

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 J Rush RFD QC RANR
LEUT PW Kerr RANR

On Wednesday, 12 November 2008 at 10am
(Day 17)

1 THE PRESIDENT: A primary function of this Inquiry is to
2 determine, on the basis of all available evidence, the
3 circumstances attending the engagement between HMAS Sydney
4 and HSK Kormoran off the Western Australian coast on
5 19 November 1941. In particular, close attention will be
6 focused upon the circumstances leading to Sydney being in
7 close quarters with Kormoran at the time of battle. There
8 will be a close examination of the evidence relating to the
9 course of battle, and the various accounts of the battle
10 and damage caused to both vessels.
11

12 A second major focus will be upon the circumstances in
13 which Sydney sank, and in particular, why there were no
14 survivors from HMAS Sydney.
15

16 There has been controversy regarding these two major
17 aspects since 1941. Since that time there have been
18 various theories propounded regarding the two matters
19 referred to, as well as a major controversy regarding where
20 the battle occurred, and where the wrecks were likely to be
21 found. This controversy arose principally because some
22 writers on the topic rejected the account and conclusions
23 reached in a history written by G.H. Gill of the battle,
24 which, speaking generally, accepted the account of the
25 German survivors regarding the encounter. The finding of
26 the wrecks of Sydney and Kormoran has resolved the location
27 where they sank, and that location is in general agreement
28 with the account given by the German officers who survived.
29 There continues, however, controversy regarding other
30 aspects. Over the years, in books, articles, at
31 conferences, submissions to the Parliamentary Inquiry in
32 1997, and in submissions to this Inquiry, persons have
33 advanced many theories concerning the encounter. One
34 theory is that Kormoran was acting in company with a
35 Japanese submarine which fired a torpedo or torpedoes which
36 sank Sydney. The principal advocate of that theory is
37 Mr Michael Montgomery who, in 1981, published a book, "Who
38 Sank the Sydney?" He was the son of the Navigator on the
39 Sydney. Another theory is that Kormoran deceived Sydney by
40 engaging in various forms of illegal ruses de guerre.
41

42 Other persons have advanced various theories, in
43 particular, a theory that there was a "cover-up" by
44 Government and Naval authorities of circumstances relating
45 to the sinking. There are various sub-branches of this
46 cover-up theory. One is that there were survivors from
47 Sydney who were machine-gunned in the water by persons from

1 the Japanese submarine. Another is that there were
2 survivors from the Sydney who were machine-gunned by German
3 sailors, either whilst they were on board Kormoran, from a
4 speedboat said to have been lowered from Kormoran, or
5 otherwise from their lifeboats. This theory then extends
6 to an assertion that bodies of survivors from the Sydney
7 were washed close to the Western Australian coast. Some
8 advocates of the theory suggest that an Australian ship
9 sailed through a considerable number of bodies of
10 Australian sailors, reported that fact to the Navy, and
11 were ordered immediately to leave the area. Others assert
12 that such bodies were washed ashore, were located on a
13 beach or beaches in Western Australia, and that a
14 contingent of Army soldiers were sent from Perth to locate
15 the bodies with the instruction that they be buried in the
16 beach. It is asserted that these soldiers did bury the
17 bodies in the beach and were thereafter sworn to secrecy
18 regarding their activities.

19
20 Another branch of the cover-up theory is that signals
21 were received from Sydney by Australian receiving stations,
22 that Sydney was either in battle or was sinking, that such
23 information was conveyed to military authorities who
24 thereupon did nothing. It is said that there was delay
25 after receipt of this information before commencing a
26 search for any survivors. A further branch of the cover-up
27 theory is that Sydney was not, as has been commonly
28 understood, returning from handing over a troopship near
29 the Sunda Strait. Advocates of this theory assert that
30 authorities in either Australia or Singapore or both had
31 knowledge of the whereabouts of Kormoran, that Sydney was
32 sent to intercept Kormoran and to destroy her, principally
33 on the direction of the Commander-in-Chief China Station in
34 Singapore.

35
36 Yet another theory is that, knowing of the presence of
37 the raider Kormoran in Australian waters, Sydney was
38 ordered by senior officers to close and board the raider.

39
40 Some theorists allege that ships logs, aircraft logs
41 and signals have been altered or, as it is put, "doctored".

42
43 What I have said is but a brief and incomplete
44 statement of various allegations which have been made over
45 the years and which are, by some, maintained to this day.

46
47 The factual basis for many of these assertions often

1 is not apparent. Having determined on the basis of all
2 available evidence what actually occurred in the encounter
3 between Sydney and Kormoran and events immediately
4 thereafter, including the subsequent search, it is a
5 subsidiary function of this Inquiry to examine each
6 hypothesis advanced by the theorists over the years since
7 1941. Every endeavour will be made to determine when, and
8 by whom, these theories were first advanced, and any
9 factual basis for them. The theories will be measured
10 against established fact.

11
12 Much work is being done resulting from the imagery
13 captured of the wreckage of Sydney and Kormoran. Technical
14 analysis of the damage suffered when compared with
15 discovered detailed ships plans of Sydney are expected to
16 enable a reasoned analysis to be made of the likelihood of
17 the account of the German survivors being generally
18 accurate. It is also expected that it will allow
19 conclusions to be drawn regarding the likely loss of life
20 during the battle caused by armament damage, fire, smoke
21 and flooding. It is anticipated that conclusions regarding
22 the manner and circumstance in which Sydney ultimately
23 sank, and the consequences for any survivors then alive on
24 the Sydney, will be able to be drawn.

25
26 Hearings will be held in Sydney commencing Monday,
27 12 January 2009, in which this technical material and the
28 results of the various analyses will be publicly placed
29 before the Inquiry and examined.

30
31 Later in January, probably in both Sydney and Perth,
32 there will be hearings at which advocates of the various
33 theories to which I have referred, and indeed their
34 theories, will be examined. Mr Montgomery, however,
35 resides in England, but will be in Australia later this
36 month. Arrangements are in hand for a sitting to be held
37 in Sydney on Friday, 28 November to take evidence from him.

38
39 Yes, CMDR Rush?

40
41 CMDR RUSH: Thank you. It is convenient today to call
42 Mr David Angwin and I call him, sir. He is outside the
43 court.

1 <DAVID GEORGE ANGWIN, sworn: [10.11am]

2

3 THE WITNESS: I have an opinion on some things. If
4 I have, I will tell you it is an opinion, and, yes, I do,
5 so help me God.

6

7 <EXAMINATION BY CMDR RUSH:

8

9 CMDR RUSH: Q. Mr Angwin, could you state your full name
10 to the Commissioner, please?

11 A. I can. Do you want me to stand?

12

13 Q. No.

14 A. David George Angwin, A-N-G-W-I-N.

15

16 Q. And your address?

17 A. [REDACTED]

18

19 Q. Your occupation?

20 A. I am in hospitality, and I'm a digger.

21

22 Q. A digger?

23 A. Yes, sir.

24

25 Q. What's a "digger"?

26 A. Someone with a shovel.

27

28 Q. Mr Angwin, you have been, it would be fair to say, a
29 persistent correspondent to the Commission of Inquiry since
30 it was put in process earlier this year; is that correct?

31 A. Very correct - oh, I'm not quite sure if any of the
32 other people interested in this have - I don't know what
33 the volume is, sir.

34

35 Q. But you would agree that you have been a persistent
36 correspondent?

37 A. I have a bee in my bonnet, in case you didn't notice,
38 CMDR Jack Rush.

39

40 Q. You have propounded a number of theories concerning
41 the sinking of Sydney and what happened to the crew of
42 Sydney throughout the course of this year to the Commission
43 of Inquiry?

44 A. I have.

45

46 Q. And those theories have included that the bodies of
47 sailors of HMAS Sydney are buried on the beach of Western

1 Australia?

2 A. And in the sandhills, yes. Well, we have to find them
3 first, but that's the story: I'm hunting them down.

4
5 Q. That there has been a cover-up of submissions that
6 were made to the Parliamentary Inquiry in 1997?

7 A. Have you looked into that?

8
9 Q. No, I am asking you.

10 A. I believe there has been.

11
12 Q. You have made submissions to that effect in your
13 correspondence to the Commission of Inquiry?

14 A. Yes, I have.

15
16 Q. To the Parliamentary Inquiry, the Secretary of the
17 Joint Standing Committee itself, you have propounded that?

18 A. Yep.

19
20 Q. And you have also included in that list of
21 correspondence the Prime Minister?

22 A. Mmm-hmm.

23
24 Q. Is that correct?

25 A. Correct.

26
27 Q. Chief of Navy?

28 A. Yes.

29
30 Q. The Western Australian Police Commissioner?

31 A. Yep.

32
33 Q. You also propound, do you not, that the captain of
34 Kormoran executed the crew of a Japanese submarine?

35 A. Theoretically, yes.

36
37 Q. What do you mean, "theoretically"?

38 A. Theoretically, something else happened out there, and
39 I'm not quite sure if you realise, there is still a
40 cover-up or a suppression of full details of something that
41 happened 68 years ago.

42
43 THE PRESIDENT: Q. Mr Angwin, I am sorry, I don't
44 understand how you can have a theoretical execution.

45 A. If I had the full details --

46
47 Q. What do you mean by "theoretical

1 execution"?

2 A. Japan is missing a submarine.

3

4 Q. And therefore you assume that the Germans executed the
5 crew?

6 A. I'm theorising that the reason for the very large
7 cover-up, with what is going on, is that other events
8 happened that just make the whole situation worse.

9

10 Q. No, no, let's just stay with what you said. You said
11 a Japanese submarine is missing, and, as I understood it,
12 you said "theoretically" the Germans had executed the
13 Japanese crew.

14 A. Yes.

15

16 Q. How do you relate those two matters together?

17 A. The persistent rumour is that there was a Japanese
18 submarine involved and that they torpedoed the burning and
19 distressed Sydney and then they machine-gunned the crew.
20 Have you heard that rumour, sir?

21

22 Q. I'm not going to answer questions that you direct to
23 me. Let's make that clear, and nor is CMDR Rush.

24 A. Oh, really.

25

26 Q. The purpose of this Inquiry is to take evidence from
27 you. Let's be clear about that. Do you have any evidence
28 at all relating to what you have called the "rumour" that a
29 Japanese submarine torpedoed the Sydney?

30 A. Any direct evidence? Not yet, no.

31

32 CMDR RUSH: Q. Mr Angwin, I have here a volume of
33 material - emails - that over the course of this year and a
34 little bit earlier you have sent to the Commission, or sent
35 to other persons and copied to the Commission, and I have a
36 volume, sir, for you.

37

38 EXHIBIT #49 VOLUME OF DOCUMENTS SHOWN TO MR ANGWIN

39

40 CMDR RUSH: Q. Mr Angwin, you will note that each of the
41 emails is tabbed. What I would ask you to do is go to
42 tab A, which is not the first "A", but the second "A",
43 right through towards the middle of the folder. Is that an
44 email from you dated 22 October 2008 directed to the Prime
45 Minister of Japan, Mr Koizumi?

46 A. Yes, correct.

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THE PRESIDENT: That is CORR.018.0065.

CMDR RUSH: Q. Mr Angwin, I want to run through a couple of matters in this email. In the first paragraph there you say:

I need to inform you that I have asked Germany for a formal apology, and compensation for the Families regarding the loss of the I-67 Cruiser Class submarine sank on the 20th of November 1941 at around 1500 hours at Dirk Hartog Island.

Is this a theory, or are you putting forward a fact?

A. That's a theory, as I said to you.

Q. And your theory is that what you refer to as an "I-67 Cruiser Class submarine" was involved in the engagement with Sydney?

A. As I said to you, in theory, yes. But it is the sub number, not the class. It is a JD5 class.

Q. Okay. So it is a JD5 class. What is a JD5 class?

A. The submarine's number was I-67, sir. So it is a JD5 class cruiser submarine.

Q. You refer to it there as an "I-67 Cruiser Class". That's incorrect, is it; that's the number, not the class?

A. Oh, yes, I see that.

Q. So you say it is what?

A. It is the I-67, theoretically.

Q. Have you done anything to track down the movements of what you described as I-67?

A. I certainly have.

Q. And what did you find?

A. According to the Japanese records, they lost her a year earlier.

Q. They lost her a year earlier. What Japanese records did you consult?

A. Just the - available on the Internet, the history of the JD5 class.

1 Q. What Japanese records, apart from going to the
2 Internet? Are you saying to the Commission that there are
3 Japanese records on the Internet?

4 A. A good indication of it.

5

6 Q. Are you saying to the Commission that there are
7 records from the Japanese, involving the movements of their
8 submarine, on the Internet?

9 A. Yes.

10

11 Q. From the Japanese?

12 A. Well, not quite from the Japanese; being collated from
13 different sources.

14

15 Q. Well, you just said it was from the Japanese. What's
16 it from?

17 A. Whoever the researchers were.

18

19 Q. What did you find when you looked at the Internet, of
20 whoever these researchers were, in relation to the
21 movements of I-67?

22 A. I said that to you before: they claimed - the
23 Japanese claimed it was lost a year earlier.

24

25 Q. I see. And where did they say it was lost? That
26 would be in 1940?

27 A. 1940. Deep water, off the bottom end of Japan.

28

29 Q. How was it lost, did it say?

30 A. It said a training accident.

31

32 Q. And why isn't that correct?

33 A. It is very hard to prove that the submarine actually
34 did sink, sir. There is no - the deep water - there is no
35 record of it being there.

36

37 THE PRESIDENT: Q. But what is the basis on which you
38 are saying in this letter to the Japanese Prime Minister,
39 as a fact, that it was sunk on 20 November 1941?

40 A. I'm a cheeky person, sir, and I am trying to find out
41 what happened, and rather than just ask them what happened,
42 I have tried to give them something to start with. Now, if
43 that is wrong, that is wrong. I don't know. The theory is
44 that they have lost a submarine. That's all I know.

45

46 CMDR RUSH: Q. But you, being a cheeky person, have in
47 fact put something in your correspondence as a fact which

1 you now, as I understand your evidence to the Commission,
2 accept is not a fact; is that correct?

3 A. Well, as I said to you, my opinion - and I'm entitled
4 to it.

5
6 Q. But nowhere in that paragraph do you say it is your
7 opinion, do you?

8 A. On the top, it says "Without Prejudice".

9
10 Q. What is "Without Prejudice" meant to mean?

11 A. From what I understand, I can offer something forward
12 as my opinion, as long as I say "Without Prejudice" in it.

13
14 Q. From where did you get that explanation of "Without
15 Prejudice"?

16 A. That's a legal term, sir.

17
18 Q. And my question is: where did you get that
19 explanation of "Without Prejudice" - that you can offer
20 something up and state something as a fact, but it can be
21 your opinion?

22 A. I clearly said to you it is my opinion; it is my
23 theory.

24
25 Q. But that's not what you said to the Japanese Prime
26 Minister, is it?

27 A. Well, I'm allowed to give him my opinion.

28
29 CMDR RUSH: No-one is going to argue with that.

