven. For the remainder,
17 additional information was gained on height or age.
18 I can't recall off the top of my head which ones were
19 excluded on height or age. We were also provided with
20 a number of smiling portrait photographs, some of which
21 were of enough quality to positively exclude them on
22 a dental basis, because we could see that they, in life,
23 had the tooth that had been extracted or was missing. The
24 photos shows them smiling with the tooth in the front of
25 their mouth that our body was missing from an early age.

26

27 CMDR RUSH: Q. In relation to the exclusion process, the
28 evidence of Dr Donlon is to the effect that there was
29 bowing of each of the fibulae of the body, which she put
30 down to likely occupation, stress, repetitive movements or
31 the carrying of heavy loads; that there were Schmorl's
32 nodes, which indicated herniation of the intervertebral
33 disks of the spine, which she indicated was most commonly
34 due to people carrying heavy weights, and also that the
35 body, on her examination, revealed lateral squatting
36 facets, which she indicated was unusual for a person of
37 European ancestry; it is normally associated with people
38 who spend a lifetime of squatting. In relation to the
39 process of exclusion, what was made of that particular
40 information?

41 A. That information wasn't used in the exclusion process,
42 because, as I talked about earlier, medical information,
43 such as scars or treatment of that sort of nature, and even
44 height and age, for that matter, are considered secondary
45 identifiers and you wouldn't positively identify somebody
46 on that basis.

47

1 The sort of information that that relates to may help
2 point us in the right direction, but you certainly wouldn't
3 identify somebody on that basis. For that to be of any
4 use, it's a post-mortem piece of information that needs
5 a matching ante-mortem piece of information for it to be of
6 any use. So, yes, this person carried heavy loads, they
7 squatted habitually throughout their junior years and that
8 sort of thing - that sort of information from an
9 ante-mortem point of view is not readily available, and the
10 only way you get that really is from interviewing the
11 families.

12
13 Q. Commander, wouldn't it tend to widen your pool of
14 people, in the sense that if one allows for an age between
15 22 and 31 and perhaps with the sorts of duties that were
16 required of individual crew members, it may tend to suggest
17 a person carrying out a more robust type of activity?

18 A. That is my understanding of it, but we still would use
19 height and age in preference to that, as far as a priority
20 for exclusion goes.

21
22 Q. So on the basis now that there are some 89 persons
23 left to be excluded in the process that has been adopted,
24 what is Navy's intention in relation to furthering the
25 process?

26 A. The Minister assisting, I think, made a media release
27 earlier in the year that said that all of those people who
28 hadn't been excluded on a scientific basis would be
29 eligible for DNA testing should they want to come forward
30 and offer a sample. So our intent is basically to test up
31 to those 89 people, or however many the reconciled list
32 says.

33
34 At this stage, my understanding is that Navy
35 Headquarters are fielding inquiries from family members
36 volunteering to provide a DNA sample to test them.

37
38 Prior to the reburial of the body, we took a sample of
39 tooth and bone for isotope testing. It's not a test that
40 we would normally do in a victim identification process,
41 because of the broad nature of the results.

42
43 As a bit of background, what is isotope testing? Your
44 bones and teeth within your body, and your skin as well,
45 take in elements from the surrounding ambient atmosphere -
46 from the soil, the air, mostly from the air we breathe.
47 Those elements are incorporated into the bone and teeth

1 within your body. That mix of elements within the air has
2 a specific signature for specific locations.
3

4 If you have that signature, you can get an indication
5 of where this person was living. That sounds great, but
6 there's a bit of a rider on it. Your teeth stop forming
7 and taking in those elements at about 10 years of age, so
8 any tests on the teeth will usefully give you an indication
9 of where the person spent their first 10 years of their
10 life. The bone, on the other hand, continues to do it
11 throughout life, and it takes about 10 years to turn over
12 those elements in the bone. So any tests on the bone will
13 give us an indication of where they spent the last 10 years
14 of their life.,if they were geographically reasonably
15 stable.
16

17 The information on the profile of the ambient elements
18 in the atmosphere - and this is going outside my realm of
19 expertise, but this is my understanding of the process - is
20 geological in nature, and it is based on the geology of the
21 land mass where they were living.
22

23 From talking to the laboratory where they're going to
24 do this testing, they have said they can pretty much
25 provide a result that will say that the person was either
26 from the Northern Hemisphere or the Southern Hemisphere,
27 and that's about the level of accuracy they can get. They
28 may not be able to distinguish between Australia,
29 New Zealand and South Africa, or from North America and
30 Europe, but they will at least be able to say Northern or
31 Southern Hemisphere.
32

33 That may, again, give us an indication, because we
34 don't feel that we have Northern or Southern Hemisphere in
35 the first 10 years of their life or in the last 10 years of
36 their life. So it may give us an indication of where they
37 were born or where they lived. Again, it may help point us
38 in the right direction. It may narrow the field. If they
39 were born in the Northern Hemisphere and lived in the
40 Southern Hemisphere, then there may have been a Royal Navy
41 changeover or they may have been born in the UK and came to
42 Australia to live and then joined the Australian Navy.
43

44 We wouldn't exclude people on that basis, but, again,
45 we would use that as a signpost for the next most likely
46 group of people to DNA test first, without ruling out the
47 others of that 89.

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Q. So is the position this, CMDR Blenkin, that the DNA test remains the test for identification?

A. Yes, it does.

Q. And the isotope testing may assist to identify a specific group or person for exclusion?

A. Yes, more likely a group than an individual.

Q. Evidence that the Commission of Inquiry took yesterday was that this process for the identification of the Christmas Island body was, in effect, handed over to Navy in January 2007. Why is it that the isotope testing is not being done until now?

A. As I said, it's a very broad filter, for want of a better term. It's not a routine part of a disaster victim identification process. We're doing it because the DNA testing of those smaller groups, based on the clothing, was not as helpful as we thought it would be, or yielded no positive result. So it's just yet another test that we can try, to help point us in the right direction.

Q. For the purposes of this question, if we accept that there are 89 people in the crew left that have not been excluded, will they remain the focus as a general group in relation to the identification process?

A. Yes.

Q. Is there any system or process or protocol in place now for the contacting of the remaining families to put into place some DNA testing in relation to that group of people?

A. Yes, Navy Headquarters established a communication strategy, which included a media release and a website, that has put information out there that allows people to come forward, if they are willing, and provide a sample to the Navy. But Navy is not at this stage actively going out and searching for these people. I found, going out and DNA testing the 16 people that we have excluded --

THE PRESIDENT: Q. Sixteen or ten?

A. Sorry, the list was ultimately 16 people. Sorry, the list was 16 people. We received DNA samples from 10 of them. I found that a number of those people, about half, really didn't want to know the answer. Their brother, husband, dad was dead and they didn't want to dredge it all up again, but they were willing to help for everyone else's

1 sake, and I think that's part of the driver behind not
2 going out and soliciting these samples from people. If
3 they would like to come and give us a sample, we will
4 happily test it for them, but we're not going to force
5 them, press them into it.

6
7 CMDR RUSH: Q. I think you suggested that some 57 people
8 had approached Navy, is that correct, in relation to --
9 A. I'm not sure of the figure. That wouldn't have come
10 from me. I'm not sure, but there have been a significant
11 number of people come forward and request the DNA testing.

12
13 Q. So is the process in relation to that testing of
14 people that have come forward taking place at the moment?
15 A. It is ongoing. We're waiting for the supply of DNA
16 swabs to come in. We have to get them from the United
17 States and we're waiting for them to come in.

18
19 THE PRESIDENT: Do we have details of those 57 to see if
20 we can reduce this list of 89?

21
22 CMDR RUSH: No, we don't, sir.

23
24 THE PRESIDENT: We should get them.

25
26 THE WITNESS: The 57 would be the people who came forward.