30
31 THE PRESIDENT: Q. Mr Angwin, just pause for a minute.
32 There are various sorts of opinions, but most opinions are
33 based on some basis of fact or reason. What is the basis
34 for your opinion, stated in this letter as a fact, that the
35 I-67 class submarine sunk on 20 November 1941 off the
36 Western Australian coast?

37 A. I don't have any documents to support that, sir.

38
39 Q. But have you got anything else, apart from documents,
40 or is it just speculation?

41 A. I think you could probably call it speculation. I'm
42 more than happy for you to enter that as speculation.

43
44 CMDR RUSH: Q. So, are you familiar - now that you look
45 at it, have you a recollection of the other statements that
46 are contained in this email to the Japanese Prime Minister?

47 A. Yep.

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Q. And are they speculation?

A. Well, it is my opinion, as I said. I don't want to get caught into legal terms here. I'm allowed to send the Japanese Prime Minister an email.

Q. Is your opinion based --

A. If he doesn't like it, he can block my email address. He hasn't.

Q. Is your opinion based on any evidence, or is it speculation?

A. Who is looking for the ship, Jack? Are you looking for the truth?

Q. Mr Angwin, the question was a pretty straightforward one: do you have any evidence to support the assertions made in this email to the Japanese Prime Minister?

A. We've said this already: this is my theory and my opinion, and I'm allowed to express it.

Q. Now, Mr Angwin, many opinions have a basis with some form of evidence. What evidence do you have to support the theories that are put forward in this correspondence?

A. I'm trying to dig up a couple of hundred bodies with bullet holes in their heads.

Q. But my question is --

A. That will fix this Inquiry. I will give you all the evidence you need.

Q. Mr Angwin, my question to you is --

A. This is me trying to find out an answer, and have the answers ready, if there are a couple of hundred bodies buried in unmarked, unconsecrated war graves on Australian soil from the men lost from that altercation.

Q. I wonder if you would go to the next page, 0066. Do you have that? It is the next page of the email. If you turn over the page, where it begins "Military engagements authorised by Political forces"?

A. Yep.

Q. Then, if you go down the page, you say:

Here is the critical system failure on the 19th November 1941 at 112 and 26 degrees.

1 The German Captain took great offence to
2 the elimination of the burning and
3 distressed HMAS Sydney, believing it was a
4 Top Secret German Marine operation.
5 Unfortunately, it was a Top Secret Imperial
6 Japanese Naval operation.
7 Outside the German Marine Command structure
8 Protocols, Captain Detmers made a localised
9 decision to execute the I-67 crew in
10 retaliation.

11
12 Now, you would agree that that is a very serious matter to
13 be putting in correspondence - a very serious statement?

14 A. It is my opinion, as I said to you before.

15

16 Q. No, no, one question at a time.

17 A. Mmm.

18

19 Q. That is a very serious proposition to be putting in
20 any correspondence, isn't it?

21 A. Well, it depends.

22

23 Q. Do you find the fact that you will assert that a Naval
24 ship's captain executed a crew of a submarine - is that a
25 serious proposition?

26 A. I'm not sure if you realise, there was a war on at
27 that time.

28

29 Q. Could you answer --

30 A. And just --

31

32 Q. Is it a serious proposition?

33 A. 30 million were killed just in the Asian area alone.

34

35 Q. Mr Angwin, is it a serious proposition to be putting
36 in an email that the captain of a Naval ship executed the
37 crew of a submarine?

38 A. I don't know.

39

40 Q. You don't know? What evidence do you have --

41 A. We're back to square one: this is my opinion.

42

43 THE PRESIDENT: Q. Mr Angwin, we will get on much better
44 and much more quickly if you would just listen to the
45 questions and answer them. You have put in four
46 submissions to this Inquiry. I have read those, and
47 I understand what is in them. It is CMDR Rush's task to

1 ask you some questions about it. We'll get on much better
2 if you just listen to the questions he asks and answer
3 them, please.

4 A. I'm not here to get on with anyone, sir. I'm here
5 to --

6

7 THE PRESIDENT: You are here, I'm afraid, as a witness,
8 and witnesses have various responsibilities. One
9 responsibility is to adhere to the directions of the
10 Inquiry; the other is to answer the questions that you are
11 asked. It would be much easier for you to do the latter if
12 you listen to the questions and then answer them.

13

14 Yes, CMDR Rush.

15

16 CMDR RUSH: Q. Mr Angwin, do you have any evidence at
17 all to support your statement there that CAPT Detmers
18 executed the crew of the submarine?

19 A. Not yet. What I have is a story from Germany, and it
20 is a story only.

21

22 Q. And where does that story from Germany emanate from?

23 A. It came out of the UK.

24

25 Q. So it is a story from Germany coming out of the UK?

26 A. Mmm.

27

28 Q. Where does it emanate? What person? Who wrote it?

29 A. It is a story, so I can't check it. There is not much
30 point in me tendering that as a fact. You are looking for
31 facts.

32

33 Q. We're here to investigate, and if you have got some
34 story or something to support this --

35 A. Why should I give you more stories, CMDR Jack Rush?

36

37 Q. So is the position, that you, today, cannot produce
38 anything - be it story, document or anything - to support
39 the statement of fact that you put to the Japanese Prime
40 Minister?

41 A. Where does it say that's a statement of fact?

42

43 Q:

44

45 Outside the German Marine Command structure
46 Protocols, Captain Detmers made a localised
47 decision to execute the I-67 crew in

1 retaliation.

2

3 That's put as a fact, isn't it?

4 A. No, that's my opinion.

5

6 Q. Where did you say that it was your opinion?

7 A. At the front of the email, it says "Without
8 Prejudice".

9

10 Q. Okay. "Without Prejudice" doesn't mean "This is an
11 opinion document" does it? You know that.

12 A. Look, I'm just a digger. I do my best work with a
13 shovel. There is something terribly wrong and I'm not
14 quite sure if you are going to solve it standing in here,
15 brow-beating me about my opinion.

16

17 Q. Is there any fact, any evidence at all, to assert the
18 assertions that you have put in this email concerning the
19 involvement of the Japanese submarine or the execution of
20 its crew by CAPT Detmers?

21 A. I wish I had the evidence, but I don't.

22

23 Q. So we can take it that you have no evidence to support
24 the statements that you have made to the Japanese Prime
25 Minister?

26 A. I have said to you earlier, this is my opinion and
27 I am more than - you know. I am more than - what's the
28 word?

29

30 Q. So we can take it, Mr Angwin, that you have no
31 evidence to support your opinions as expressed in this
32 email to the Japanese Prime Minister?

33 A. No.

34

35 Q. And it is, to put it at its best, a document that
36 produces a supposition or a theory or a speculation on your
37 part?

38 A. You are more than welcome to put that in as
39 speculation.

40

41 Q. Mr Angwin, you have contended, haven't you, that
42 submissions were made by soldiers who dug graves on the
43 Western Australian coast and buried the crew of Sydney -
44 that submissions were made to the Parliamentary Inquiry and
45 they have been kept confidential?

46 A. Yes.

47

- 1 Q. Do you have any evidence to support that proposition?
2 A. I wish I did.
3
- 4 Q. So you have no evidence to support that proposition?
5 A. I almost got the letters.
6
- 7 Q. Do you have any evidence to support that proposition?
8 A. No, so that's speculation.
9
- 10 Q. That's speculation?
11 A. I think so.
12
- 13 Q. But along the way, Mr Angwin, it being speculation,
14 you have accused the chairman of the Parliamentary Inquiry
15 of colluding and conspiring with ASIO to suppress that
16 information?
17 A. Yes, I phoned up - the man phoned me directly, in
18 fact.
19
- 20 Q. Who is that?
21 A. Mr MacGibbon.
22
- 23 Q. Did he phone you or did you phone him?
24 A. He phoned me.
25
- 26 Q. You have also communicated with Mr Jim Dalton?
27 A. I have. Deputy Commissioner and a very good man.
28
- 29 Q. He is a good man?
30 A. A very good man.
31
- 32 Q. Could you please turn to tab D - the first "D" in that
33 folder? It is right at the beginning of the folder.
34 A. Which one?
35
- 36 Q. Tab D - the first "D" in the folder.
37
- 38 THE PRESIDENT: It is CORR. 001. 0266.
39
- 40 THE WITNESS: Yes.
41
- 42 CMDR RUSH: Q. This is an email that you sent to
43 LEUT Nottle at the Commission of Inquiry?
44 A. Yes, that man there.
45
- 46 Q. You sent this on 30 July 2008?
47 A. Yes.

1
2 Q. In it, addressed to LEUT Joshua Nottle, you said:

3
4 Josh mate,
5 I can do better than that.
6 Seven Australian Citizens have seen the
7 letters first hand.
8 Joanne Tanner; Secretary to the 1999
9 Parliament Inquiry, [You will need an ASIO
10 Access to cross-check that].
11 Joanne will need Royal Commission
12 protection.
13 1999 Enquiry Chairman, Senator David
14 MacGibbon, available ...
15 1999 Enquiry participant ... MacDonal d,
16 available ...
17 Please note these have high level ASIO
18 clearances, and colluded to conspire
19 against the 1999 Parliament Enquiry.
20 Several Federal laws have been broken.
21 I have contacted the current
22 Director-General, Paul O'Sullivan, to
23 cross-check this.

24
25 Is what you wrote there true?

26 A. Yep.

27
28 Q. What did you cross-check with Mr Paul O'Sullivan, the
29 Director of ASIO?

30 A. I didn't get to speak to him directly. I had to leave
31 about four messages.

32
33 Q. So it is untrue to say, "I have contacted the current
34 Director, Paul O'Sullivan, to cross-check this"?

35 A. Correct.

36
37 Q. Why would you write something like that in the email
38 if you hadn't contacted him and it is untrue? Is that
39 being cheeky?

40 A. Oh, it is a bit cheeky, yes.

41
42 Q. What evidence do you have to say that, in some way or
43 another, the Senate has colluded and conspired to hide
44 these documents?

45 A. The deputy chairman, Dr Andrew Theophanous, confirmed
46 to me that the rest of the team weren't shown the
47 confidential submissions - 37, 93, 103, 116, 136, 149, 186

1 and 195.

2

3 Q. When did you speak to Dr Theophanous?

4 A. Give me a moment. Unfortunately, I can't give you the
5 exact date. Here we are. 28 July.

6

7 Q. 28 July. And where was he, do you know?

8 A. He was in Melbourne.

9

10 THE PRESIDENT: Q. Can I just understand what the
11 allegation is? That these seven confidential submissions
12 contain what?

13 A. Allegedly, they contained letters written by the
14 reserve soldiers that dug the unmarked war graves.
15 Allegedly, they were all from the same company and they
16 sent a submission in when the 1999 Parliamentary Inquiry
17 asked for submissions, and they weren't shown to the full
18 team.

19

20 Q. Alleged by whom?

21 A. Which bit on "alleged"?

22

23 Q. You said it was alleged that these parliamentary
24 submissions, seven in number, contained various materials -
25 namely, letters written by persons engaged in the
26 body-burying exercise?

27 A. Yep.

28

29 Q. Who made that allegation?

30 A. It is a story, so you can put it through as
31 supposition again. So that some of the diggers put forward
32 a letter to the Inquiry and the story is - and I can't
33 check it, I haven't got anything for you; if I did, I would
34 have given it to you already - at the bottom of each letter
35 it said, "I wish to be released from my top-secret oath to
36 tell you about the HMAS Sydney burials". That's a story
37 that comes out of Perth.

38

39 Q. From whom?

40 A. Sorry?

41

42 Q. From whom?

43 A. Just a story from Perth.

44

45 Q. Mr Angwin, I can tell you, I have read those seven
46 confidential submissions.

47 A. You have, what is in them?

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Q. They have absolutely nothing to do with anything you have mentioned.

A. Can I see them, please?

Q. No, you may not.

A. Is there a good reason for that, sir?

Q. There certainly is.

A. And what would that reason be, sir?

THE PRESIDENT: Yes, CMDR Rush.

CMDR RUSH: Q. Mr Angwin, you say "a story coming out of Perth". Can you do any better than that?

A. I wish I did. That's why I am the digger. I'm out there digging up --

Q. Who told you of the story?

A. There is a lot of stories that go through Perth, because it is a Western Australian issue. I wish I could tell you the person and when they told it to me and who was present and who could witness it, and all that, which would make you happy, but I can't do that, so it is just a story.

Q. Who else, apart from yourself, do you know, has put forward the proposition that the submissions contain letters from soldiers who dug the graves?

A. I have no idea.

Q. Do you know of anyone else?

A. Who has put --

Q. Who has put forward such a proposition?

A. About what?

Q. About the letters - you saying that the confidential submissions contain letters from the soldiers who dug the graves?

A. All I'm doing is telling you it was a story.

Q. But you can't inform the Commission of Inquiry where the story emanated from, apart from it being from Perth?

A. And I said that to you before.

Q. And I am just confirming that there is nothing else of substance that the Inquiry can investigate, apart from you

1 saying it emanates from Perth?

2 A. I would like to see those letters, actually, just to
3 confirm my own opinion. Because if they do have some
4 information in them that can help solve the HMAS Sydney
5 puzzle - 645 men vanished.

6

7 Q. So it is a story emanating from Perth and that is the
8 best you can say to the Commission?

9 A. At this point, unless - if I - as I said to you, if
10 I could get you the direct proof that you so need, I would.

11

12 Q. You have told people, have you not, that you have
13 letters?

14 A. I have got copies of two letters, which I have sent to
15 you.

16

17 Q. Two letters or more letters?

18 A. There is a third one. I have only got a verbal - the
19 person that owns that letter won't give it to me. He is in
20 Geraldton. Unfortunately, it is a story. They are
21 unsigned. The long letter has a very good amount of
22 detail. I think it is genuine. Now, you did get that
23 letter, sir?

24

25 Q. Mr Angwin, could you turn to tab IJ, which is
26 CORR.001.0282. You see at the bottom of the page there is
27 an email from you to the Western Australian Government,
28 directed to the then Premier, Mr Carpenter?

29 A. Yes.

30

31 Q. It is dated 4 June 2008?

32 A. Hang on.

33

34 THE PRESIDENT: I am sorry, what is the tab?

35

36 CMDR RUSH: It is the next page, sir, 0282.

37

38 Q. It commences right at the bottom of the page and goes
39 over the page at 0283. Do you see this is a letter that
40 you wrote to Mr Carpenter, an email you sent to
41 Mr Carpenter?