27
28 THE PRESIDENT: Q. I realise that, and many of them may
29 already have been excluded on a number of bases, but there
30 should at least be one central list from which people can
31 work.

32 A. Yes.

33
34 THE PRESIDENT: So far as I'm concerned, this is it.

35
36 CMDR RUSH: Q. That is being handled by CMDR Swindon?

37 A. CMDR Jones is the central point of contact in Navy
38 Headquarters.

39
40 Q. And CMDR Jones is based where?

41 A. Within Navy Headquarters. His title is Director of
42 Navy Coordination and Communication.

43
44 Q. CMDR Blenkin, as best you are able to say, would Navy
45 dentists have been using gold fillings?

46 A. Quite possibly, yes. Quite possibly. In fact, I'd
47 probably say likely.

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Q. Can you calculate age from teeth?

A. Unfortunately - that was the subject of my Masters thesis.

THE PRESIDENT: Q. What was your conclusion?

A. You can while they're developing, which means up to about the age of about 16 years; they're terrific for that. Beyond that, once they're fully formed after 16 years of age, 16 to 18, the age estimation from teeth is very difficult, to the point where, when we give advice on this, we would normally just say "adult", and that would be the broad range. The teeth have finished developing. They are now an adult. That's about all we can use them for.

CMDR RUSH: Q. And these teeth fitted that description?

A. Yes, they did.

CMDR RUSH: They are the matters, sir.

THE PRESIDENT: Thank you very much, CMDR Blenkin.

<THE WITNESS WITHDREW

CMDR RUSH: Sir, if I can call Mr George Bailey.

<GEORGE THOMAS BAILEY, sworn: [10.53am]

<EXAMINATION BY CMDR RUSH:

CMDR RUSH: Q. Mr Bailey, could you state your full name and address to the Commissioner, please?

A. George Thomas Bailey. My address is [REDACTED]

Q. And your occupation?

A. I'm the Senior Objects Conservator at the Australian War Memorial.

Q. What does that role at the War Memorial involve?

A. Principally, my role at the War Memorial involves caring for objects and their collection, preparing them for display and things of that nature.

Q. Do you have qualifications in relation to that role?

A. I have a Bachelor of Applied Science in Conservation of Cultural Materials, and I specialised in objects and

1 metals.

2

3 Q. From time to time, Mr Bailey, are the staff at the
4 War Memorial called upon to report on various artefacts and
5 items that are received by them and to engage in discussion
6 concerning them?

7 A. Yes.

8

9 Q. In that context, was the War Memorial approached in
10 relation to preparing a report concerning artefacts that
11 were recovered with the body from Christmas Island?

12 A. Yes.

13

14 Q. Was the report, in essence, split up into three
15 sections?

16 A. I believe so, yes.

17

18 Q. Do you have the report with you?

19 A. I have parts of it, yes.

20

21 CMDR RUSH: Sir, if I could ask that NHQ.001.0023 be
22 brought up on the screens.

23

24 Q. What we have there, Mr Bailey, is the header page of
25 the "Report on the Analysis of Objects Recovered from
26 a Grave on Christmas Island in 2006", and it notes
27 yourself, George Bailey, and then two other authors -
28 Catherine Challenor and Jane Peek. Did each of you prepare
29 a section of the report in relation to the various
30 artefacts that you were requested to examine and report on?

31 A. That's correct.

32

33 CMDR RUSH: I tender that report, sir.

34

35 **EXHIBIT #214 "REPORT ON THE ANALYSIS OF OBJECTS RECOVERED**
36 **FROM A GRAVE ON CHRISTMAS ISLAND IN 2006"**

37

38 CMDR RUSH: Q. In particular, Mr Bailey, did you prepare
39 an analysis of the fragment of metal that was removed from
40 the skull of the body?

41 A. I did.

42

43 Q. If we can turn to that analysis, which is at
44 NHQ.001.0027. In the introduction, you indicate that it
45 was received in the Objects Conservation Laboratory on
46 13 November 2006. Just below is a photograph of the piece
47 of metal located in the skull. You give a description

1 of it in general terms, saying that it is spherical in
2 shape and approximately 15mm in diameter and it weighed
3 4.19 grams upon receipt?

4 A. That's correct.

5

6 Q. Upon receipt, did you form any general conclusions as
7 to what you were looking at?

8 A. My initial reaction was that it was probably ferrous
9 based, judging by the colour of the corrosion surrounding
10 it.

11

12 Q. By "ferrous based", what do you mean?

13 A. Steel or iron based.

14

15 Q. After making that initial observation, what was done
16 in relation to testing?

17 A. I looked at it under a microscope just generally.
18 I checked to see if it responded to magnets, which is
19 a strong indication of iron or nickel. So those were my
20 first initial tests, yes.

21

22 Q. Was it responsive to those tests in relation to iron
23 and nickel?

24 A. Yes. Yes, it attracted the magnet quite strongly.

25

26 Q. What does that mean in relation to the sort of
27 analysis that you were undertaking - that it's ferrous
28 based and had the initial hallmarks of iron and nickel?

29 A. It gives me an indication of what it's probably made
30 of. Iron would probably be the principal constituent of
31 what it was originally made of. It would rule out things
32 like copper, lead and things like that, which do not
33 respond to magnets.

34

35 Q. Did you test for lead?

36 A. I did.

37

38 Q. What was the purpose of testing for lead?

39 A. I had read reports in the media that it may have been
40 a bullet, and I was asked to check if it was a bullet. To
41 me, bullets usually contain lead, so I checked for lead.

42

43 Q. If we can go over the page, under the heading
44 "Analyses. Test for Lead", you referred to a Merckoquant
45 Lead Test kit, in the second line, to detect lead. Who
46 undertook that test?

47 A. I did.

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Q. The results in relation to that test were what?

A. Negative for lead. No trace at all.

Q. What was the purpose of testing for lead in comparison to the preliminary tests that you had done that indicated ferrous - iron and nickel?

A. Some armour-piercing bullets can have a hardened steel outer shell with lead on the inside. That would be one reason.

THE PRESIDENT: Q. The exclusion of lead made it likely that it wasn't a bullet; is that right?

A. That's correct.

CMDR RUSH: Q. There, you refer to a further determination of alloy composition. Was the piece of metal sent for further analysis to try to determine the alloy content?

A. That's correct.

Q. Who was that sent to?

A. It was sent to Dr Ulrike Troitzsch at the Department of Earth and Marine Sciences at the ANU.

Q. She conducted the test that's referred to in that paragraph, noting in the first paragraph, the last two lines:

The cutting process was very difficult and time consuming because the metal is very hard, much harder than mild steel.

In relation to a determination as to whether this was a bullet or some other form of munition, was that of any consequence?

A. I believe so, yes. I actually did the cutting of the sample before it went down to Dr Troitzsch. I work with metal quite often. I know how hard mild steel is, and even case-hardened steel. This particular sample was definitely harder than both of those.

Q. What was the significance of that?

A. That led me to think that it was probably from an armour-piercing projectile, something that has a reasonable depth of hardening and is quite well made.

1 Q. Over the page at 0029, the analysis that was
2 undertaken of the sample is there set out?

3 A. That's right.
4

5 Q. Was there anything in that analysis that impacted upon
6 your view that it was hardened steel?

7 A. The manganese and the chromium are typical of hardened
8 steels. I didn't immediately recognise the silicon as
9 being a hardening agent, but subsequent research indicated
10 that it was a possibility.
11

12 Q. Can you outline to the Commissioner, in very brief
13 terms, the subsequent research that indicated silicon as
14 a component of hardened steel?

15 A. Because the percentage of silicon is reasonably high -
16 usually, in these kinds of alloy, the percentages are quite
17 small, usually less than a per cent, to my knowledge,
18 anyway. The fact that the atomic percentage of silicon was
19 1 per cent is quite a sizeable portion in respect to
20 alloys, so I then started looking through some of our
21 metallurgy books at work, reading up on silicon and what
22 the addition of silicon does to steels. They indicated
23 that at around 1 per cent they're useful for hardening
24 purposes.
25

26 Q. You refer under "discussion" at 0029, in the
27 second-last paragraph to:

28
29 *It is also known that, during the Second*
30 *World War, Germany was using*
31 *silicon-manganese-chromium steel alloys for*
32 *armour piercing shells, due to the scarcity*
33 *of other exotic metals normally used to*
34 *make high alloy, hardened steels ...*
35

36 Using that information against the analysis of the metal
37 sample, did you form any view as to the provenance of the
38 piece of metal that was being examined?

39 A. In my opinion, and bear in mind that I'm not
40 a metallurgist, I believe that that's a fairly good
41 indication that the piece of shrapnel was probably of
42 armour-piercing German origin.
43

44 Q. Did you also look at the potential of it being of
45 Japanese origin?

46 A. No, I didn't. I have received some 1944 intelligence
47 reports detailing what some Japanese armour-piercing Naval

1 munitions were made of, and none of those bore any
2 resemblance to this metal.

3

4 Q. In particular, I think you've referred to it at the
5 bottom of that page and over the page at 0030, the Japanese
6 armour-piercing projectiles used copper as part of the
7 alloy?

8 A. That's correct.

9

10 Q. Correct me if I am wrong, but on metallurgical
11 examination, this particular piece of shrapnel did not
12 reveal copper?

13 A. That's correct.

14

15 Q. So you set out your conclusions there, Mr Bailey, that
16 as far as you were concerned, it was definitely not a small
17 arms projectile, because there was no trace of lead?

18 A. That's right.

19

20 Q. And by "small arms", you mean what?

21 A. By that, I mean rifle calibres and pistol calibres, so
22 something that a single person would use, as opposed to
23 20mm cannons and above, which are usually mounted weapons.

24

25 Q. You concluded in the last dot point:

26

27 *. The fragment may be a piece of shrapnel*
28 *from a German large calibre, armour*
29 *piercing projectile ...*

30

31 A. Yes.

32

33 THE PRESIDENT: Q. Would you go to that second dot
34 point. You say:

35

36 *. It is unlikely that the fragment is*
37 *a piece of German small arms ammunition --*

38

39 that I understand --

40

41 *(20mm, 37mm) because the elemental analyses*
42 *are substantially different.*

43

44 Is that a view that it did not come from a 20mm mounted
45 machine gun or a 3.7cm gun?

46 A. That's correct.

47

1 Q. What is the basis for that view?

2 A. I referred to a previous report done at the
3 War Memorial on the Carley float where they analysed
4 examples of those munitions, so I used that initial
5 analysis to compare with what I had done.

6

7 THE PRESIDENT: Is that right, CMDR Rush? I don't recall
8 a specific War Memorial report addressing either 20mm or
9 37mm ammunition.

10

11 CMDR RUSH: Sir, in exhibit 208, COI.002.0016, at
12 page 0045, under sample 7, there is reference to three
13 examples of contemporary German munition of 20mm and 3.7cm
14 also being submitted for analysis.

15

16 THE PRESIDENT: Yes. Thank you.

17

18 CMDR RUSH: Q. I take it, Mr Bailey, that it was against
19 that analysis that you were looking at the specific
20 analysis of the fragment that was found in the skull?

21

A. Yes.

22

23 Q. Mr Bailey, have you also more recently been involved
24 in the X-raying of press studs that were located in the
25 grave of the Christmas Island body?

26

A. I have.

27

28 Q. Have you facilitated X-raying of those press studs by
29 the Australian Federal Police?

30

A. Yes.

31

32 Q. That has been a process that has been ongoing and, as
33 I understand it, is still continuing?

34

A. It is still continuing, yes.

35

36 Q. However, there are some results, are there not, that
37 give us an indication in relation to some letters on the
38 inside of the press studs?

39

A. That's correct. I think we can say beyond reasonable
40 doubt that the press stud that I looked at was made by Carr
41 Australia.

42

43 Q. What letters have been identified on the press stud?

44

A. "CA" of "Carr" and "AU" of "Australia", and their
45 positions in relation to each other match other examples
46 that we have.

47

1 Q. So the X-ray report is still to come. You're speaking
2 before the formal report, but you say "CA" and "AU" have
3 been identified as letters on the press stud?

4 A. Yes.

5
6 Q. And the War Memorial holds examples that are not
7 affected by corrosion, by which you're able to compare the
8 writing on the press stud under examination from the grave
9 against one that is in good condition?

10 A. That's correct.

11
12 THE PRESIDENT: Q. And it is known that a company,
13 Carr Australia, manufactured press studs during the 1930s
14 and 1940s?

15 A. They did, and they still do it today.

16
17 CMDR RUSH: Q. By those comparisons, you reached that
18 conclusion?

19 A. That's correct.

20
21 THE PRESIDENT: That is of considerable importance,
22 because it establishes beyond doubt from the location where
23 the press studs were found in the grave site, as shown in
24 the previous reports, that the person was wearing
25 a boilersuit with four sets of press studs from waist to
26 neck, and that the press studs were of Australian
27 manufacture.

28
29 CMDR RUSH: Correct, sir, together with some other
30 identification in relation to the Carley float and other
31 matters, yes, sir.

32
33 THE PRESIDENT: Yes, and we have in addition the Carley
34 float in which the body was found, which has markings as
35 described by two different people on 23 and 25 February
36 1942. Whilst their recollections were different, they both
37 identified it as having markings coming from either Lysaght
38 or "Made in Australia". So there can't be any doubt that
39 the body which was recovered from Christmas Island and
40 recently reinterred was in fact the body of a sailor who
41 came from *HMAS Sydney*.

42
43 CMDR RUSH: Yes, sir. I think they are the matters that
44 I needed to ask of Mr Bailey.

45
46 THE PRESIDENT: Q. When will we expect to get the formal
47 report in relation to the Federal Police X-raying and

1 photographing of these press studs, Mr Bailey, do you know?
2 A. I'm not sure when the final report will be ready, but
3 I know that they're working hard at it, so reasonably soon,
4 I would expect.

5
6 THE PRESIDENT: Thank you.

7
8 CMDR RUSH: Might Mr Bailey be excused?

9
10 THE PRESIDENT: Yes.

11
12 <THE WITNESS WITHDREW

13
14 CMDR RUSH: Sir, I call Ms Challenor.

15
16 <CATHERINE MARY CHALLENGOR, sworn: [11.13am]

17
18 <EXAMINATION BY CMDR RUSH:

19
20 CMDR RUSH: Q. Ms Challenor, could you state your full
21 name to the Commissioner, please?

22 A. Catherine Mary Challenor.

23
24 Q. And your address?

25 A. [REDACTED]

26
27 Q. And your occupation?

28 A. I'm currently Conservation Manager of paper, textiles,
29 photographs and art collections at the War Memorial.

30
31 Q. How long have you worked in that field at the
32 Australian War Memorial?

33 A. As manager in conservation, just for the past
34 18 months. Previously, as a textile conservator at the
35 War Memorial, since 1985.

36
37 Q. And your qualifications?

38 A. I have a Bachelor of Applied Science in Conservation
39 of Cultural Materials, specialising in textiles.

40
41 Q. Ms Challenor, was it in your role then as the senior
42 textile coordinator that you prepared a report in relation
43 to the textile components of the artefacts that were
44 located in the grave at Christmas Island?