42 A. Yes.

43

44 Q. You say:

45

46 West Australian Reserve soldiers dug the
47 unmarked Wargraves. 8 sites. 300 plus

- 1 buried. 7 foot down.
2 Unconsecrated unmarked Wargraves on West
3 Australian soil.
4 You should ring Jim Dalton in Canberra ...
5 Jim Dalton is a West Australian.
6 He won't lie to you about the six letters
7 from the 1941 Dig Team members submitted to
8 the 1999 Enquiry.
9 Jim was going to get me a grant for the
10 Crosses.
11 I have three letters written by the 1941
12 diggers, however they are unsigned.
13
14 A. It clearly says that - "they are unsigned". And at
15 that time, I was trying to get the third letter out of
16 Geraldton and the person that has that wouldn't give it to
17 me.
18
19 Q. Do you have three letters?
20 A. I have two, as I said to you.
21
22 Q. So it was an untruth to say you have three?
23 A. As I said to you, I tried to get the third letter out
24 of Geraldton.
25
26 Q. It is a pretty explicit question: it was an untruth
27 to state, as a matter of fact, that you had three?
28 A. I was just forward-planning there. I can tell you
29 I did a lot of work trying to get that letter.
30
31 Q. Does your forward planning include telling untruths?
32 A. What do you mean by "untruths"?
33
34 Q. You didn't have three letters when you told the
35 Premier of Western Australia you did?
36 A. Is that a minor matter or a serious matter for you,
37 Jack?
38
39 Q. I don't know. What is it for you?
40 A. Well, I'm trying to do my best here to get to the
41 bottom of it.
42
43 Q. Okay. Do you have the three letters with you now?
44 A. I have the two letters. I said that to you before.
45 And, in fact, you have them as well.
46
47 Q. You have never had three letters; is this the

1 position?

2 A. I can give you the verbal on the Geraldton letter if
3 that helps you. We can take that down as a story; you can
4 put it through as speculation.

5

6 Q. Where did you get the letters from?

7 A. They were sent to me. They arrived in the mail.

8

9 Q. From where?

10 A. I don't know. Came out of Perth. I don't know who
11 sent them to me.

12

13 Q. How do you know they came from Perth?

14 A. A Perth postmark on them.

15

16 Q. A Perth postmark on what?

17 A. On the envelope.

18

19 Q. So you are saying to the Commission of Inquiry that
20 two letters arrived in the mail with no other
21 correspondence?

22 A. Yep.

23

24 Q. And you say to the Commissioner that there was a Perth
25 postmark on the letters?

26 A. Yep. As I said to you before, it is just a story.
27 They are unsigned, and my opinion is that the long letter
28 is genuine.

29

30 THE PRESIDENT: Q. Do you know why it would be that
31 someone in Perth, who you don't know, would send to you, in
32 Adelaide, two letters?

33 A. I don't know why, sir, to be honest with you.

34

35 CMDR RUSH: Q. We have, sir, CORR.018.0155.

36 A. Is all this mine, by the way? Is all this my
37 submissions? I have been very busy, haven't I,
38 CMDR Jack Rush?

39

40 Q. Is this one of the letters that arrived --

41 A. That's the one I sent to you. This is called the
42 "long letter".

43

44 Q. What is crossed out at the top?

45 A. I don't know. It got crossed out.

46

47 Q. You don't know?

1 A. I have no idea.
2
3 Q. There is a date on the letter, on the next page. Have
4 you got that?
5 A. I have got that.
6
7 Q. It is 0157.
8 A. Where is this on mine?
9
10 Q. Do you see upside down there is a date there?
11 A. Yes.
12
13 Q. It appears to be 20 October, 20/10/2007 - 2/1/2007
14
15 THE PRESIDENT: It looks to me as though it is upside
16 down, the 2nd of the 10th 2007. I may be wrong about that.
17
18 CMDR RUSH: I think it might be 2/01/2007, sir.
19
20 THE PRESIDENT: Thank you.
21
22 CMDR RUSH: Q. Have you made any inquiries about the
23 letter?
24 A. I have been digging.
25
26 Q. And you have been digging in the Sharks Bay area?
27 A. The Shark Bay area, yes, eight times.
28
29 Q. Okay. So that is one letter that came to you.
30 A. So the original letter, which I am happy to tell you
31 verbally, was given to one of the dig team members and his
32 name is Dick Houl t. I think he is 80-plus years old. He
33 was on the station in 1943, as a stockman, and he got sent
34 the letter. And - would you like to hear the letter, sir?
35
36 Q. That's Carrarang Station, you are talking about?
37 A. Carrarang, yes.
38
39 Q. I will come to that. Is the other letter that you say
40 was sent to you from Perth --
41 A. A short letter, yes.
42
43 Q. -- CORR.018.0159. They are the two letters; is that
44 correct?
45 A. That's it. As I said to you, that's a story. They
46 are unsigned. In a court of law it doesn't mean anything.
47

1 Q. Have you had anything to do with a Mr Samuel s, an
2 author?

3 A. No, no, he rang me. He claims to have 13 letters, and
4 he was going to send me the full details of his 13 letters,
5 but he didn't.

6
7 THE PRESIDENT: Q. How did it come about that he rang
8 you?

9 A. He rang me. I think someone in Geraldton gave him my
10 number. I have got his return number here, if you want to
11 look at it on my phone.

12
13 CMDR RUSH: Q. Mr Angwin, I want you to have a look at
14 another letter. This one is at CORR.016.0317. Do you see
15 that that is a letter --

16 A. That's the long letter.

17
18 Q. That's the long letter, is it?

19 A. It looks like - is that the long letter?

20
21 Q. The commencement of it is, "Dear Mr Samuel s". Do you
22 see that?

23 A. Okay. Is this signed?

24
25 Q. I'm just asking you to have a look at it:

26
27 Dear Mr Samuel s.

28
29 And at the top of the page, I want to suggest to you, that
30 writing - you may not be able to make it out from where you
31 are - says "Copyright Karlov Marketing"?

32 A. Okay, I have got no - I have never seen this before,
33 in terms of this document, but can I see all the letter,
34 please?

35
36 Q. What I want to do, Mr Angwin, is give you a copy of
37 the letter that was sent to you, which is at CORR.018.0155.
38 You might compare that - it might be convenient if I give
39 you a hard copy. Apart from the "Dear Mr Samuel s" and the
40 next two lines, that letter and the one sent to you are
41 identical?

42 A. Is it? All right. So where did you get this from,
43 CMDR Jack Rush?

44
45 Q. Do you agree with that?

46 A. Let me cross-check it first:

47

1 The poor bugger was in a state no
2 undertaker had ever seen and he was wearing
3 a lifebelt which clearly was --

4
5 Q. I didn't ask you to read it, I just asked you to
6 compare the two.

7 A. I have to check this, to make sure it is correct, sir.

8
9 Q. So if you would do it to yourself?

10 A. "The men were buried like dead dogs". Is this the
11 same letter, sir?

12
13 Q. That's the part that you quote in your correspondence
14 to various people, that's right.

15 A. Okay. Why are you showing me this?

16
17 Q. Did you have anything to do with the crossing out of
18 the first two lines of the letter that you have produced?

19 A. No, that was sent to me as it was.

20
21 THE PRESIDENT: Q. You know not by whom?

22 A. I don't. I think it came from a returned soldier - a
23 returned soldier's league contact. I don't know.

24
25 CMDR RUSH: Q. When was it sent to you?

26 A. This was sent in - I got it in - it would have
27 been January of this year.

28
29 Q. Mr Angwin, have you done anything to, in any sense,
30 correlate what is written in the letters with the history
31 and the facts that surround HMAS Sydney, apart from
32 digging?

33 A. Yes, I have, to the best of my ability, and there is
34 actually not much on these letters, except they were in the
35 militia. So the militia, in 1941, was the reserve forces.
36 So these were theoretically reserve soldiers and the - here
37 we go --

38
39 Q. Let me perhaps assist. If you could go to tab F in
40 the folder. CORR.001.0283.

41
42 THE PRESIDENT: Tab F?

43
44 CMDR RUSH: Tab F, at the bottom of the page, sir.

45
46 Q. This is an email that you sent to the person you wrote
47 to, Mr Alan Griffin.

1 A. Mmm-hmm.

2

3 Q. Who is Mr Alan Griffin?

4 A. I might have got that - that's the member for
5 Parliament, the Honourable Alan Griffin, who is the --

6

7 Q. Is it Griffiths?

8 A. Oh, is it?

9

10 Q. The Member for --

11 A. He is the Veterans Affairs Minister.

12

13 Q. You copied it to Mr Jim Dalton --

14 A. Yes, but it didn't get to him.

15

16 Q. -- and others.

17 A. Prime Minister; Perryman, Duncan, Lieutenant, Royal
18 Australian Navy; Christopher Clark, who is with the RAAF,
19 National President of the RSL; Stevens, Paul, Major
20 General, Commonwealth War Graves Commission; and Peter
21 Squire - Sir Peter Squire, who is the - who was the head of
22 the Commonwealth War Graves Commission in the UK.

23

24 Q. Now, if you could turn over the page, Mr Angwin, you
25 say:

26

27 There are six signed letters from separate
28 Soldiers who had to dig unmarked Wargraves
29 containing the Lost Mariners at Australian
30 Parliament House, if you are interested.

31

32 That, which you put as fact, you now say is opinion?

33 A. Well, obviously if I had the letters here, and they
34 were correct --

35

36 Q. Then you say:

37

38 23 members of the 1941 Dig Team are still
39 alive.

40

41 What's the basis for that?

42 A. That's my opinion.

43

44 THE PRESIDENT: Q. What is the basis for your opinion?

45 A. Working on roughly how many men they would need to
46 bury 200 to 300 hundred bodies, the separate teams that
47 would be needed, and roughly, on the bell curve, how many

1 should be left by now. They were all in their 20s when
2 they allegedly dug the unmarked war graves.

3

4 Q. But your starting fact is an assumption that this all
5 happened?

6 A. Sorry?

7

8 Q. Your starting point is the assumption that this all
9 happened?

10 A. Yes.

11

12 CMDR RUSH: Q. Just accepting, for the basis of the
13 question, there were more - you claim, weren't there - more
14 than the militia involved?

15 A. In what way?

16

17 Q. In the burial.

18 A. So from a logistics point of view, yes: The
19 truck-drivers, the trucks; do you want me to go through all
20 the teams that would be needed?

21

22 Q. Well, Mr Angwin, we start with this proposition: you
23 claim that there were many more involved in the digging
24 than the militia soldiers that you have spoken about.

25 A. Can you say that again, please?

26

27 Q. Yes. Perhaps it might be simpler if you go to tab L?

28 A. Where is tab L?

29

30 Q. Tab L in your folder. This is a letter that you sent
31 to CMDR Radburn of the Inquiry - an email of 8 August. It
32 is at CORR.001.0260. I would like you to go over to
33 page 0261.

34 A. Now, what is this? It says "Paul", here, "The
35 Commissioner came over yesterday. He telephoned me on
36 Friday".

37

38 Q. Just take it easy. You see on the first page, you
39 forwarded a message from yourself to CMDR Radburn?

40 A. Yes.

41

42 Q. And what you forwarded was an email that you sent to
43 the State Secretary of the Western Australian RSL?

44 A. Mmm-hmm.

45

46 Q. Is that correct? MAJ William Gaynor?

47 A. Gaynor? He is actually the State President, sir.

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Q. You have referred to him as the State Secretary.

A. Whereabouts is that?

Q. At the top of page 0261?

A. No, it says "cc: State Secretary". That's a different person.

Q. Okay. Then you say:

As per our conversation.

It looks like the Men were from primarily 13th Brigade; 28th Battalion.

A. Mmm.

Q. What basis do you have for saying that?

A. There was a phone-in on Perth radio and Bret Christian was listening, and the caller was an old man. He said he buried them in the sandhills, and he was part of the militia, and he said it was the 28th Battalion that did it. Now, I then went through the 13th Brigade, and there was the 11th, and they were in Crete at that time; there was the 16th, and that was the Cameron Highlanders, a very small group, and they were scattered everywhere; and the 28th was stationed in Perth at that time, sitting around.

Q. And so --

A. A wild guess, a supposition.

Q. Okay. So your wild guess. And it is a wild guess to say:

Several Platoons only, not the full Battalion.

A. Correct. That's my wild guess. There is no way they would have taken the full battalion out there. My opinion is whoever was standing around at the time got - under wartime conditions, got sent to do the burials.

Q. How many men in a platoon?

A. I have no idea. Is it 12?

Q. Thirty.

A. Thirty. Okay.

1 Q. So several platoons and "a sapper unit" - what's a
2 sapper unit?

3 A. An engineering unit.
4

5 Q. So a sapper unit was used as well?

6 A. Well, that's my opinion. A sapper unit was used as
7 well.
8

9 Q. You don't say it is your opinion here, do you?

10 A. Well, this is to MAJ William Gaynor. I'm allowed to
11 give him my opinion.
12

13 Q. This letter is not marked "Without Prejudice", is it?

14 A. Isn't it? Where is it? I haven't seen all the --
15

16 Q. There is a hard copy right in front of you, if you
17 need to look at it. It is at tab L.

18 A. How did you get this, Jack?
19

20 Q. There is no "Without Prejudice" on this, is there?

21 A. This is to MAJ William Gaynor. How did you get this?
22

23 Q. Because it was sent by you to us.

24 A. Okay. That's different.
25

26 Q. What's different about it?

27 A. All right. No, I'm just trying to work out how you
28 got it.
29

30 THE PRESIDENT: Don't worry about that. Just worry about
31 the substance of the questions that you are being asked,
32 please.
33

34 CMDR RUSH: Q. You say there was a sapper unit involved,
35 as a statement of fact?

36 A. In my opinion.
37

38 Q. You don't say that, though, do you?

39 A. If I had the information for you, I would give it to
40 you.
41

42 Q. A bulldozer was used to cut a second road in?

43 A. Yes.
44

45 Q. To Crayfish Bay?

46 A. Yes, very exciting.
47

1 Q. And the RAAF were used?

2 A. I think they would have - this is supposition as well.

3

4 Q. You don't say it is supposition, do you? Let me just
5 read it:

6

7 RAAF recon from Geraldton to do a body
8 count.

9 My "letters" ... say lime was used.

10

11 A. Does it say there "My letters [copies & unsigned]",
12 CMDR Jack Rush?

13

14 Q. Yes, thank you.

15 A. Okay, good, good. Nice to see you are paying
16 attention, sir.

17

18 Q. "RAAF recon". What did that involve?

19 A. Now, if you - here is a story. If you want to work
20 out how you are going to bury 300 bodies floating in, in a
21 remote area, then you have got to put people in place, they
22 have got to do a body count, they have got to work out how
23 many have to be buried, how much lime is going to be used,
24 how many men to bury it, fuel to get the trucks in, water,
25 food, bandaids in case someone cuts their finger, and when
26 the Cape Otway, the lighthouse tender, got called off
27 station in the first week of December, when they reported
28 masses of floating bodies off the Zuytdorp Cliffs, the
29 easiest thing to do is to send an RAAF plane up from
30 Geraldton, which is just down the road. And they would -
31 this is my theory, this is my supposition only, sir - they
32 send the RAAF aircraft and they do a body count along the
33 cliffs - 130 kilometres of cliffs - and they work out what
34 they have to do. So this is my opinion on how they would
35 do it.

36

37 Q. This is something that you, in effect, have dreamt up?

38 A. Dreamt up?

39

40 Q. You have dreamt it up?

41 A. No, this is my opinion.

42

43 Q. Yes. Your opinion, based on nothing?

44 A. Well, you are more than welcome to put it forward as
45 something I have dreamt up. I'm more than happy for you to
46 answer that, sir.

47

1 Q. And what about the line four down from there:

2

3

UK in charge of burials.