45 A. I was senior textile conservator rather than
46 coordinator, and, yes, that was my role.

47

1 THE PRESIDENT: CMDR Rush, there is one other matter that
2 I should have asked Mr Bailey about. My understanding is
3 that the most recent investigation of the press studs
4 indicated that they had fragments of material attached to
5 them, and that whilst in the past it was thought that the
6 textiles were white and may have been dyed, the view of the
7 Federal Police was that it was likely that the textiles
8 were in fact blue, and not white. That may affect
9 Ms Challenor's evidence. I don't know.

10
11 CMDR RUSH: I might start with Ms Challenor and see if we
12 can deal with it through her, and, if not, I will recall
13 Mr Bailey, sir.

14
15 Q. Ms Challenor, you heard the comment of the
16 Commissioner as to an understanding that has been given to
17 the Commission of Inquiry as to the actual colour of the
18 overalls as a consequence of the further testing that has
19 been done. What is the position in relation to whether
20 they were white originally, or blue and have faded?

21 A. In my original report, I said that there were
22 definitely fragments of the cloth that appeared to be
23 undyed; however, I could not positively say that it had
24 been dyed or undyed. The evidence that I had in front of
25 me at the time, which came from the - when we broke open
26 one of the press studs, two layers of material came out,
27 and in that sample - and this is in my report - there were
28 bands of colour, possibly from corrosion, and I think
29 I indicated that it may have been dyed at one time, but
30 there was no very obvious evidence of that.

31
32 However, since writing that report two years ago, we
33 have broken open another stud to take more layers of fabric
34 out, and those fragments actually revealed a definite blue
35 colouration. At this stage, it is too early to say that it
36 is definitely a dye, but it is definitely a blue colour.
37 Obviously, we've taken images, and the AFP are now
38 following on from that to see if they can identify dye from
39 that.

40
41 THE PRESIDENT: Q. That means that the investigation
42 which has been progressing on the basis that it may have
43 been undyed or white, and thus may have been the boilersuit
44 of an officer, may have been misconceived, if this material
45 is blue.

46 A. Yes.

1 CMDR RUSH: Q. That is the position, is it not?

2 A. That's correct, yes.

3

4 Q. Because although there were different types and
5 varieties, the boilersuits that sailors wore in 1941 were
6 dyed blue?

7 A. That's correct, yes.

8

9 THE PRESIDENT: And interestingly, of the 89 people who
10 remain on our list - our list, at least - none of them are
11 officers. I think there are two petty officers. Apart
12 from that, they're all seamen or able seamen or leading
13 seamen.

14

15 CMDR RUSH: Sir, we were supplied I think yesterday with
16 some photographs of *HMAS Sydney* through Ms Challenor. It
17 may be convenient if we can go through them individually,
18 I'm looking at War Memorial numbers. The first is 001282.

19

20 Q. Firstly, Ms Challenor, are these photographs of
21 sailors and crew of *HMAS Sydney* held in the archives of the
22 Australian War Memorial?

23 A. They are, yes.

24

25 Q. How are they identified as being - for instance that
26 photograph - of *HMAS Sydney*?

27 A. All these photographs are on our collection management
28 database and therefore they have unique accession numbers
29 and provenance and various amounts of details.

30

31 Q. So what we're looking at there at 001282 is
32 a photograph - do we know what year approximately it was
33 taken?

34 A. According to the database, it was March 1940.

35

36 Q. Is there any other detail on the database?

37 A. Yes, there's a summary, which says that these were two
38 ratings examining the fuses of 6-inch shells brought aboard
39 the armed merchant cruiser *HMAS Westralia*, so it is not
40 actually from the *Sydney*.

41

42 Q. Sorry, could you repeat that?

43 A. This photo was taken aboard *HMAS Westralia*, not
44 *Sydney*.

45

46 Q. So this is not a photograph of sailors on board
47 *Sydney*?

1 A. No.

2

3 Q. But in relation to clothing, it is Naval clothing of
4 the era?

5 A. Yes, that's right.

6

7 THE PRESIDENT: It also gives a good depiction of a 6-inch
8 shell, which is just slightly bigger than the 15cm shell,
9 which is 5.9 inches, 87 of which would have hit Sydney.

10

11 THE WITNESS: Could I make a comment about this photo,
12 just to note that the man on the right-hand side is wearing
13 white canvas shoes, which I believe were noted in the
14 original report on Christmas Island.

15

16 THE PRESIDENT: Yes.

17

18 CMDR RUSH: Q. Thank you. At 001284, a photograph
19 I think of paravanes?

20

21 A. Again a group of officers and ratings from
22 *HMAS Westralia*. Note in this photograph a variety of
23 colours of overalls, and I believe the man in the top
24 centre, top, three from the left, is a warrant officer
25 wearing sort of pale, whitish coloured overalls. Again,
26 these details and these photos were picked by Jane Peek,
27 our senior curator at the War Memorial, and it was her
28 belief at the time, which led her to the conclusion that it
29 was possibly white overalls. These photos and the
30 information that she has given me were based on that
31 assumption.

31

32 Q. So the person that you're highlighting there is third
33 from the left, next to the man just wearing a white
34 singlet?

35

36 A. That's right.

37

38 Q. You say white overalls and a warrant officer or petty
39 officer?

40

41 A. Yes.

42

43 THE PRESIDENT: Q. The person at the left top in the
44 blue boilersuit appears to be wearing a Commander's hat.

45

46 A. Yes.

47

47

1 Q. -- of Commander rank wore blue, not white, as we've
2 previously been told?

3 A. Again, this is not my area of expertise, but I do know
4 that Jane was fairly specific in suggesting that sailors,
5 when they had been away from home for a number of years,
6 would have picked up uniforms or overalls, or whatever,
7 from around the world, depending on what was available and
8 what they needed at the time.

9

10 Q. The other interesting thing is that there appear to be
11 sailors, one of whom is holding the trolley with probably
12 a bomb on it, or some armament on it, who is in blue
13 overalls; the person immediately above him, above the
14 officer, in the centre of the picture, is in white
15 overalls. They both appear to be sailors as distinct from
16 officers.

17 A. This is a fairly typical example of the fact that the
18 sailors' issue overalls faded very quickly. They had quite
19 fugitive dye and therefore they appeared in all shades of
20 pale blue through to dark blue.

21

22 The interesting thing about the RAN-issue sailor's
23 uniform is that it did not have press studs.

24

25 THE PRESIDENT: Yes.

26

27 CMDR RUSH: Q. And in relation to the footwear that's
28 shown there, that also appears to be white?

29 A. Canvas shoes, it appears to be, yes.

30

31 THE PRESIDENT: Q. Can we blow up picture of the
32 gentleman who I thought was wearing a Commander's hat on
33 the top left-hand side? Can one see if they are press
34 studs or buttons? I don't know that one can. No, I don't
35 think one can.

36 A. It's very hard to see.

37

38 CMDR RUSH: Q. If we can go to 001675, what was the
39 commentary with this, Ms Challenor?

40 A. Again, showing white and blue overalls. The summary
41 from the database says this is a group of artificers in the
42 engine room of an RAN cruiser. It doesn't specify which
43 one.

44

45 Q. So in the engine room, we are seeing likely petty
46 officers or warrant officers in blue and in white overalls?

47 A. Yes, yes.

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Q. Is there a year given?

A. May 1940.

THE PRESIDENT: Q. These are all *Westralia*, are they?

A. It doesn't specify for this one.

CMDR RUSH: Q. If we could turn to 005428?

A. Again, note the variety of overalls. The man three in from the left, again, appears to be wearing canvas shoes, with a paler-colour set of overalls. The sailor second from the left has a little sort of belt arrangement at the back, which often had a metal clip on it as well.

Q. From the War Memorial, what is the description and date given to this photograph?

A. 1941, *HMAS Sydney*, ratings unload fresh provisions from a truck on the wharf.

THE PRESIDENT: Potatoes, I'd say.

CMDR RUSH: Q. 009558.

A. Again, particularly on the left, you can see a pair of blue overalls; and at the very top on the right-hand side, what appears to be a metal button.