4

5

A. Mmm.

6

7

Q. That's put as a fact too?

8

A. Well, I have an indication from the UK that they were
9 in charge.

10

11

Q. Is that indication something that you can tell us
12 about?

13

A. I wish I could.

14

15

Q. And the bulldozer? Where did that come from?

16

A. You wouldn't believe it. When we saw the second road
17 cut in, and crisp, neat edges, and when you look at the
18 original road to the water tank - and if you had my
19 Internet connection for me, I could show you this - there
20 are only three roads to that entire area in 1941: main
21 street of Carnarvon, which went to the water; the main
22 street of - what's that town called at the bottom of the
23 Murchison; I will remember in a minute - and the road that
24 was cut in to put the windmill in at False Entrance. It
25 was a road made in 1930 and it goes across the contour of
26 the land, it is not cut in, and it is in very poor
27 condition. The men used to ride their horse down there to
28 swing the windmill once a week, and if they needed to take
29 parts down, they would bring the truck down, but they had
30 to do it very slowly. There were two men on the dig team
31 and one was on the station in 1940. The other one was
32 there in 1943. They looked at that and they said, "Where
33 did that road come from?"

34

35

THE PRESIDENT: Q. Can I just go back a few steps? Do
36 I understand you to be saying this: first of all, you
37 assumed that there were 300 bodies in the water; is that
38 the first step?

39

A. Well, you have to - my opinion is --

40

41

Q. Is that the first step in this thesis of yours?

42

A. That there would be, bearing in mind there were
43 700 plus who died, sir, and no bodies were found. You can
44 count the body on Christmas Island as not found, because
45 that's still in limbo - with a bullet hole in the back of
46 his head.

47

1 So I have the 1943 RAAF shots here, if you want to
2 have a look at them, and I can show you the second road cut
3 in. I can show you on a modern Google shot where that road
4 has disappeared, and you can see the lovely crisp edges.

5
6 Q. Yes. But I am trying to work out the basis of your
7 contentions. The first one has to be that there are some
8 bodies to bury.

9 A. Okay, well --

10
11 Q. As I understand it, you assumed that there were 300
12 there?

13 A. 200 to 300 is my estimation.

14
15 Q. And you have no basis for that assumption?

16 A. Well, if I had the evidence for you directly, sir,
17 I would have given it to you.

18
19 Q. You do not have any basis for that assumption, do you?

20 A. At the moment, no. I'm not sure if - I'm the digger;
21 I'm the guy digging up the bodies. When I get those facts,
22 sir --

23
24 Q. Would you please listen to what I am saying to you.
25 So you first of all make an assumption that there are 200
26 to 300 bodies, and you have no basis for that.

27
28 Having made that assumption, you then look at maps and
29 see what you believe to be a road, and from the basis of
30 there being a road, you therefore assume that that road was
31 put in for the purpose of burying bodies; is that the way
32 the logic, if there is logic, works?

33 A. If there is logic?

34
35 Q. "If there is logic", I said?

36 A. That's my - that's the way I'm doing it, sir.

37
38 Q. And because there is a road, you assume someone wanted
39 to bury the bodies, and, therefore, you then do an
40 exercise, and you make various assertions about what would
41 have been required to bury 300 bodies; is that the way it
42 works?

43 A. Oh, yes. This is a very remote area. There is no
44 water, no food, no shelter. A very harsh environment. And
45 it is extremely isolated, even today. You need a full
46 four-wheel drive, medical kit, back-up four-wheel drive to
47 get you out.

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Q. But am I right that, as best as I can understand it, that's the way your thinking works, is it?

A. Yes, look, I'm a simple man, sir. Is that all right?

THE PRESIDENT: Yes, CMDR Rush.

THE WITNESS: I have the photos here for you, if you would like to see them.

CMDR RUSH: We will come to the photos. There are just a couple of more emails on this point that I want to take you to.

Q. Could you please go to an email behind tab K. It is CORR. 001.0263.

A. That's a good one, isn't it?

Q. Do you see at the bottom of the page, that's an email that you addressed to Michael McCarthy. "Dr Mack", as you referred to him?

A. Yes. That's what he prefers to be called. He asked me if I was involved with Samuels, and I said no.

Q. And if you go over the page, you say you are in trouble with ASIO?

A. Yeah, I have a feeling I am in trouble with them, sir.

Q. Is that just a feeling?

A. I have had my computer hit. I have had large chunks removed from it.

Q. So that's the proposition for saying that you are "at present with ASIO for pulling apart" --

A. I'm not scared of them, CMDR Rush.

Q. I am sure you are not, but that's your basis for saying that you are in trouble with them at present for pulling apart the 1999 Inquiry, on the supposition that you say that the confidential matters that the Commission has told you about contain letters from diggers; correct?

A. In my opinion, yes.

Q. If you go down the page, you say:

The first site is theoretically in Sheltered Bay.

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A. Mmm. Theoretically.

Q. What does that mean?

A. Well, we haven't dug them up, yet.

Q. It was done by the Tug Uco?

A. Tug Uco, yes. Well, that's my opinion, and I want to talk to you about this.

Q. And, again, is that opinion supported by any document, anything at all?

A. Something I've noticed about you, Jack Rush, is you want a whole pile of documents; you want them stamped "Top Secret".

THE PRESIDENT: Mr Angwin, will you please answer the questions you are asked.

CMDR RUSH: Q. Do you have any document?

A. I wish I did.

Q. Then you go back to RAAF Geraldton, "did the body count survey", "in the second week of December".

A. Whenever it was. We can't pin it.

Q. You say it was the second week of December?

A. We can't pin the date down.

Q. But you state there that it is the second week of December?

A. Well, I don't know.

Q. You don't know?

A. It's after Pearl Harbour, from what I understand.

Q. And you say:

Bodies washed in naturally into the south end of False Entrance, and into the northern end of Crayfish Bay.

A. Yes.

Q. Correct? Then you say:

Three S&R RAAF boats sent from Perth.

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A. Yes, that's a story that got told to me, that three boats got sent up from Perth to help with it. Now, that comes out of the UK.

Q. That comes out of the UK? Okay. Can you be any more definitive?

A. I wish I could. Now, I have got a very high-level contact in the UK with a Ministry of Defence clearance, allegedly. So it is just a story. I can't cross-check it. And he claims to have viewed the distress message sent by the Kormoran, the QQQ message, and he said "112 and 26", and I quote.

THE PRESIDENT: Q. Did he send you an email about that?

A. No.

Q. Did he ring you up about it?

A. No.

Q. So where did you get the story from?

A. From someone else. So we've got a separation there.

Q. I thought you said you had a high-level contact?

A. Well, I think it is.

Q. So what you have now is not a high-level contact but a story that you say you got from somebody who spoke to the high-level contact?

A. I think you could call it a story, then, sir.

CMDR RUSH: Q. But you were prepared to describe it to the Commissioner as a high-level contact?

A. Well, unless I am proven otherwise, you know - I'm sorry about that, Commissioner. It is a story, sir.

THE PRESIDENT: Do please try to be a little more precise. Yes, CMDR Rush.

CMDR RUSH: Q. So three boats came up from Perth, according to this story?

A. Allegedly, according to this story, yes, and they picked the bodies up from along the cliffs, 130 kilometres of cliffs, and they theoretically dropped them into False Entrance.

THE PRESIDENT: Q. Just take the whole paragraph. There

- 1 are five lines to it. CMDR Rush has taken you through each
2 line of it. So far, you have not given me any material at
3 all which would support any statement of fact in it. What
4 you have told me is that you got that information from
5 somebody who got it from somebody else who you believed to
6 have a high-level clearance from the Department of Defence
7 in England. Who was the person who told you those facts?
8 A. I think we should just keep that as a story. I have
9 got no --
- 10
11 Q. Did you make it up or did somebody tell it to you?
12 A. Someone told me.
13
- 14 Q. Who was it?
15 A. I'm not - do I have to tell you?
16
- 17 Q. Yes, you do.
18 A. I can't remember his name, sir. I do apologise to you
19 profusely about that.
20
- 21 Q. And when did he tell it to you?
22 A. Some time last year.
23
- 24 Q. And was it by telephone or did you meet him
25 personally?
26 A. By telephone.
27
- 28 Q. From the UK?
29 A. I have got no idea where he called me from.
30
- 31 Q. Where were you?
32 A. I was in Adelaide, sir.
33
- 34 Q. You have no better recollection of the discussion
35 apart from that?
36 A. As I said to you, it is a story. I think that's the
37 best I can do for you. If I had the evidence for you, you
38 must - you would understand, I would have given it to you,
39 sir.
40
- 41 Q. How did this person from the United Kingdom come to
42 ring you about this particular matter?
43 A. I have no idea.
44
- 45 Q. So someone from the United Kingdom, unknown to you,
46 rang you up, just like somebody from Perth, unknown to you,
47 sent you some letters with no dates, no notification from

1 whom, and unsigned?

2 A. Correct.

3

4 Q. That's two occasions where unknown people from around
5 the world have contacted you about this particular matter?

6 A. Correct, sir.

7

8 Q. Then you advance them as assertions of fact?

9 A. Right. Well, if you could resubmit them as my opinion
10 only, I'm not putting that forward as an assertion of fact.
11 I wish I could. I wish I had the evidence to back it.

12

13 CMDR RUSH: Q. You note things, though - conversations.
14 You were able to tell us when you spoke to Dr Theophanous,
15 as you claim. Why didn't you note this one, the one that
16 you are speaking to the Commissioner about?

17 A. If you noticed, I looked - did you see me looking in
18 my diary when you inquired about that, CMDR Rush?

19

20 Q. I noticed you looking at something that recorded when
21 you spoke to Dr Theophanous.

22 A. Okay. And was I able to pinpoint the exact date for
23 you?

24

25 Q. Well, you were able to tell us. Why didn't you note
26 this?

27 A. Well, the reason I noted Dr Andrew Theophanous is that
28 here are all the submissions, here are all the people that
29 were on the --

30

31 Q. My question was if you noted that, why didn't you note
32 this conversation?

33 A. I don't have enough paper, sir, to note everything
34 that happens.

35

36 Q. I see. Have you stated, Mr Angwin, as a matter of
37 fact, that some of these bodies were exhumed after the war?

38 A. The rumour is some of them were dug up and reburied.

39

40 Q. And have you stated that as a matter of fact?

41 A. No. That's my opinion. It is a story that I have
42 heard.

43

44 Q. Who did you express the opinion to?

45 A. I've got no idea. I tell anyone I can, sir, about the
46 irregularities around the HMAS Sydney that was lost by the
47 Royal Australian Navy in 1941.

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Q. Would you turn behind tab WX in that folder at CORR.018.0073. If you would go to the second email address, this is David Angwin, sent Monday, 27 October 2008.

A. Now, who is Tim Hetherington?

Q. To Frank Salomon?

A. Salomon, from the Volksbund.

Q. What's Mr Salomon?

A. He's one of the directors of war graves in Germany.

Q. And you copied it to the Inquiry?

A. Yes.

THE PRESIDENT: Q. You also wrote to the President of Germany?

A. Yes.

CMDR RUSH: Q. So it was directed to Mr Salomon and to Ms Angela Merkel?

A. That's it, who is the Chancellor of Germany.

Q. There is no "Without Prejudice" on this, is there?

A. Are you sure? Look on the bottom, sir.

Q. Okay. So what was that meant to mean for the Prime Minister or the President of Germany?

A. I'm being a cheeky bastard there, sir.

Q. Why did you put it there?

A. Which bit?

Q. "Without Prejudice" - what was the purpose?

A. To tell them that that is my opinion and I'm giving it to them.

Q. Let's just go through it:

I highly recommend you stipulate that none of the War Graves are disturbed, and ALL are guaranteed full Military Honours in perpetual.

A. Yes.

1 Q. This is the war graves you say are there but have not
2 located or found?

3 A. As yet.

4

5 Q:

6

7 Easy to do for Australia.

8 I don't think Australia will get over

9 seeing all the remains unearthed.

10 That type of bad news will travel fast, and

11 persist.

12

13 The Commonwealth War Graves Commission

14 mandate is to dig them all up, identify

15 them and return the remains to the

16 Families.

17

18 A. From what my understanding is, that's their number one

19 mandate - return.

20

21 Q. You have had correspondence with the Commonwealth War
22 Graves Commission?

23 A. I certainly have.

24

25 Q. And you were purporting, in this correspondence, to

26 state as a matter of fact what the mandate of the

27 Commonwealth War Graves Commission is?

28 A. A bit cheeky, isn't it, sir?

29

30 Q. Is it true?

31 A. I have got no - that's my opinion, which I am more

32 than able to give to anyone who wants to listen to it.

33

34 Q. Then you say:

35

36 A big problem is that my indications

37 suggest the different Nationalities are

38 mixed together in some locations due to the

39 limitations of time and resources in 1941.

40

41 A. Yes.

42

43 Q. What are those indications?

44 A. The third part of the rumour is that they are on

45 Dirk Hartog Island, and Dirk Hartog Island is very remote,

46 very hard to access.

47

1 I have theoretically worked out where they are on
2 Dirk Hartog Island. However, they wouldn't have separated;
3 they would have just buried them ad hoc, if they did, on
4 that particular beach. So I am working on the assumption
5 that this was a mess that got cleaned up as fast as
6 possible and there would have been some error.

7
8 Q. What about the statement, if you skip a paragraph:

9
10 The small individual burials at Carnarvon,
11 [extreme North] and Geraldton [extreme
12 South] were exhumed after the War and
13 reburied correctly.

14
15 A. So the story coming out of Carnarvon is the local men
16 had to bury some bodies that floated in. They put them
17 behind the sandhills.

18
19 Now, the theory would be - and this is working on the
20 rumour that some of them were dug up and reburied - these
21 are very remote areas. The local policemen, theoretically,
22 would have done it. So afterwards, they would have dug
23 them up and then interred them correctly.

24
25 THE PRESIDENT: Q. Mr Angwin, you are talking about
26 stories coming out of Carnarvon?

27 A. Mmm.

28
29 Q. What are you talking about?

30 A. No-one wants to put it in writing, but there are the
31 old soldiers that will tell you the story.

32
33 Q. But you haven't spoken to any of these people?

34 A. No, someone else has.

35
36 Q. Who is the "someone else"?

37 A. Mr Les Moss.

38
39 Q. Have you spoken to him about this, have you?

40 A. I have. And he said --

41
42 Q. When did you speak to him about this?

43 A. Sorry?

44
45 Q. When did you speak to Mr Moss?

46 A. About five weeks ago.

47

1 Q. Five weeks ago?

2 A. Yep. But it is only a story, and if I had the direct
3 evidence for you - I'm sure you can see, sir, I have no
4 problems sending you stuff. If I had the evidence --

5
6 Q. No. We observed that.

7 A. Sorry?

8
9 Q. We have observed that.

10 A. I'm not holding back, sir. If I had it --

11
12 Q. Please. You say that five weeks ago you spoke to
13 Mr Moss and he told you a story?

14 A. Yes.

15
16 Q. Is that the only basis for any of this?

17 A. That's it. This is my opinion. It is a story. Pure
18 supposition.

19
20 Q. And what was the story that Mr Moss told you five
21 weeks ago?