THE PRESIDENT: Can we blow that up, please, on the left-hand side.

Q. Is that a second button there?

A. Yes, possibly. It's not really clear enough to determine whether it is actually a button or a press stud.

CMDR RUSH: Q. And what is the description and date from the War Memorial?

A. At sea, 1941, three members of the engine room staff at work on the Australian-built minesweeper.

Q. 106694 - what is the War Memorial description of this photograph?

A. Melbourne, Victoria, 3 November 1944, a group of smiling ratings on the deck of N-class destroyer *HMAS Nizam*, shortly after arrival at the Williamstown dockyard. Yes, that's 3 November 1944.

THE PRESIDENT: Q. What was the date?

A. 3 November 1944, but, again, it clearly shows

1 a variety of overalls and styles and colours.

2

3 CMDR RUSH: Q. So fourth from the right, the sailor
4 would appear to be wearing what is depicted there as almost
5 grey overalls with buttons?

6 A. Yes.

7

8 THE PRESIDENT: Q. Different buttons from the person
9 adjacent to him.

10 A. Yes. It's difficult to tell, behind that placket at
11 the front, whether they're press studs or whether they're
12 buttons with button holes.

13

14 Q. They look rather more like buttons to me, from the
15 bulk, on the person third from the right and the person
16 fifth from the left. Interestingly, those sailors'
17 hatbands appear just to have "HMAS" on them with no ship
18 identification name.

19 A. I can't comment on that.

20

21 THE PRESIDENT: Is that right or not, or is "Nizam" there
22 somewhere?

23

24 CMDR RUSH: Sir, I think what you're looking at is right,
25 and there is a suggestion yet to find its way into evidence
26 that during the War, sailors' tally bands only bore "HMAS"
27 but not the name of the ship, although we do have some
28 photographs, which will be produced in due course, of
29 sailors from HMAS Sydney in I think April 1939 with tally
30 bands having "HMAS Sydney".

31

32 Q. If we could turn to 304836, what is the War Memorial
33 description of this photograph, Ms Challenor?

34 A. It says punkah louvre outlets cool engine room staff
35 as they read the pressure gauges in the engine room of an
36 Australian cruiser. No specific ship is mentioned, and no
37 date, either, just a general Second World War date. Again,
38 it was just picked out, I think, to show the variations in
39 colour of overalls in the engine room.

40

41 Q. Just whilst examining this photograph, the overalls,
42 generally speaking, for cleaning were boiled; is that your
43 understanding?

44 A. That's right.

45

46 Q. That process in relation to discolouration or fading -
47 what effect does it have?

1 A. Every time the clothes were boiled or washed, a little
2 bit more dye was removed, yes.

3

4 Q. Just looking at the two different colours that may be
5 detected in that photograph, could that be due to the
6 process that was adopted in those days of boiling, in
7 relation to one set being older, if you like, than the
8 other set?

9 A. It could be, yes.

10

11 Q. 304838 - what is the War Memorial description of this
12 photograph?

13 A. Engine room staff working in the fully equipped
14 workshop adjoining the engine room of an Australian
15 cruiser. Again, no specific ship is mentioned and no
16 specific date, just Second World War. Again, this was
17 picked, I think, because there is an example of white
18 overalls on the left and blue on the right.

19

20 THE PRESIDENT: Q. The blue may be a shirt, is it, or is
21 it overalls?

22 A. It could be a shirt, yes.

23

24 CMDR RUSH: Q. With a Commander's cap of the officer on
25 the left of the photograph?

26 A. Yes.

27

28 THE PRESIDENT: It looks like an engineering workshop.

29

30 CMDR RUSH: Q. 304841 - what is the description for this
31 photograph?

32 A. Engine room staff carrying out their duties in the
33 engine room of an Australian cruiser.

34

35 Q. Here, we have a Commander in uniform?

36 A. Yes.

37

38 Q. And then white overalls?

39 A. Yes.

40

41 Q. And shirt and work pants or overalls?

42 A. They look to me like overalls. The blue ones, were
43 you referring to? Yes.

44

45 Q. And another artificer in overalls?

46 A. Yes.

47

1 Q. P02450.006?

2 A. This is actually an aircraftman, RAAF, dressed in
3 overalls and standing in a cleared area where he was in
4 Canada with the Empire Air Training Scheme.

5
6 Q. Is there a date for that?

7 A. No, there is no specific date. It just says
8 1942-1945.

9
10 Q. So a different type of design of overall for a pilot
11 in the RAAF?

12 A. That's correct, yes.

13
14 THE PRESIDENT: Q. It looks as though it is designed to
15 fit over ordinary clothes?

16 A. Yes, that's right, yes.

17
18 CMDR RUSH: Q. And colour, blue?

19 A. Yes.

20
21 Q. Finally, at P02550.003?

22 A. This is an interesting photo. It's a group of RAN
23 stokers in overalls on *HMAS Canberra*, circa 1940, at sea.
24 But you'll note the Carley float at the side, in the
25 top-left corner, standing upright near the railings, and
26 also the variety of colours of overalls.

27
28 CMDR RUSH: Sir, I tender that group of photographs.

29
30 **EXHIBIT #215 GROUP OF WAR MEMORIAL PHOTOGRAPHS DEPICTING**
31 **VARIOUS STYLES AND COLOURS OF CLOTHING**

32
33 CMDR RUSH: Q. There is a further set of photographs,
34 sir, of Ms Challenor that were provided with a focus to
35 ships' aircraft.

36 A. That's right.

37
38 Q. If we can go to 001273, what is the War Memorial
39 description of this photograph?

40 A. This is March 1940, the storage area for aviation fuel
41 for the Supermarine Walrus amphibian aircraft carried on
42 *HMAS Westralia*.

43
44 Q. *Westralia*?

45 A. *Westralia*. Again, showing white overalls, possibly
46 blue overalls behind, and a paler colour at the front.

47

1 Q. At 029509 - the description of this photograph?

2 A. This is *HMAS Australia* at sea, 1942-1943, an RAAF
3 detachment on board *HMAS Australia*, shipping the landing
4 wheels on the Supermarine Walrus amphibian aircraft prior
5 to its being catapulted from the *Australia*.

6

7 Q. The overalls?

8 A. Again, just showing the different shades of the
9 overalls.

10

11 Q. But the basic colour is blue?

12 A. Yes.

13

14 Q. At 0259510, another photograph?

15 A. That's correct.

16

17 Q. A similar scene?

18 A. Yes.

19

20 Q. What is the description given?

21 A. *HMAS Australia* at sea, 1942-1943, pretty much the same
22 caption as the previous photograph.

23

24 Q. Again, overalls of the RAAF crew?

25 A. Yes.

26

27 Q. In your opinion, Ms Challenor, are the differences in
28 colouration there due to the washing and aging process of
29 the overalls?

30 A. I'd say that's most likely, yes.

31

32 Q. 029520 - the description from the War Memorial?

33 A. Yes, again, *HMAS Australia* at sea, 1942-43, the RAAF
34 detachment and the catapult crew of *HMAS Australia* are
35 preparing the Supermarine Walrus amphibian aircraft for
36 catapulting. It's a bit hard to distinguish whether
37 they're overalls at the top or whether it's two separate
38 pieces.

39

40 THE PRESIDENT: Q. Is that somebody in a white set of
41 overalls bending over in the middle of the picture?

42 A. Again, that could be a pair of white trousers with
43 a blue top. But there could be a pair of white - I think
44 there's a figure in the centre that may have a pair of
45 white overalls on.

46

47 THE PRESIDENT: Yes, that's the one I meant.

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CMDR RUSH: Q. At 044440?