22 A. Sorry, say that again?

23
24 Q. What was the story that Mr Moss told you five weeks
25 ago?

26 A. He said a soldier, who had died, told his daughter
27 that they had buried sailors, and they just put them in
28 behind the sandhills and they were sworn to secrecy, and it
29 was only a small batch.

30
31 So if I could show you the area on a map or on a
32 photo, you could see how bodies would have drifted north
33 and drifted south and where they should have naturally
34 collected in their largest numbers. So all theory, sir.

35
36 Q. It seems, from what you have told me so far, that it
37 is theory without a shred of fact to support it?

38 A. I am hoping to get some direct evidence for you soon.

39
40 CMDR RUSH: Q. Mr Angwin, you spoke about the natural
41 place for the bodies to be, in that answer to the
42 Commissioner. I was wondering if you could have a look,
43 please, if we can bring up COI.003.0121. Do you see what
44 has come up on the screen there?

45 A. Yes.

46
47 Q. Do you see at the bottom there is "Google Earth" - you

1 are familiar with that?
2 A. Yes.
3
4 Q. You have Geraldton?
5 A. Yes.
6
7 Q. And up towards the top you have Seven Mile Well?
8 A. 17 Mile Well, sir?
9
10 Q. 17 Mile Well, thank you.
11 A. Yes.
12
13 Q. You see the scale set out there - 215 kilometres
14 across and 280 kilometres down?
15 A. Yes.
16
17 Q. Do you see that the green mark is the location of
18 where the wreck of HMAS Sydney is located?
19 A. Is that the exact position, sir?
20
21 Q. That's the position?
22 A. As told to you by whom, sir?
23
24 Q. As discovered by Mr Mearns and the Finding Sydney -
25 you don't accept that?
26 A. I really don't know what's going on there. We've
27 talked about the photos that are put forward as their
28 evidence of fact, and there is a lot of discrepancy.
29
30 Q. You don't accept that that's where the location of
31 Sydney is?
32 A. I don't accept, unless you can prove to me
33 categorically - and I haven't seen any evidence yet.
34
35 Q. But you emailed Mr Mearns congratulating him on the
36 finding, didn't you?
37 A. Well, to start with, yes.
38
39 Q. Is that a copy of the email that you sent him:
40
41 Mr David Mearns
42 I want to congratulate you on your work,
43 Very Well Done.
44 I was very wrong about 112 and 26.
45 David Angwin.
46
47 It is dated 9 April. Is that your email?

1 A. I think so, yes.

2

3 CMDR RUSH: I tender that.

4

5 EXHIBIT #50 EMAIL FROM MR ANGWIN TO MR MEARNS DATED

6 9/4/2008, BARCODED EXH. 050. 0001

7

8 CMDR RUSH: Q. I want you to look at the map, to start
9 off with. Just to run through so you understand, do you
10 see where the point 1 is?

11 A. Yes.

12

13 Q. That's where the lifeboat with 26 men was picked up by
14 Aquitania on 23 November 1941?

15 A. 23 November?

16

17 Q. Correct.

18 A. Now, what's that position, sir?

19

20 Q. That's 024.35 south and 110.57 east?

21 A. 110 and 24, roughly.

22

23 Q. Then you go to 2?

24 A. Yes.

25

26 Q. That is to the right, and that is the lifeboat where
27 25 men were picked up by Trocas on 24 November?

28 A. Okay.

29

30 Q. And then come back down to 3, just below 1.

31 A. Yes.

32

33 Q. A lifeboat picked up by Yandra with 70 men on
34 24 November?

35 A. Mmm-hmm.

36

37 Q. Then go to 4, and you will find 4 is up on the coast
38 at 17 Mile Well?

39 A. Yep.

40

41 Q. That's where 46 men were picked up at Quobba Station
42 on 25 November. If you go to 5, just behind it, 57 men
43 picked up on 25 November.

44 A. Mmm-hmm.

45

46 Q. Then 6. Do you see 6, just off 17 Mile Well?

47 A. Mmm-hmm.

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Q. That's where, on 26 November, 31 men were picked up. And then 7 - further out towards number 1 but just under number 9 - 62 men picked up. Do you see that?

A. Yes.

Q. They were picked up on 26 November?

A. Well, I can't check if this is accurate. I'm assuming it is.

Q. You accept that it is accurate for the purposes of my questioning. Then number 8. Do you see where 8 is, off Carnarvon?

A. Yes.

Q. Seventy men picked up by Yandra on 27 November?

A. Off the tip of Dorre Island, rather than Carnarvon.

Q. Then at 9, the RAN lifebelt. Do you see 9?

A. Yes.

Q. A RAN lifebelt picked up by Wyrallah on 27 November. And then number 10, out to the left, the Carley float picked up by Heros. Do you see that?

A. Mmm.

Q. Then if we go down the page, we see your two claimed burial sites, don't we?

A. Mmm-hmm.

Q. What I want to suggest to you, Mr Angwin, is that the Leeuwin Current, that you refer to in some of your correspondence, takes the natural course, the debris and the lifeboats from the ships, to where this was found, but is not consistent with where your dig sites are?

A. Are you an expert on the Leeuwin Current, sir?

Q. You are the expert - you have quoted the Leeuwin Current.

A. Are you an expert, sir?

Q. Are you an expert on the Leeuwin Current?

A. You have just said, before the Commissioner, that the Leeuwin Current carried all of them north. Is that correct, sir?

Q. We will have evidence of that.

1 A. Where is your evidence, sir?

2

3 CMDR RUSH: Don't you worry.

4

5 THE PRESIDENT: Q. Mr Angwin, would you just direct your
6 mind to the questions asked? If you look at that document,
7 you will see that every piece of material recovered after
8 the battle has a known site north of where Sydney now
9 resides. What is being put to you is that the sites where
10 you say bodies are to be found is not to the north but is
11 to the east?

12 A. I have a very good point here, Commissioner, if
13 I could take it up with CMDR Rush.

14

15 CMDR RUSH: Q. On the basis of what is put before you?

16 A. On the basis of what is put before me.

17

18 Q. Everything concerned with Sydney has gone to the east
19 of that site, hasn't it?

20 A. I'm not - I don't agree with you there. These are
21 boats --

22

23 Q. North of the site, I beg your pardon.

24 A. Yes, north. These are boats, and they are being
25 sailed and propelled north, and if you look at the spread
26 of the lifeboats, what does that suggest to you, CMDR Rush?

27

28 Q. Do you accept that there is nothing concerning Sydney
29 found in the area that you claim the dig sites for the
30 burial of the bodies - there is nothing from Sydney found
31 in that area?

32 A. As yet.

33

34 Q. And there was nothing found there in 1941?

35 A. My opinion is that there were.

36

37 Q. Your opinion might be that, but --

38 A. You know the tail wheel that floated up on Geraldton?
39 Are you aware of that?

40

41 Q. What are you saying?

42 A. Historical fact. A tail wheel from an aircraft
43 floated in to Geraldton, sir. Do you know about this?

44

45 Q. What's the connection with Sydney?

46 A. It is to do with the Leeuwin Current.

47

1 Q. What's the connection?

2 A. It came off - allegedly - came off the Walrus.

3

4 THE PRESIDENT: Q. Alleged by whom?

5 A. Well, I don't know.

6

7 CMDR RUSH: Q. Well, what is your basis for saying it?

8 A. It is to do with the Leeuwin Current. Now, I know you
9 are an expert on it.

10

11 Q. No, what is your basis for saying it? What is your
12 basis for saying that it was a tail wheel from the Walrus
13 on Sydney that washed up at Geraldton?

14 A. It floated in, the locals picked it up. One of them
15 took the tyre off and put it on the front of his tractor,
16 allegedly - the story.

17

18 Q. That's the story?

19 A. Yes.

20

21 THE PRESIDENT: Q. Where did you get that story from?

22 A. It was reported in the Geraldton Times. I've seen it
23 somewhere. I know you are not impressed with that, sir,
24 but if I could tell you how the wind has a factor with
25 this. 20 knot winds, 24 hours per day for five months of
26 the year - relentless.

27

28 Now, all of those things that you have got marked
29 there, they float, they stick up out of the water, and they
30 have been pushed forward. And my opinion is that the
31 lifeboats are staggered across a - what's the word for it -
32 a trap; they are trying to stop a merchant ship and they
33 are going to try and board her and they are going to try
34 and take off. So that's a trap, in my opinion. They've
35 got the lifeboats staggered all the way out to - across the
36 inbound and outbound lanes to and fro Perth.

37

38 Q. Mr Angwin, that's just a plot of every known piece or
39 article that was recovered after the loss of Sydney and
40 Kormoran. That is all that is.

41 A. This is incomplete, sir. It doesn't show where the
42 monkey kennel was picked up.

43

44 CMDR RUSH: Q. Where was the monkey kennel picked up?

45 A. Off the top of Dorre, allegedly, close to where your
46 number 8 is.

47

1 Q. Is this another --

2 A. You are more than welcome to check that.

3

4 Q. Where did you ascertain that that is where the monkey
5 kennel was picked up from?

6 A. It is recorded as fact in the Inquiry that was put
7 together after the war by the Royal Australian Navy.
8 I could dig it out for you. It would take a couple of
9 hours.

10

11 Q. Mr Angwin, you sent three low-resolution photographs
12 to the Commission of Inquiry --

13 A. Yes.

14

15 Q. -- in August 2008. Is that correct?

16 A. Which ones, though?

17

18 Q. Of the Shark Bay/False Entrance area?

19 A. Okay.

20

21 THE PRESIDENT: I will just mark this document as an
22 exhibit.

23

24 EXHIBIT #51 PHOTOGRAPH BARCODED COI.003.0121

25

26 THE WITNESS: I would like to just lodge an objection.
27 This is incomplete. There is an enormous amount of detail
28 missing off that. It suits CMDR Rush to put that forward
29 as a piece of evidence. There is more flotsam than just
30 those boats.

31

32 THE PRESIDENT: Yes, CMDR Rush.

33

34 CMDR RUSH: Q. Could you turn to tab R, please - the
35 first "R" in the folder. It is at EML.001.0143. That's an
36 email that you sent to the Commission on 18 August;
37 correct? With that, you copied to the Commission
38 correspondence concerning the supply to you of three
39 photographs of the Sharks Bay area; correct?

40 A. I have no idea. Where is it again, sorry? I have it
41 on the screen here, but I need to see the document.

42

43 THE PRESIDENT: It is behind tab R.

44

45 THE WITNESS: Tab R. The paperwork war here is
46 incredible.

47

1 THE PRESIDENT: It is all material that came from you,
2 Mr Angwin.

3
4 THE WITNESS: I have been very busy, haven't I, sir? So
5 behind tab R?

6
7 CMDR RUSH: Q. Behind tab R. Do you have that?

8 A. Yes.

9

10 Q. Am I right in saying that what follows is three
11 photographs of the Sharks Bay area?

12 A. Yes, False Entrance and Crayfish Bay. And the good
13 news is, I have got the high-resolution shots here for you,
14 sir, directly.

15

16 Q. What's your purpose in enclosing these three
17 photographs?

18 A. In what, sorry?

19

20 Q. What was your purpose in sending the three
21 photographs?

22 A. To show I have done the work.

23

24 Q. What do you say is depicted in the photographs?

25 A. There is an enormous amount of detail. These are
26 low-resolution shots, so you are not going to see much.

27

28 Q. Let's have a look at the first one at 0145.

29 A. Yes, now, there, in the sandhills, 700 metres back
30 from the water, is where I think the main site is, and it
31 is quite clear for most people, if they could see that
32 square box cut into the vegetation. Now, that's a man-made
33 object. You can clearly see that the - all the rest of
34 the --

35

36 Q. We might just take it a little bit slower. You say
37 there is a man-made box in the vegetation?

38 A. Clear of vegetation, in the upper right.

39

40 Q. In the upper right?

41 A. I can point it out on the big screen, if people want
42 to see it. I have got the 4x3 photo, high-resolution,
43 here. I have also got the digital high-resolution shot.

44

45 THE PRESIDENT: Q. Is it the feature to the right, about
46 a third of the way down from the top?

47 A. Yes, in the 2 o'clock position.

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Q. In that area there?

A. Yes, that's it.

CMDR RUSH: Q. Let's clarify this. This is a photograph that you say was taken in 1943?

A. Mmm-hmm.

Q. I think you referred to it as a "red run"?

A. Yes, this was is red run, as it was catalogued.

Q. I think you are saying to the Commission that what is shown here is some form of man-made disturbance in relation to the beach; correct?

A. Yes.

Q. What is your basis for saying that?

A. Two men on the dig team. One was on the station in 1940 - I have said this before - the other one was on the station in 1943. They said, "What's that? We didn't dig anything. That's huge."

THE PRESIDENT: Q. Who told you that?

A. Mr Dick Houl t and Mr Jimmy Poland.

CMDR RUSH: Q. When did they say, "What's that"?

A. When they were shown this in January this year.

Q. And, Mr Angwin, what you are pointing to there, just so we understand it, is at the 2 o'clock position; correct?

A. Yes.

Q. How far do you say that is from the beach?

A. 1100 metres.

Q. 1100 metres?

A. Yes.

Q. You say that that disturbance there is man-made?

A. I certainly do.

Q. Why?

A. Can you see the lovely crisp, straight edges on it, sir?

Q. I see. So you say there are crisp, straight edges, along where the scrub meets the beach?

1 A. Yep. No, hang on - meets the beach?
2
3 Q. Yes.
4 A. This is 1100 metres back.
5
6 Q. Okay. Meets the sand?
7 A. Now, I did send you the high-resolution shot. You are
8 short-changing yourself, CMDR Jack Rush, by looking at this
9 in low resolution.
10
11 CMDR RUSH: May I go to the photograph, sir, that is
12 depicted?
13
14 THE PRESIDENT: Yes.
15
16 CMDR RUSH: Q. Mr Angwin, is it this area that you say
17 is man-made (indicating)?
18
19 THE PRESIDENT: Q. Can you see that?
20 A. I can't see that from here.
21
22 Q. Perhaps go so that you can.
23 A. Just there. Can you see the square edges?
24 (Indicating). You do have the high-resolution shot here.
25 I sent it to you last night.
26
27 CMDR RUSH: Q. I do, yes, we can have a look at that.
28 So these are the square edges, sir. (Indicating). And the
29 vegetation in the middle - is that part of the plot?
30 A. The possibility that there was regrowth and - not so
31 much of a tree, because this area is very, very - what's
32 the word for it? It is --
33
34 Q. Is what I am pointing to here a long straight edge?
35 A. That's a tree line.
36
37 Q. Is it a long straight edge on the photograph?
38 A. No, it is not straight, sir. It has a wavy edge on
39 it.
40
41 Q. Is that wavy, Mr Angwin?
42 A. Sorry?
43
44 Q. Is that a wavy edge?
45 A. That's a straight edge.
46
47 Q. That's a straight edge?

1 A. Can you see that? (Indicating). These dots --

2

3 Q. Could you just point again to what you are saying is
4 the --

5 A. If you put the high-resolution shot up, you will have
6 a better idea. At the moment, I can't believe you are
7 doing that, you are looking at a fuzzy picture, sir.