A. 1938, RAAF Base Richmond, group portrait showing flying officer with his crew of a Supermarine Seagull 5 Walrus.

Q. What is depicted in that photograph would seemingly be flying overalls?

A. Yes, summer-weight flying overalls.

Q. Are they zip fasteners rather than button or press stud fasteners?

A. It's a combination of zips and buttons, yes.

Q. There is no suggestion of a zip in the relics located in the grave at Christmas Island?

A. No.

Q. 044888 - the description of this photograph?

A. 1938, Point Cook, Victoria, RAAF armourer class 2, warrant officer class 2, adjusting a bomb sight on a Walrus amphibian aircraft.

Q. The overalls - is it possible to tell, are they buttons or a zip?

A. I'd say it's more likely to be buttons, and I'm not --

THE PRESIDENT: Q. It may not be an overall.

A. It may not be an overall, that's right.

CMDR RUSH: Q. 078719?

A. 1940-1947, 43 Squadron Leader, Commanding Officer of No. 8 Squadron RAAF, in white overalls.

Q. MED0033 - the description of that?

A. North Africa, 1942, the observer of a Walrus amphibian aircraft. Just note the fact that he's wearing a life-preserver on top of either overalls or a shirt.

Q. There is no ship identified?

A. No.

Q. MED0037?

A. North Africa, 1942, inside the Walrus amphibian aircraft. This is a wireless operator. Again, he has his life preserver over a short-sleeved either shirt or overalls.

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Q. And OG1989?

A. Madang, New Guinea, 1944, a flying officer and a flight sergeant. Again, it's hard to tell whether that's actually overalls or shirt and trousers underneath the life preservers.

Q. P00279.027?

A. Admiralty Islands, Pacific Ocean, 1944, a pilot on the far right wearing flying boots and a shirt and trousers. There's one person who appears to be wearing blue overalls. They don't state who that person is.

Q. P00279.029?

A. 1942, replacing a four-bladed propeller on a Walrus amphibian aircraft on board *HMAS Australia*. Standing on the deck, wireless operator, air gunner and leading aircraftman.

Q. They all appear to be in blue overalls?

A. He could be wearing a belt over blue overalls, yes.

Q. P02308.001?

A. Weymouth, England, 1935-1939, Walrus amphibian aircraft on the water being prepared for hoisting aboard *HMAS Sydney II*. The RAN lieutenant is wearing a life preserver, kneeling under the engine, and the No. 9 Squadron RAAF pilot is the one standing on the seat, again with life preservers.

Q. The final one, P03016.072?

A. At sea, 1942, group portrait of members of No. 9 Squadron, the RAAF group aboard *HMAS Westralia* responsible for the maintenance and operation of the Walrus amphibian aircraft. Just note the assortments of the various styles of overalls, blue overalls.

Q. The person on the right may be Navy, judging by the cap?

A. Yes.

Q. And perhaps a press stud, at least one shown there, or a button?

A. It's hard to tell, but it could be a press stud, yes.

THE PRESIDENT: Could we have a look at the cap band, please? It has much more than "HMAS" on it.

1
2 CMDR RUSH: It certainly does.

3
4 Q. The year of that, Ms Challenor?

5 A. 1942.

6
7 THE PRESIDENT: Q. Did you say that's at sea?

8 A. Yes.

9
10 CMDR RUSH: I tender those photographs, sir.

11
12 **EXHIBIT #216 SECOND GROUP OF WAR MEMORIAL PHOTOGRAPHS WITH**
13 **A FOCUS ON SHIPS' AIRCRAFT**

14
15 CMDR RUSH: Q. Ms Challenor, just asking generally as to
16 the fabric, as I understand, there were eyelets, there were
17 press studs, and the eyelets belonged to a different type
18 of fabric from the press studs?

19 A. That's correct.

20
21 Q. What was the nature of the difference?

22 A. The fabric that was attached between the eyelets was
23 of a coarser thread and a heavier-weight fabric, and they
24 were all found in a different position in the grave
25 compared to the press studs.

26
27 THE PRESIDENT: Q. The suggestion is that it is likely
28 to have been a piece of canvas with eyelets in it onto
29 which the body was placed for ease of lifting?

30 A. That's correct. That's right, yes.

31
32 Q. That sounds reasonable to me, if I may say so.

33 A. Yes. They certainly wouldn't have come from any
34 clothing.

35
36 CMDR RUSH: Q. In relation to the shoes that you have
37 pointed out in a couple of photographs, what is the
38 significance of the white sandals with the shoes that were
39 identified at least in some of the reports for the
40 Christmas Island body?

41 A. This isn't really my area of expertise, but Jane
42 pointed out that the white canvas shoes that we have been
43 seeing in the photographs appear to be the same type
44 mentioned in that initial Christmas Island report.

45
46 THE PRESIDENT: Q. The cloth found attached to the press
47 studs was, as I understand it, of plain weave?

1 A. That's correct, yes.

2

3 Q. Either a coarse cotton cloth or a very light duck; is
4 that right?

5 A. That's correct, yes.

6

7 Q. Is that the sort of material which was used in those
8 times in Naval clothing?

9 A. No. The Navy sailors' overalls, the pattern was
10 a twill fabric, which is quite visually different from
11 a plain weave. Actually, in the report, there are some
12 photographs of RAN pattern overalls, and they also had
13 metal buttons as opposed to press studs.

14

15 Q. So that means that these press studs came either from
16 an officer's uniform, if the uniform was custom made --

17 A. If they were overalls, possibly, yes.

18

19 Q. There doesn't seem to be any doubt they were overalls.

20 A. No.

21

22 Q. Arising from the fact that there were four press studs
23 found starting from the waist and going to the neck.

24 A. That's right.

25

26 Q. So assuming that they were overalls, and assuming that
27 it was not standard Naval clothing, standard ratings
28 clothing, that leaves either standard officers equipment or
29 custom-made officers equipment or custom-made ratings
30 equipment?

31 A. That's correct.

32

33 Q. The probably of custom-made ratings equipment with
34 press studs is probably more remote than the other two
35 possibilities?

36 A. I couldn't say for certain that that's the case,
37 again, specially if the sailors had been at sea for
38 a number of years. I couldn't draw that conclusion.

39

40 Q. Is it correct that in 1940-41, press studs were
41 comparatively new and comparatively expensive?

42 A. Again, I couldn't answer that. They possibly would
43 have been more expensive, but I'm not sure when press studs
44 first became available to be used on items of clothing.

45

46 Q. But is it correct to say that there is no standard
47 issue for either officers or ratings in 1940-41 which

1 involved press studs?

2 A. That's correct, yes.

3

4 Q. So this must have been custom made?

5 A. Yes.

6

7 CMDR RUSH: Q. I think you were in the Commission of
8 Inquiry when Mr Bailey provided information concerning the
9 X-ray of the press studs, the "CA" and the "AU". Have you
10 kept informed of the investigations?

11 A. Yes, that's right.

12

13 Q. And do you agree with the comment that was made by
14 Mr Bailey concerning the origin of the overalls and the
15 likely origin of the press stud?

16 A. I haven't actually seen the photographs of the actual
17 letters on the studs, but if one compares that to the Carr
18 studs that we have on other items in our collection, not on
19 clothing but on other items like packs and flying helmets,
20 then that would seem to be likely, yes.

21

22 Q. Ms Challenor, the shoes, you say, are not your area?

23 A. No.

24

25 Q. However, you have pointed to it on the screen and you
26 would be aware of the comments that are made in the
27 report --

28 A. Yes.

29

30 Q. -- about the white shoes, and I think you also
31 referred to the initial description of the shoes. Perhaps,
32 sir, if we could have SPC.001.0035, and if we could go down
33 to the middle of the page to the paragraph that reads:

34

35 *The canvas shoe found on the float was*
36 *branded either "McCOWAN" or "McEWAN" also*
37 *"PTY" followed by a crown and/or a broad*
38 *arrow.*

39

40 The broad arrow was a marking put on Naval shoes at the
41 time, was it not?

42 A. That I couldn't say, but the broad arrow generally
43 refers to Government-issue clothing.

44

45 Q. By that, you're talking about Australian
46 Government-issue clothing?

47 A. Yes, yes, not the British Government.

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Q. Just to read on:

The corpse was clothed in a boiler suit which had originally been blue, but was bleached white by exposure. There were four plain press buttons from neck to waist.

That description of four plain buttons would be consistent with overalls that were worn at the time by Navy personnel?

A. The types of buttons that were on the RAN overalls, the RAN-issue overalls, could have been described as four plain press buttons, but they could also imply press studs. It's a little ambiguous, the way that it has been written.

Q. If what is being referred to there is press studs, that would be consistent with the issue to RAN personnel at the time?

A. No.

Q. No?

A. No.

Q. Four?

A. The RAN overalls did not have press studs. They had buttons.

Q. But from what we've seen of the photographs, it would appear that some sailors are in buttons and some are not?

A. Possibly.

Q. You say "possibly", because the overalls that do not show buttons have a cover, if you like, over either the button or the press stud?

A. That's correct, yes.

THE PRESIDENT: Q. Do you know when press studs were introduced into RAN-issue clothing?

A. No, I don't, no.

Q. Can we find out or not?

A. I can certainly find that out.

Q. Would you mind doing that?

A. Yes, yes.

1 THE PRESIDENT: Thank you.

2

3 CMDR RUSH: Q. You indicated in one of your answers,
4 Ms Challenor, that the Carr Australia press studs were on
5 items of clothing held by the War Memorial?

6 A. That's right, yes.

7

8 Q. What sorts of items are they and what are, generally
9 speaking, their dates?

10 A. I had a look at some flying helmets, Second World War,
11 UK pattern leather flying helmets with press studs, and
12 some gas bags.

13

14 Q. Some, sorry?

15 A. Gas bags. It sounds a bit strange. The enclosures
16 were held down on to the pack with press studs. Sorry, to
17 go back to your previous comment, they obviously were using
18 press studs during the Second World War, but I haven't seen
19 any on clothing.

20

21 THE PRESIDENT: Q. It's the clothing I'm interested in.

22 A. Yes, that's right.

23

24 CMDR RUSH: Q. From the location of the press studs in
25 the grave site, it would tend to suggest, firstly, that it
26 was an item of clothing that they were on?

27 A. Yes.

28

29 Q. And also suggests, where are they were found, that
30 they fitted in, generally speaking, with press studs doing
31 up items of clothing for the upper part of the body?

32 A. That's right, yes.

33

34 THE PRESIDENT: Q. And there weren't any buttons found,
35 so they had to be the closures for the boilersuit?

36 A. That's right, unless, of course, they had been plastic
37 buttons, in which case they probably would have
38 disintegrated.

39

40 THE PRESIDENT: It's unlikely to have both plastic buttons
41 and press studs, I should have thought.

42

43 CMDR RUSH: I tender SPC.001.0035, sir, which is a report
44 of CAPT Smith --

45

46 THE PRESIDENT: Is this the document of 25 February?
47 CAPT Smith's report I think was dated 25 February 1942.

1
2 CMDR RUSH: Yes, sir.

3
4 THE PRESIDENT: There is one of the 23rd and one of the
5 25th.

6
7 CMDR RUSH: Yes, 25 February 1942, and I will tender
8 other one, sir, which is dated 23 February 1942.

9
10 THE PRESIDENT: NAA.018.0228, which is a shipping
11 intelligence report of 25 February 1942, from CAPT Denne,
12 will be exhibit 217.

13
14 **EXHIBIT #217 SHIPPING INTELLIGENCE REPORT OF 25/2/1942 FROM**
15 **CAPT DENNE, BARCODED NAA.018.0228**

16
17 CMDR RUSH: And, sir a shipping intelligence report of
18 23 February 1942, COI.005.0264, which records an account of
19 Mr Baker, who was an official at Christmas Island,
20 concerning his description of the body and Carley float
21 washed up on Christmas Island.

22
23 **EXHIBIT #218 SHIPPING INTELLIGENCE REPORT OF 23/2/1942,**
24 **BARCODED COI.005.0264**

25
26 THE PRESIDENT: That is also found at NAA.018.0230.

27
28 CMDR RUSH: I have no further matters for Ms Challenor,
29 sir.

30
31 THE PRESIDENT: Thank you very much, Ms Challenor. If you
32 wouldn't mind making some inquiries about press studs on
33 clothing, thank you very much.

34
35 **<THE WITNESS WITHDREW**

36
37 CMDR RUSH: Sir, there is one further witness today,
38 CAPT Timothy Snow, who will give evidence from a forensic
39 ballistics point of view as to the piece of metal found in
40 the skull of the body on Christmas Island, but he is not
41 due here until 2 o'clock.

42
43 THE PRESIDENT: Very well. I will adjourn until
44 2 o'clock.

45
46 **LUNCHEON ADJOURNMENT**
47

1 UPON RESUMPTION:

2

3 THE PRESIDENT: Yes, CMDR Rush.

4

5 CMDR RUSH: Sir, I call Detective Sergeant Snow.

6

7 <TIMOTHY JOHN SNOW, sworn: [2.05pm]

8

9 <EXAMINATION BY CMDR RUSH:

10

11 CMDR RUSH: Q. Detective Sergeant, could you state your
12 full name to the Commissioner, please?

13 A. Timothy John Snow.

14

15 Q. And your current posting in the New South Wales Police
16 Service?

17 A. I am currently posted to the Forensic Services Group
18 at Parramatta.

19

20 Q. Do you hold or have you held a Commission in the Royal
21 Australian Army Reserve?

22 A. Yes.

23

24 Q. What is the nature of that?

25 A. I was Captain in the Royal Australian Army Corps.

26

27 Q. In relation to your current position, what are your
28 qualifications?

29 A. I have specialty training in the field of forensic
30 ballistics investigation. I have studied and performed
31 that role for a period of over 11 years.

32

33 Q. Do you hold a Bachelor of Science degree from
34 Macquarie University?

35 A. I do.

36

37 Q. What is the nature of the ballistics investigation
38 that you do?

39 A. Investigating firearm-related homicides and all
40 firearm-related matters within the State of New South
41 Wales, classification of firearms, classification of
42 ammunition and ammunition components, and prohibited
43 weapons.

44

45 Q. In your day-to-day activities, how is that put to
46 practical use?

47 A. When I was at the forensic ballistics investigation

1 section, I was called upon to attend numerous crime scenes
2 involving the fatal use of firearms, attend post-mortems,
3 assist the forensic pathologists with the investigation of
4 post-mortem examinations, determining range, proximity, if
5 you like, muzzle-to-target distance, determining
6 trajectories through the body of bullets and bullet
7 fragments.

8
9 Q. In relation to that work that you have done over the
10 years, has it also involved your undertaking various
11 courses in testing, rifles and shotguns and the nature of
12 ammunition?

13 A. Yes, yes, we do numerous armourers courses and
14 proficiency tests annually.

15
16 Q. Were you called on 16 October 2006 by Dr Donlon in
17 connection with your coming to review and give an opinion
18 in relation to the body that was recovered from Christmas
19 Island?

20 A. Yes, I had a conversation with Dr Donlon on that date,
21 yes.

22
23 Q. Did you prepare a statement, with your particular
24 expertise, in relation to what you saw and your assessment
25 in relation to the Christmas Island body?

26 A. Yes, I did.

27
28 Q. Sir, that is at COI.006.0130. Is what we see
29 there the first page of the report put into an expert's
30 certificate pursuant to section 177 of the Evidence Act?