8

9 THE PRESIDENT: Mr Angwin, please do as you are asked.
10 We will come to the high-resolution, I have no doubt.

11

12 THE WITNESS: Put it up and we can get straight on to
13 it --

14

15 THE PRESIDENT: Would you please answer the question you
16 were asked.

17

18 THE WITNESS: Which is? Is that a straight edge? Yes.

19

20 CMDR RUSH: Q. Could you, using your finger, point to
21 where you say on that photograph the burial site is?

22 A. All through here (indicating) and through the front
23 bit here. Theoretically - it is a very strange area.
24 Theoretically, they flattened the front of a ridge line,
25 which was here (indicating) and this is actually in a
26 natural valley.

27

28 Q. Mr Angwin, if you could return to the witness box.

29 A. Yes, of course.

30

31 THE PRESIDENT: Q. Could I just ask, have you been to
32 this site?

33 A. I have.

34

35 CMDR RUSH: Q. The site that you claim that is there,
36 what do you say as to the revegetation on the site?

37 A. The dots in the middle?

38

39 Q. Yes.

40 A. The natural saltbush and low scrub takes 50 to 60
41 years to regenerate. And that (indicating) in my
42 estimation, is a fast-growing perennial, which spreads
43 out - it is only that high (indicating). It spreads out
44 like a spider web. We couldn't work out what those dots
45 were. Two of those big dots, we think, were trees that
46 were left, just to segment that area for some reason.

47

1 Q. You emailed, did you not, and have spoken with, the
2 ranger in this area, Mr Paul Dickinson?

3 A. Yes, I have.

4
5 Q. You have indicated that Mr Dickinson has inspected
6 that spot?

7 A. He has gone to that site. He has had a look.

8
9 Q. And Mr Dickinson has indicated to you that this theory
10 is nonsense?

11 A. No. Wrong? Who said that?

12
13 Q. And Mr Dickinson also has indicated to you, has he
14 not, that, in relation to movement of heavy equipment in
15 1941 into the area where you are now indicating the bodies
16 are buried, it would have been impossible?

17 A. Who said - when did he say this, sir?

18
19 Q. That's what I'm suggesting Mr Dickinson said to you.

20 A. When did he say --

21
22 THE PRESIDENT: Q. Did he say that to you, or not?

23 A. No.

24
25 CMDR RUSH: Q. In fact, have you not been banned from
26 the pastoral lease of Carrarang Station?

27 A. I have. But, I have got good news for you, sir. Do
28 you want the good news?

29
30 Q. Mr Angwin, what you are putting to the Commission of
31 Inquiry, like everything else that you have put to the
32 Commission of Inquiry, is something that you have put
33 together without any form of evidence, isn't that correct?

34 A. I have - I wish, as I said - I have said this to the
35 Commission now, I think, about nine times, CMDR Jack Rush:
36 if I had the definite proof for you, you would have got it
37 already. So proof is going to be seven foot down, if there
38 are hundreds of bodies buried there, and they are going to
39 have, theoretically, bullet holes in their heads, and
40 I think that should settle the matter once and for all.

41
42 Q. But you have been there and gone seven feet down,
43 haven't you?

44 A. Yes. Now, we had a problem with the site.

45
46 Q. You had a problem with the site?

47 A. Yes.

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THE PRESIDENT: Q. When you went there and went down seven feet, what did you find? Anything?

A. Well, we --

Q. Did you find anything?

A. On this site, we had a lot of trouble with it.

Q. Did you find anything?

A. No. If I had, I wouldn't be standing here.

Q. So you have disproved your own theory?

A. No, it is a work in progress, sir. Just like this Commission is.

CMDR RUSH: Q. You sent to the Commission a photograph of yourself with a piece of poly-pipe, did you not?

A. Oh, yes.

Q. And I think we might have a copy of that behind tab UV.

A. Fantastic. Put it on the screen. So part of me carefully doing a seven-foot sample is that this is a wilderness area and there are laws against --

CMDR RUSH: It is CORR.012.0330.

THE WITNESS: -- ripping up the environment. I have been very, very patient. Also, my personal opinion is that nobody really wants to see large amounts of bones brought up. So it is an extremely large area, and what I have been trying to do is not disturb the war grave, if it is there - not to disturb it too much, out of respect for the dead.

CMDR RUSH: Q. That's the piece of poly-pipe, sir?
(Shown in photograph)

A. Oh, yes.

Q. That's you?

A. That certainly is. That's dig number 7.

Q. And the implement below the poly-pipe?

A. A shovel, sir.

Q. A shovel?

A. Yes, I do my best work with a shovel, sir.

1 Q. Where did you get the poly-pipe from?

2 A. We found it.

3

4 Q. You found it in a rubbish dump?

5 A. Yes.

6

7 Q. Correct?

8 A. Yes.

9

10 Q. In the area?

11 A. Yes.

12

13 Q. And what you are saying to the Commissioner is that
14 you put that poly-pipe in the ground to a depth of seven
15 feet?

16 A. Mmm.

17

18 Q. How did you do that?

19 A. It's called a sand drill. Now, Western Australians
20 know about it; we don't. There is so much sand in Western
21 Australia, it is just mind boggling. What they do - before
22 we were using a four-inch auger with a cutting edge, in
23 case we hit bone, and in the dry, sandy, dusty environment,
24 we were putting water down to set a solid plug to bring it
25 carefully up and then go through it looking for human
26 remains, or an indication of, and it was time consuming,
27 very frustrating, and someone recommended we try using a
28 sand drill, and we found a piece and I could tell you, this
29 is fantastic. What would take two hours can now take
30 20 minutes.

31

32 Q. So is the position this: the poly-pipe went in the
33 sand to a depth of seven feet?

34 A. Yes, and if you look at the front of the photo, you
35 can see the little divots where they have been knocked out.
36 So it will bring up about a two-and-a-half, three-inch
37 plug, and then tapping it out, looking through it, and then
38 continuing.

39

40 THE PRESIDENT: Q. And you found nothing?

41 A. Sorry?

42

43 Q. And you found nothing?

44 A. Nothing yet, sir.

45

46 Q. And is that typical of the terrain that you were
47 working in?

1 A. Yes.

2

3 Q. It is all like that, throughout?

4 A. Not all like that. That's typical for some of it.

5

6 Q. It is typical of the Shark Bay area?

7 A. Yes and no. Just behind where my head is - do you see
8 that top line there, where the sand is exposed? That is in
9 a wind tunnel area, and I wish you had my Google map here,
10 sir, and I could show you. So that line is where the wind
11 pops up. There is a 20 knot relentless wind and it gets
12 funnelled into an area, just through a natural crack in a
13 rock or a natural dent in the cliffs, and the wind just
14 goes straight through it.

15

16 If you notice, I'm in a valley there, so the wind
17 actually goes across the top of my head. So low shrub,
18 shifting sand, bare sand behind the hills. If there is
19 water, you have got three foot of shrub, rocks. Depending
20 on the particular location.

21

22 Q. Okay. If you would just take a seat, Mr Angwin.
23 Mr Angwin, you have found nothing?

24 A. Nothing yet, sir.

25

26 Q. How many times have you been there?

27 A. I've been there eight times. We're going for number 9
28 very soon.

29

30 THE PRESIDENT: Q. All to the one place?

31 A. No.

32

33 Q. Why did you go to different places, if this is where
34 you think the bodies are?

35 A. We got some poor information on the first two digs and
36 we realised that we were in the wrong place. We then got
37 the Geraldton letter read to us, and the Geraldton letter
38 says that they drove from Perth, through Geraldton, they
39 turned off on a bumpy, horrible road, they drove for two
40 days, they parked in the back of a sandhill, they walked to
41 the top of the sandhill, they had a headland on the left,
42 they had a headland on the right - there we are, there are
43 two of them, (indicating) Crayfish Bay and False Entrance -
44 and a crew, a separate crew to them, with stretchers,
45 brought the rotting, stinking, bloated bodies up, and half
46 went to the left, half went to the right and they put 60 to
47 80 into two trenches.

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Q. Who read that letter to you?

A. Dick Houlton. He read the letter, got sent back to Geraldton. He told me exactly what the letter said. And I said to him, "Well, whereabouts is there a place where there are two headlands, on the left and on the right, where a truck could go to in 1941?" And he said, "The only place is False Entrance" and I said, "Great, let's go there", so we did.

Q. So that's the basis on which you say there are bodies buried in this place?

A. No, that's the indication that we have where they should theoretically be, and we're still hunting for them, sir.

CMDR RUSH: Q. With the emphasis on the "theoretically"?

A. Yes, a bit like this --

Q. Where were the first two digs?

A. If you could pull Google Earth up for me, I can give you a very good --

Q. You just give us the approximation?

A. You would have to - I can give you the approximation, but a picture is worth a thousand words and I could tell you why all the errors were and how we got --

Q. How far away from where you are now digging was the first dig?

A. About 33 kilometres.

THE PRESIDENT: Q. Did you say 33 kilometres?

A. 33 kilometres. So the rumour is that they are buried --

CMDR RUSH: Q. In which direction?

A. East.

Q. East?

A. Inside the bay. Now, look, they are not at position dig 1 or dig 2. We learnt a very hard lesson there. So there is no way that the bodies could have been floated into that particular site, 1 and 2, and there is no way they could have brought all the boats in, laden with that, past the township of Denham. People would have seen them. But I got a wrong indication, and we narrowed it down. So

1 we're still narrowing it down.

2

3 Q. Could we then just understand, Mr Angwin, what the
4 basis or you saying that there are bodies on the beach
5 where you are now digging?

6 A. They are not on the beach, sir.

7

8 Q. Well, bodies buried adjacent to the beach where you
9 are now digging? What is the first basis that you move on
10 in relation to saying that's the area?

11 A. The first thing is the probability of 700 plus men
12 dying and there were no bodies.

13

14 Q. Okay. So you say that because, in the official
15 account, there were no survivors of HMAS Sydney, there must
16 be an explanation for that?

17 A. Yes. And the persistent local rumour is they are
18 buried on Carrarang Station (indicating) and near Useless
19 Loop, and that is an error. We've now worked out that what
20 they either --

21

22 Q. So, just doing it step by step, you say that because
23 there were no bodies and no survivors on Sydney, there has
24 to be an explanation for that; correct?

25 A. I'm not quite sure if you have heard all the --

26

27 Q. That's the first basis?

28 A. Correct.

29

30 Q. Then, what you propound is, because you do not accept
31 that, you propound a theory that the bodies must have been
32 washed up on the beach?

33 A. A theory, yes.

34

35 Q. And that's all it is?

36 A. Yes. Enter all my stuff as theory.

37

38 Q. Apart from there being no survivors from
39 HMAS Sydney --

40 A. Apparently, they were machine-gunned in the water,
41 sir. Have you heard that rumour?

42

43 Q. Apart from there being no survivors of HMAS Sydney,
44 what other basis is there for you saying that the bodies
45 are buried on the beach? What's the next step?

46 A. The next step in what?

47

1 Q. The next step in your theory?

2 A. Oh, look, we keep going back to "theory", you know,
3 I'm entitled to my theory.

4
5 Q. Yes. I am just trying to explore it. You have said
6 there were no survivors. What is the next step to saying
7 that the bodies are buried on the beach?

8 A. As I said to you before, the rumour is that they
9 floated in and they got buried. I'm not sure if I made
10 that clear to you, sir.

11
12 Q. Okay. So you rely, for everything you are doing, on a
13 rumour; correct?

14 A. At this point, yes, correct.

15
16 Q. Everything you are doing on a rumour. And in relation
17 to the area where you say the bodies are washed in, apart
18 from your assertion, are you aware of any other item from
19 either of the wrecks being washed ashore in the specific
20 area?

21 A. Yes.

22
23 Q. What?

24 A. As I said to you before - this is very, very sparse
25 (indicating exhibit 51). The official record shows that a
26 tail wheel floated into Geraldton. There was a busted-up
27 lifeboat that drifted and got caught in the reef at
28 Kalbarri somewhere. They found an oar halfway down that
29 coastline about 40 years ago, which they now realise could
30 have come from the Sydney.

31
32 THE PRESIDENT: Q. Who is "they"?

33 A. There is a chap in Geraldton, sir, who has an oar that
34 matches the --

35
36 Q. Somebody in Geraldton found an oar 40 years ago?

37 A. Yes.

38
39 Q. And therefore you assume that it came from Sydney or
40 Kormoran?

41 A. I told him no - I didn't - I couldn't tell him.

42
43 Q. Well, then, what's the relevance of someone finding an
44 oar in Geraldton 40 years ago?

45 A. The relevance is - and you will like this, sir -
46 everything that stuck out of the water got caught by the
47 wind and sailed north, and everything that was floatable

1 but just on the surface, that the wind couldn't touch, got
2 caught by the Leeuwin at this point, because the Leeuwin
3 does lots of strange things, and got sent south. So a
4 bloated body --

5

6

7 Q. That doesn't seem to have worked for some lifebelts,
8 which didn't go east; they went north.

9 A. East - no, if I could - I wish I could show you - I
10 could probably show you on here --

11

12 Q. What I am pointing out to you is that the theory that
13 you have just most recently announced doesn't stand up to
14 examination against known facts.

15 A. Now, which known facts?

16

17 Q. The known fact being that it is known where a lifebelt
18 was recovered.

19 A. Okay.

20

21 Q. A lifebelt floating does not stick out of the water
22 any more than an oar or a body.

23 A. An oar will sit --

24

25 THE PRESIDENT: Let's go on. Yes, CMDR Rush.

26

27 CMDR RUSH: Q. Is there any other step in --

28 A. My theoretical --

29

30 Q. -- your theory or speculation? Any other step?

31 A. The bulldozer cut.

32

33 Q. The what?

34 A. The roads that were cut in.

35

36 Q. You say there was a road cut in?

37 A. I mentioned that to you before, if you remember.

38

39 Q. How did the bulldozer get in?

40 A. By truck, sir. A little D2, theoretically, fits on
41 the back of a 3.5 tonne truck.

42

43 Q. It needed a new road in there?

44 A. If you were able to put up the high-resolution photo,
45 which I have asked you probably six times now, I could show
46 you. You could see it for yourself - the original road,
47 which is a spindly, tiny little track that a horse went

1 down once a week, and then you can see right next to it a
2 very lovely clear, crisp bulldozed track. Now, when you
3 say "bulldozed", if you are running through the bush, your
4 tyres will leave a mark but the verge in the middle, where
5 your tyres don't hit, will remain. So if you are keen - if
6 you could put it up and I can go through it with you, CMDR
7 Rush.

8
9 Q. We will. We will have a break in a moment so it can
10 be put up. I just want to explore this. So it is a
11 bulldozer track?

12 A. In my opinion.

13
14 Q. In your opinion?

15 A. Yes.

16
17 Q. Based on a high-resolution 1943 photograph?

18 A. Of the area, yes.

19
20 Q. Of the area. Okay. And any other - anything else?

21 A. We can go through how the photos were miscatalogued,
22 if that helps you.

23
24 Q. No. Anything else?

25 A. Doesn't suit you, sir, or you --

26
27 Q. The miscataloguing of photographs has something to do
28 with it?

29 A. I think so, yes.

30
31 Q. What?

32 A. Here is - and I am sorry it is a copy; these have been
33 printed off the digital --

34
35 Q. Just very simply. What does the your alleged
36 miscategorisation of a photograph - just sit down if you
37 would, please.

38 A. I have proof there, you can read it, sir. It says --

39
40 Q. I just want to know what you allege results from the
41 photograph being miscategorised.

42 A. The catalogue - the way this was catalogued was very
43 interesting. There were only three photos, and clearly on
44 the bottom of that, it says there, "Map 1131", and the
45 photo number, 24442 flown on the 5th of the 10th 1943. If
46 you were to order these from United Photos, you would get
47 that printed on the bottom of your photo.

1
2 And the significance of that is that it says there
3 "Murchison to False Entrance". The Murchison River is down
4 near Geraldton, and that is 130 kilometres of coastline
5 between Murchison River - just to get to False Entrance.
6

7 So the theory is that three shots that start at False
8 Entrance - not 130 kilometres of it, three shots only -
9 with the detail of an extra road, which nobody can explain
10 how it got there.
11

12 THE PRESIDENT: Q. Sorry, I don't understand any of
13 that. Can you explain to me why miscataloguing of
14 photographs, assuming it to have occurred, has got anything
15 to do with bodies being on a beach?

16 A. Oh, okay. All it is is we have a 1943 RAAF photo of
17 the area, and it is a very short, sharp, three-shot run.
18 But it was catalogued in a totally different area.
19

20 Q. So?

21 A. So that's why it ended up in the system.
22

23 Q. So somebody made an error in cataloguing, on your
24 account?

25 A. On our account, no?
26

27 Q. What has that got to do with bodies on the beach?

28 A. This was a natural catchment - if you could believe
29 that the Leeuwin Current travels north to south at this
30 time of year, which is December - against the coastline,
31 and if you were a local, you would know that that's what
32 happens.
33

34 Q. I do not understand the relationship between any of
35 that and the miscataloguing of three photographs?

36 A. Okay. All right. Well, here I am, sir, I'm looking
37 for a clue. I'm looking for anything, and I'm very keen to
38 find it. So in this catalogue we've got these three
39 photos, with the only road to the beach within 300 to
40 500 kilometres, straight in from where the Sydney was lost.
41

42 Q. I understand that. I understand you say that there is
43 a new road shown on the photographs.

44 A. Mmm.
45

46 Q. But what has miscataloguing got to do with it?

47 A. It is an indication for me that this is a very

1 important photo.

2

3 Q. Why? Because it has been miscatalogued?

4 A. No, because it's deliberately miscatalogued.

5

6 Q. How do you know it was deliberately miscatalogued?

7 A. As I was saying, sir, Murchison to False Entrance is
8 130 kilometres long.

9

10 Q. I understand all that. But why do you say it was
11 deliberately miscatalogued?

12 A. I think they deliberately did that to hide it from -
13 hide the evidence trail. It is my opinion.

14

15 Q. Who is the "they" who did the deliberate
16 miscataloguing to hide this from people?

17 A. My opinion is Allied Command, sir. That's my opinion.

18

19 Q. Allied Command. Is this Australian Command or is this
20 British Command?

21 A. I think probably British.

22

23 Q. So you think the British organised a miscataloguing of
24 three photographs on the Western Australian coast so that
25 subsequent researchers may not find them and thus not be
26 able to find out that there was a new road put in? Is that
27 the theory?

28 A. Roughly, yes.

29

30 THE PRESIDENT: Thank you. I will take a short
31 adjournment.

32

33 SHORT ADJOURNMENT

34

35 THE PRESIDENT: Q. Mr Angwin, you are on your former
36 oath.

37 A. Okay.

38

39 CMDR RUSH: Q. Mr Angwin, this photograph now on the
40 board is what you have referred to as a high-resolution
41 photograph; correct?

42 A. Correct.

43

44 Q. These are the same photographs that we've referred to,
45 taken in 1943?

46 A. Correct.

47

1 Q. But you have asked for them in high resolution - from
2 whom?

3 A. I have provided these for you.

4
5 Q. Yes. Where did they come from?

6 A. I had them printed off, sir.

7
8 Q. From whom? Who has them?

9 A. I bought the digital image, from --

10
11 Q. United?

12 A. That's it.

13
14 Q. So they own these photographs?

15 A. They sold the digital image to me. I then got it
16 printed at Atkins, which is on Fullarton Road, Adelaide.

17
18 Q. That's where you had it printed from the digital
19 image. Where did United get the photographs from?

20 A. It is in their catalogue, sir.

21
22 Q. This is a private company; is that correct?

23 A. No, it is a government department, from what
24 I understand.

25
26 Q. United?

27 A. Yep, you have got a lot of references to it there
28 somewhere.

29
30 Q. Okay, so it is on one of your emails, where you
31 requested it?

32 A. Mmm.

33
34 Q. You understand it to be a government department?

35 A. Mmm.

36
37 Q. On the high-resolution scan, you indicated in your
38 former evidence, you were going to show us a straight track
39 that you allege, as I understand it, shows a bulldozer?

40 A. Shows a bulldozer?

41
42 Q. Shows a bulldozer track?

43 A. Yes.

44
45 Q. Is that correct?

46 A. Correct.

47

1 Q. Just looking at the high-resolution scan that you
2 have - if you want to use the red pen from LEUT Kerr -
3 where you do you say that the track is?

4 A. Here it is, coming in through there (indicating) and
5 here is the original 1930 road, winding its way around.
6 That's the water tank, and there is a windmill just there.

7

8 Q. Okay. So, just so we understand it, it starts in the
9 lower-right quadrant of the photograph that you are
10 referring to, which is CORR. 018. 0165.

11 A. Yes.

12

13 Q. It is a thinnish - it is not a straight line, is it?

14 A. If you look at it, you can see it is man-made. There
15 are some nice curves in it.

16

17 Q. No, no, one question. It is not a straight line, is
18 it?

19 A. The second one is. Here it is - coming off it.

20

21 Q. No, just let's deal with the first one. The first one
22 is not a straight line, is it?

23 A. Straight, crisp edges, if I could offer that
24 correction.

25

26 Q. So you are saying that it has straight, crisp edges;
27 correct?

28 A. Yes.

29

30 Q. This was a new track?

31 A. New in 1943. It has now disappeared.

32

33 Q. And to get to that track, where do you start from?
34 What road does it come off?

35 A. It comes off the camel track, the road to Carrarang
36 Station. So the original track came off the main road and
37 meandered down towards Wilya Mia, which was an old pearling
38 camp in the 1800s. That camp is about 22 kilometres that
39 way (indicating).

40

41 Q. Let's just deal with this. So this track meanders,
42 I suggest, down to the beach - correct? The first one you
43 pointed to?

44 A. No, it goes to the water tank, then it goes across the
45 hill - that's a hill (indicating) - to the original
46 windmill, which has now fallen over and is under about
47 30 foot of sand, and we worked out, theoretically, that

1 they were running up and down these sandhills, and back in
2 those days you could - it was hard, packed, dense sand.
3 There was dust, there was --

4
5 Q. You worked out theoretically who was running up and
6 down the sandhills?

7 A. The trucks bringing in the bulldozer, the food, the
8 water, the medical equipment, the shovels, the --

9

10 Q. So trucks came in to the sandhills?

11 A. On this track here.

12

13 Q. On your theory?

14 A. On my theory, yes.

15

16 Q. How many trucks?

17 A. I have got no idea. If I knew, I would tell you.

18

19 Q. Okay. And the engineers and the sappers and the
20 ambulance - they all came in?

21 A. Yes, a field ambulance crew. If you look at the Long
22 letter, it says that they brought the bodies up from the
23 ocean on stretchers. Now, theoretically, you would need a
24 field ambulance crew that: (a) has the stretchers; and
25 (b) knows how to move bodies.

26

27 Q. And all these people were involved, but you get to the
28 water tank with this track and you say there is another
29 track?

30 A. Just here, (indicating) you can see it quite clearly
31 on this photo, it goes down to the Sheltered Bay area.

32

33 Q. And this, you say, was made by bulldozer?

34 A. If I was able to get a - you can zoom in on these
35 digital shots.

36

37 Q. Let's start again for the Commissioner. Can you
38 indicate your first track?

39 A. Here is the original road, and if I was able to access
40 Google, that's still there. And that road was put in, to
41 put in that massive water tank and the windmill, in 1930.

42

43 Q. So that's the first road?

44 A. Yes. And if you look at it, you can get an enormous
45 high resolution from that digital shot, and you will
46 clearly see the 1930 road as a scruffy little meandering
47 track. Here we are. When you put it against the new

1 track, which theoretically was done by bulldozer, so they
2 could run the trucks in faster, you can see the thickness
3 of the road, the crisp edges, and also there is no verge in
4 the middle, where the --

5
6 Q. Just so that we understand it, your allegation is that
7 the trucks, with the bulldozers and everything else, came
8 along that track --

9 A. Yes.

10
11 Q. -- to the end point where the pointer is now?

12 A. Yes, and then they joined onto the main road. So just
13 in there is a really big, weird sand knoll. So the theory
14 is they hid that road from the stockmen who used to come
15 down there once a week. So if I could go to that photo
16 now --

17
18 Q. Just stop there. So the road that you allege was made
19 was hidden from stockmen?

20 A. You can't see it.

21
22 Q. No. They hid that road. And where did that road go -
23 the road that the bulldozer made?

24 A. So it goes to that knoll and then the trucks would
25 have meandered through and then got on to the original road
26 to the water tank and across that sandhill, and they could
27 run down to the bottom here (indicating) and run all the
28 way to the top.

29
30 Now, unfortunately - and I do apologise - I am getting
31 in the last photo of this sequence today, and it shows a
32 bulldozer road cut into the top end of Crayfish Bay in a
33 V-shape, through a valley, and my theory is that is how
34 they collected all the bodies, by truck, took them to here
35 (indicating) offloaded the bulldozer - the bulldozer
36 scooped out the required --

37
38 Q. The bulldozer scooped - I think if you would go back
39 here?

40 A. I could clearly show the Commissioner, if you want to
41 look at the difference in the roads, you can see it very
42 clearly on this screen, sir.

43
44 Q. We're meant to see a difference between the two roads
45 that you have pointed to; is that correct?

46 A. You have got the higher resolution here. So here is
47 the original 1930 track, and it goes right here, and that

1 round structure is the water tank. And if you then go
2 across here to the windmill, which is just there
3 (indicating), and here is that bulldozer track - in my
4 opinion, a nice crisp edge; look at the difference in the
5 size - and then this then, look at the nice straight edges
6 all the way down to --

7
8 Q. So the people coming in didn't use the original track;
9 they created their own?

10 A. Yes.

11
12 CMDR RUSH: Sir, I tender these two photographs.

13
14 THE PRESIDENT: Yes. They will be exhibits 52A and B.

15
16 THE WITNESS: And I brought these photos in for you so
17 that you have larger resolution.

18
19 CMDR RUSH: With the larger resolution photographs, sir.

20
21 EXHIBIT #52A HIGH RESOLUTION PHOTOGRAPH ALLEGEDLY SHOWING
22 ROAD CUT BY BULLDOZER, TOGETHER WITH LARGER COPY

23
24 EXHIBIT #52B HIGH RESOLUTION PHOTOGRAPH ALLEGEDLY SHOWING
25 ROAD CUT BY BULLDOZER, TOGETHER WITH LARGER COPY

26
27 THE WITNESS: If I could point to the wave pattern that is
28 coming in from the southwest. Where you see the sand is
29 that terrifying wind tunnel effect, where nothing can grow
30 on that, and if you look at the rugged coast line just
31 there, and where there would be a notch in the cliff is
32 where the wind would funnel, hop over the top and nothing
33 can grow on it. That's 20 knots, 24/7. It's hot. In the
34 shade it is 45 degrees. A big problem we have when we go
35 out from September to January/February is dehydration. You
36 stand there and you just dehydrate in the hot wind.

37
38 So the wave set, if you notice, it is coming in this
39 way here (indicating). Now, I can tell you that that wave
40 crash is a good 200 metres. We are talking massive surf
41 here. And an eight foot wave here is a 15 foot wave at
42 Crayfish Bay, and it is to do with wave set pattern. You
43 have a tall wave set before it hits the beach, just here
44 (indicating) and Crayfish Bay - it is a boomer beach, it is
45 short, it is sharp - the waves pop out of nowhere and slam
46 into the beach, and the spray goes for kilometres. It is
47 incredibly noisy.

1
2 If I could give you my theory, and this is backed
3 by the --

4
5 Q. Just one point at a time. I just want to deal with
6 the photographs that we've tendered. Mr Angwin, in the
7 bottom photograph, towards the top right-hand quadrant,
8 there is an area of sand?

9 A. Yes, which one?

10
11 Q. I want you to concentrate on that area and that area
12 (indicating).

13 A. They are windswept.

14
15 Q. Which area is where the bodies are buried?

16 A. Allegedly - my opinion is - they are behind this sand,
17 the ridge there - they have cut through and they have put
18 them behind - in a gully.

19
20 CMDR RUSH: Did you see that, sir?

21
22 THE PRESIDENT: Yes.

23
24 CMDR RUSH: Q. If you go down to the other indentation
25 of sand that I pointed to, in the bottom photograph?

26 A. This one? With its jagged edges and wind swell - you
27 can see the wind swell patterns across the sand. You see
28 the wind running straight up here and I can tell you
29 directly that where you have that vegetation is a hill, so
30 all the way through here (indicating). And the wind goes
31 through here (indicating). Now, there is 50 to 60 foot of
32 sandhills in here.

33
34 Q. The two matters that we've pointed to on those two
35 photographs are entirely consistent with each other, aren't
36 they? The bottom one and the top one - that one and that
37 one - are entirely consistent with the nature of what you
38 would expect on the foreshore of this area?

39 A. No, they are not. I'm afraid they are not.

40
41 Q. You say they are not because there is a little square
42 in there that you say has got neat square lines?

43 A. Yes. Can you see it from here? It is quite --

44
45 Q. I can see what you are pointing to.

46 A. Lovely neat, square lines, and where that vegetation
47 is, just here, is a 20 foot or 30 foot sand dune with hard,

1 packed sand, and with vegetati on growi ng on i t.

2

3 Q. Thank you, Mr Angwi n. I want to ask you a couple of
4 other questi ons.

5 A. Do I take it that this is man-made? Can you accept
6 that that is my opini on?

7

8 Q. Mr Angwi n, I have a couple of other questi ons for you.

9

10 THE PRESIDENT: Q. Just before we go on, when did you
11 evolve thi s theory?

12 A. It is still a work i n progress.

13

14 Q. When did you evolve the theory?

15 A. After digs 1 and 2, when we had a catastrophi c fail ure
16 with some wron g i nformation - well, someone's opini on - we
17 got on to the headl and on the left.