31 A. Yes.

32
33 Q. Turning to the next page, at the bottom of
34 paragraph 4, you indicate there that as a consequence of
35 the telephone conversation, you attended at the University
36 of Sydney, at the Shellshear Museum, for the purpose of
37 examining the skeletal remains?

38 A. Yes.

39
40 Q. Was your specific concern to examine the skull in
41 relation to a piece of metal that had been located in the
42 skull?

43 A. That's correct. Dr Donlon had asked my opinion on
44 the nature of that metallic object that was embedded in the
45 skull.

46
47 Q. Perhaps if I could ask you firstly to look at this, if

1 I may approach?

2 A. Thank you.

3

4 Q. That is a cast of the skull that was organised by
5 Dr Donlon specifically to demonstrate the skull and the
6 piece of metal that was located in the skull?

7 A. Yes.

8

9 Q. Firstly, how does what you have in your hand there,
10 that being the cast of the skull, compare with what you saw
11 of the actual skull?

12 A. It is a very, very good representation of the outer
13 table of that skull.

14

15 Q. Were you asked to examine it in relation to the piece
16 of metal that was located in the skull?

17 A. Yes.

18

19 Q. Perhaps if you could turn it around so that initially
20 the Commissioner can see it, you are pointing there to the
21 piece of metal that you identified?

22 A. That's correct, sir.

23

24 Q. Perhaps if you would just turn it this way so that we
25 can have a look. Thank you. When you saw just that aspect
26 of the skull, did you have any first impression?

27 A. I did form an opinion based on my experience, yes,
28 that it did not look like any small-arms ammunition that
29 I have ever seen.

30

31 Q. Why not? Why didn't it look like small-arms
32 ammunition?

33 A. Small-arms ammunition, especially military small-arms
34 ammunition, has certain features on the external surface of
35 those objects, and this did not depict any of those
36 external features that I would expect to see.

37

38 Q. What were the external features shown there that you
39 would not expect to see with small-arms ammunition?

40 A. This was basically a spherical object with a diameter
41 of approximately 15mm. There was some heat effect on the
42 inner surface, almost like molten metal, globular molten
43 metal.

44

45 Q. The other piece in front of you is a cast of the inner
46 surface of the skull that Dr Donlon took and has given
47 evidence about. Again, I would ask you by comparison with

1 what you saw of the skull, how does that compare?

2 A. It compares very, very well. It is a really excellent
3 representation of it.

4

5 Q. Are there any features in relation to that cast, as it
6 depicts the metal object, to distinguish between small-arms
7 ammunition and a piece of shrapnel or other metal?

8 A. Again, with military-type small-arms ammunition,
9 I would expect to see part of the circular base of the
10 bullet and maybe even some cannular-type features around
11 the external surface of the bullet, around the bearing
12 surface. Again, these objects don't appear to depict any
13 of those features that I would expect.

14

15 Q. In your report you refer to bevelling. What does that
16 mean?

17 A. I refer to bevelling on the inner table of the skull.
18 This object is a representation of that inner table of the
19 skull. Around the object, a portion of the inner table of
20 the skull has been removed at an angle, or around the
21 circumference of the object, and we call that bevelling.
22 It is indicative of trajectory, if you like - the path of
23 the object as it travels through the skull, both the inner
24 and outer tables. You usually get bevelling on the inner
25 table of the skull if the bullet is travelling from outside
26 to inside.

27

28 Q. Looking at the skull, both outside and inside, were
29 you able to form an opinion as to the likely trajectory of
30 the piece of metal - where it came from?

31 A. Yes, I was. I formed the opinion that the object
32 impacted with the skull moving from front to rear.

33

34 Q. Just pointing to your own head, approximately where
35 are we looking at?

36 A. Approximately up there (indicating).

37

38 Q. That is just above --

39 A. The left eye socket.

40

41 Q. -- your left eye socket?

42 A. Yes.

43

44 Q. One of the matters that helps you determine that is
45 bevelling?

46 A. Is the bevelling, yes, that will give you an idea of
47 the trajectory of the object.

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Q. At the time you examined the skull, had the piece of metal been removed from the skull?

A. Not initially, no. On the 20th, it was still in situ.

Q. Have you had the opportunity since of examining the piece of metal as removed?

A. Yes, on the 27th, I saw it when it was removed.

Q. As a consequence of that further examination, what opinion did you form?

A. I formed the opinion that due to the size and weight of the object and the physical features, it wasn't consistent with small-arms ammunition or any component of small-arms ammunition that I have ever seen, and it was more consistent with being a fragment of a larger shell or projectile, if you like.

Q. You referred to size and weight being key determinants in relation to that opinion. What was it about the size and what was it about the weight of the metal object that led to the opinion that it wasn't small-arms fire but was more likely to be shrapnel?

A. The external dimensions of the object. I think it was approximately 15mm.

Q. I think you refer to it in paragraphs 7 and 8 of your report at page 0132.

A. Yes, in paragraph 7, you state:

The object was removed from the bone and appeared to be roughly spherical in shape with a diameter of approximately 15mm ...

I measured the weight, and it had a retained mass of approximately 4.35 grams, which is 67.2 grains. Due to the size, most small-arms ammunition in use at that time, if we're talking about handgun-type ammunition, would be 9mm in nominal diameter and of a bullet shape, if you like, a jacketed round-nosed bullet shape. Again, this object didn't depict any of those features, and I would expect the weight of a 9mm calibre bullet to be a lot more than 67.2 grains.

Q. In the next paragraph, you note that it is a ferrous-based fragment. What is the significance of that?

A. I tested it with a magnet, and it was magnetic

1 reactive, which indicates that it has some ferrous content
2 as well as the rust that was obvious on the object.

3

4 Q. Is that of any significance to you in making that
5 determination between bullets or shrapnel?

6 A. At the time, a number of different Defence Forces, or
7 Military Forces back then, used steel in jacketing of the
8 bullets, as well as some of them having a steel core. The
9 steel core was also enclosed in an amount of lead, and the
10 jacketing was sometimes anodised and sometimes left steel,
11 sometimes copper anodised, if you like, copper coated.
12 There was also powdered iron used as well, compressed into
13 the jacket.

14

15 Q. Would you expect lead to be in a metallurgical
16 examination of a small-arms bullet at this time?

17 A. I would.

18

19 THE PRESIDENT: Q. Am I correct in thinking that the
20 shape of an object such as this would not be distorted by
21 contact with a human skull?

22 A. Depending on the type of ammunition used. If it is a
23 military calibre cartridge, they were usually at that time
24 jacketed round-nosed bullets, and 9mm is particularly,
25 although small, quite powerful, and I would have expected
26 it to have entered the skull cavity, if not exited as well.
27 I have seen them go through houses, like the whole house.

28

29 CMDR RUSH: Q. And maintain its shape?

30 A. Yes.

31

32 Q. If it had gone into the skull?

33 A. Yes.

34

35 Q. Did this have any shape like a bullet?

36 A. Just spherical. To not enter the skull cavity itself,
37 it was probably moving at quite a slow speed in comparison
38 to a fired 9mm Parabellum calibre bullet.

39

40 Q. Detective Sergeant Snow, because of your interest,
41 have you studied and collected small-arms munition,
42 including German munition, from the Second World War?

43 A. Yes, I have.

44

45 Q. And made a close study of the nature and type of
46 bullet that the Germans were using in the War?

47 A. Yes.

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CMDR RUSH: I have no further questions.

THE PRESIDENT: Thank you, Detective Sergeant. You have been very helpful. Thank you.

CMDR RUSH: Sir, that concludes the evidence for today. Tomorrow is Professor Duflou, Mr Wesley Olson and also Mr Austin Chapman.

THE PRESIDENT: Right. I shall adjourn until 10am tomorrow.

**AT 2.20PM THE COMMISSION WAS ADJOURNED
TO WEDNESDAY, 18 MARCH 2008 AT 10AM**

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