18

19 Q. I will ask you a thi rd time: when did you evolve thi s
20 theory?

21 A. Last December.

22

23 Q. December 2007?

24 A. Yes.

25

26 Q. So thi s current theory is now 11 months old?

27 A. Yes.

28

29 Q. Have all your digs taken place i n the last 11 months?

30 A. More than that. The first one was July.

31

32 Q. December to November. When did you carry out all your
33 digs?

34 A. The first one, as I said, July 2007.

35

36 Q. That was somewhere else?

37 A. Yes.

38

39 Q. And you decided that was wron g?

40 A. Yes.

41

42 Q. Di g number 2?

43 A. Was i n the wron g posi ti on agai n.

44

45 Q. Where was that?

46 A. Inside the bay.

47

1 Q. Is that in the same place as dig number 1?
2 A. Yes. We just got interrupted - we ran out of time.
3
4 Q. And when was dig number 3?
5 A. When was it?
6
7 Q. Yes.
8 A. 29 October 2007.
9
10 Q. Whereabouts was that?
11 A. False Entrance (indicating).
12
13 Q. Is it shown on that map, the area?
14 A. Yes.
15
16 Q. On that chart in front of you now?
17 A. Not this one, no.
18
19 Q. The photograph in front of you?
20 A. That one there?
21
22 Q. Yes.
23 A. Yes.
24
25 Q. Would you please put a marker on that photograph where
26 you say you did dig number 3 and put the number 3 against
27 it?
28 A. Is this going to come off the photo?
29
30 Q. I don't know. Just mark it on it.
31 A. Okay. So number 3, behind the breakers.
32
33 Q. All right. Just put number 3 beside that.
34 A. And --
35
36 CMDR RUSH: Q. Just put number 3 on it.
37 A. We did a lot of digging.
38
39 Q. Just number 3?
40 A. 3. The other places as well?
41
42 THE PRESIDENT: Q. Just number 3. That was in July?
43 A. 29 October.
44
45 Q. 2007?
46 A. Yes.
47

1 Q. What about dig number 4? When was that?

2 A. 19 November, on the day of the --

3

4 Q. Whereabouts was that?

5 A. Oh, we dug here, number 4, and we also dug up through
6 here. I went through and just finished there (indicating)
7 and there as well (indicating). 3. 3. And up through
8 the back of these hills there, on 4.

9

10 Q. What about dig number 5? When was that?

11 A. Number 5 was a disaster. That was 21 January. That's
12 this here.

13

14 Q. All right. Would you mark number 5 up there, please,
15 where you dug?

16 A. Can I tell you what went wrong?

17

18 Q. No, just stay with what I'm asking. When was dig
19 number 6?

20 A. Number 6 - 5 March 2008.

21

22 Q. Where did you dig there?

23 A. The dig team captain, Les Moss, dug in Sheltered Bay.

24

25 Q. Whereabouts in Sheltered Bay, in relation to the sites
26 in that photograph?

27 A. About 16 kilometres away.

28

29 Q. Why did he dig 16 kilometres away if you thought this
30 was the area where the bodies were?

31 A. This is a work in progress, Commissioner, and --

32

33 Q. Just a minute. Did he dig 16 kilometres away after
34 discussion with you?

35 A. Yes.

36

37 Q. Why did you agree that he should dig 16 kilometres
38 away?

39 A. Because we had a very good indication - this is a poor
40 photo. If I had access to --

41

42 Q. Please, just listen to the question I asked you: why
43 did he dig 16 kilometres away, after consultation with you,
44 in July 2008?

45 A. This is called a red run, and we got offered the green
46 run, which is totally separate, and on the green run, we
47 have a massive man-made structure in Sheltered Bay, and for

1 a local, that makes sense. Now, I have a
2 very-low-resolution shot of it here. I have sent you the
3 high-resolution shot.

4
5 Q. Anyway, number 6 was 16 kilometres away from the sites
6 that you have marked, roughly?

7 A. Yes.

8
9 Q. Where was dig number 7?

10 A. Number 7 --

11
12 Q. And when was it?

13 A. Oh, shoot. I won't be long. Here we go - 23 May.

14
15 Q. 2008?

16 A. Yes.

17
18 Q. Could you mark where you did that, please?

19 A. (Witness marks photo).

20
21 Q. When was dig number 8?

22 A. At the same spot, except this time we used a metal
23 detector.

24
25 Q. A metal detector?

26 A. To try to pick up - when we were using that sand
27 drill, we were only getting a very small cross-section.

28
29 Q. When was dig number 8?

30 A. Well, it was 11 July.

31
32 Q. Have you marked that?

33 A. I certainly have, sir. Just there.

34
35 Q. And you are planning dig number 9, as I understand it?

36 A. Yes.

37
38 Q. Where do you intend to --

39 A. We're going back here. And we had an error.

40
41 Q. So since 11 July you have decided that the area where
42 you should dig is different to where you have done most of
43 your digging?

44 A. Yes.

45
46 Q. What has caused you to change your mind in the last
47 four months?

1 A. I have a photo here for you. Here is what caused us
2 considerable excitement and it is a blow-up of this area
3 here (indicating) and it shows man-made markings. You can
4 see the seven, eight lines in a row. If you enlarge that,
5 you can see it with your own eyes. Before, we were using
6 photos - and you cannot see --

7

8 Q. It is an enlargement of which area?

9 A. Number 7 and number 8.

10

11 Q. But you have now said that you are going to have
12 number 9 up near the top one that you marked?

13 A. Oh, yes. So we've eliminated 7 and 8 finally.

14

15 EXHIBIT #53 ZOOMED-IN SECTION OF PHOTO

16

17 THE PRESIDENT: Q. You have told me that on one occasion
18 you found a piece of plastic pipe at the rubbish tip and
19 you used it as a probe?

20 A. Yes.

21

22 Q. What did you do on each of the other seven digs?

23 A. We've got two post-hole augers with cutting teeth on
24 them.

25

26 Q. I know what a post-hole auger is.

27 A. One with a four-foot handle and one with an
28 eight-foot handle. We also have - I think it is a 5mm
29 stainless steel spike with a T-bar on top and we can push
30 that into the sand quite quickly, just looking for anything
31 that shouldn't be there.

32

33 Q. And have you probed each of the sites that you have
34 investigated down to a depth of six or seven feet?

35 A. Seven foot.

36

37 Q. Seven feet. And in all of those sites you have found
38 nothing?

39 A. As yet.

40

41 Q. Can you tell me, please, who else accompanied you on
42 these digs?

43 A. I can. Do you want their full details on each dig?

44

45 Q. I do.

46 A. I will have to get that cross-checked.

47

1 Q. Well, who were the principal people who have been on
2 more than one dig, apart from yourself?

3 A. Mr Les Moss. Let me just think. Dennis Houl t;
4 Dick Houl t, his father; Jimmy Poland, his cousin. I'm
5 trying to do it in - and Howard Cox, a Vietnam veteran, and
6 Mr Bret Christian, from the Post in Western Australia.

7

8 Q. He is the man who wrote the article?

9 A. Which one, sir?

10

11 CMDR RUSH: Q. Was this the one that you provided to the
12 Commi ssi oner in your submi ssi on?

13 A. Oh, the report.

14

15 Q. Submi ssi on 3?

16 A. Yes.

17

18 THE PRESIDENT: Q. It is submi ssi on number 3. And in
19 his article, he spoke about the dig of 24 and 25 May 2008.
20 Could we put up SUBM.006.0036.

21 A. I flew into --

22

23 Q. Just, please, listen to the questions I am asking you.

24 A. Yes, of course.

25

26 Q. He wrote about the dig which occurred on 24 and 25 May
27 2008; is that correct?

28 A. Yes.

29

30 Q. That was in relation to which dig?

31 A. Number 7.

32

33 Q. Number 7, which is where?

34 A. Down the bottom end of False Entrance.

35

36 Q. He said, in relation to that:

37

38 Taken in conjunction with persistent local
39 legend, rumour, anecdotes and hearsay
40 evidence collected, some outlined at the
41 end of this report, the area presented the
42 most obvious target for new ground
43 research.

44

45 That's an area which you have now abandoned as being
46 prospective?

47 A. We've ruled it out, sir.

1
2
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47

Q. Is it correct to say, as I suggest he did, that the basis on which you selected that area was local legend, rumour, anecdotes and hearsay?

A. No. We selected that area because there is a man-made structure down the bottom, the south end of False Entrance. I've given LEUT Kerr the blow-up of that. I can show it to you, if you want to put that photograph back up on your screen, and we can zoom in and clearly see man-made structures which we've now theoretically worked out is where they parked the trucks.

Q. He also wrote in his report:

If the area was in fact a mass grave, it was expected that at least one of the four probes would have encountered something solid, possibly bone or part of a stretcher.

A. I've no shortage of digging, sir. If I can't --

Q. It is correct, is it not, that none of those things were encountered?

A. As yet, no. At that location, no.

Q. He also refers to letters, as though they were received from a Mr Samuel s.

A. He knows Mr Samuel s. He has done an article on Mr Samuel s.

Q. I see. Are you sure it wasn't Mr Samuel s who provided the two letters that you provided to this Inquiry?

A. I have no idea. When you gave me his letter, it's similar to - the words are the same, but there is a difference - it has been rewritten or something, so I don't know where it came from.

Q. What he says in his report is:

Copies of these letters --

which I think is referring to the two letters which you have provided to this Inquiry --

A. Mmm.

Q.

1 -- are typed and carry no names, dates or
2 addresses or other authenticating
3 information.

4
5 A. Mmm, pure hearsay, yes.

6
7 Q. And they are the letters that you have provided to
8 this Inquiry?

9 A. I've forwarded to you for your consideration.

10
11 Q. And they are also the letters that, according to
12 Mr Christian, were provided either to him, or inferentially
13 to you, by Mr Samuels?

14 A. Say that again, please?

15
16 Q. They were also the letters which were provided to
17 Mr Christian, or perhaps to you, by Mr Samuels?

18 A. I haven't received anything from Mr Samuels. I have
19 given him a very good run-down of what I'm doing. I have
20 yet to get anything back from him.

21
22 Q. Mr Christian went on to say:

23
24 Mr Samuels cannot or will not provide this
25 information.

26
27 A. Okay. Well, I can't force Mr Samuels to cough
28 anything up. He claimed to me he had 13 letters, and
29 I don't think that's true.

30
31 Q. But you are telling me, on your oath, that you have
32 had discussions with Mr Samuels, but, so far as you are
33 aware, you did not receive the two letters that you have
34 provided to this Inquiry from Mr Samuels?

35 A. No.

36
37 Q. And you don't know where they came from?

38 A. No. Now, the short letter - is that from Mr Samuels?

39
40 Q. Pardon me one moment. And the fact that they may be
41 identical with some other letters that CMDR Rush has shown
42 you is a matter of some coincidence, is it?

43 A. When I was in the Navy Sea Power on - I went to see
44 LEUT Perryman - I showed him, and he said yes, he has this.
45 So a lot of people have it. I'm not sure what your line of
46 questioning is there, sir.

47

1 Q. I am just trying to find out how it is that somebody
2 sends you two letters, which you have provided to this
3 Inquiry, which, coincidentally, are the same letters as
4 were provided to Mr Christian, who accompanied you on the
5 dig. They apparently came to Mr Christian from Mr Samuels,
6 but you are telling me you don't know where they came from?

7 A. Correct.

8
9 CMDR RUSH: Q. Mr Angwin, could you turn tab K, please,
10 to a submission that you have provided to the Commission of
11 Inquiry. It is SUBM.006.0030. This is something you sent
12 to the Inquiry on 31 October 2008.

13 A. Okay.

14
15 Q. Do you have that in front of you?

16 A. I have it on my screen here.

17
18 Q. In this submission you purported to set out, what, a
19 theory?

20 A. Pure theory. This is pure speculation and my opinion.

21
22 Q. And the theory is this, is it, that Sydney was
23 directed to engage with Kormoran, which was lying in wait
24 for the troopship Aquitania?

25 A. I'm not sure if you are aware, but --

26
27 Q. Just wait. Is that the substance of the theory?

28 A. Well, that is part of it.

29
30 Q. Yes. The theory relies upon the basis, does it, that
31 Aquitania was on its way to Singapore with 4,000 men on
32 board?

33 A. Historical fact - Aquitania was actually already in
34 Singapore and it was about to set sail to Perth to pick up
35 4,000 troops to reinforce Fortress Singapore. That's a
36 fact sir.

37
38 Q. So if you go down just below half a page:

39
40 Under direct orders from Air Marshall
41 Brooke-Popham, she was sent to 111 and 26
42 to engage a German Kreuzer that was being
43 vectored to that position to stop the
44 Troopship Aquitania from reinforcing
45 Fortress Singapore with 4,000 Australian
46 Army Troops on the eve of Pearl Harbour.
47

1 A. That's my opinion, and - yes.
2
3 Q. Aquitania was in fact on its way to Melbourne, was it
4 not?
5 A. Not then. It was still in Singapore.
6
7 Q. Still in Singapore?
8 A. And you should know this, because it is on your
9 lack-of-detailed map that you gave me, and it says there on
10 position 1 - it was the 26 clean-shaven Germans picked up
11 on 23 November by the Aquitania.
12
13 Q. That's not what it says, is it?
14 A. Where?
15
16 Q. It doesn't refer to "clean-shaven Germans"?
17 A. Well, it picked up 26 Germans.
18
19 Q. Correct.
20 A. I'm not sure if you realise, but the report that was
21 written was that they were clean-shaven, sir.
22
23 Q. Mr Angwin --
24 A. Have you made a mistake there, sir?
25
26 Q. I haven't made a mistake, no.
27 A. Okay.
28
29 Q. It says, "26 men picked up by Aquitania", doesn't it?
30 A. Yes.
31
32 Q. That's not what you read, but, leaving that aside,
33 Mr Angwin, what that document --
34 A. Well, you claimed that the Aquitania was in Sydney at
35 that time.
36
37 Q. I didn't say it was in Sydney.
38
39 THE PRESIDENT: Anyway, let's get on.
40
41 CMDR RUSH: Q. You claim, do you not, Mr Angwin, that
42 the Sydney was put under direct orders from C-in-C China
43 Station in relation to its movements concerning Kormoran?
44 A. In my opinion, if you look through the Royal
45 Australian Navy report done after the war, she was taken
46 off convoy duty on 17 November.
47

1 Now, you are a nautical man, sir. The ship is issued
2 its orders to take the Zealander, I think it was, to
3 Singapore. On the 17th she got her orders cancelled and
4 she got turned around and sent to this position by the UK,
5 China Station.

6
7 THE PRESIDENT: Q. What is the basis for your saying
8 that?

9 A. If you understand that a ship is ordered to do
10 something --

11
12 Q. I understand what ships are ordered to do. What is
13 the basis for your saying that Sydney was given a direction
14 from the C-in-C China to divert from her course back to
15 Fremantle to take up a position to intercept the Kormoran?

16 A. My opinion is that she got her Royal Australian Navy
17 orders cancelled. She then became property of, by
18 default --

19
20 Q. I know. I have read that. You have said that. I
21 want to know --

22 A. She then got directed --

23
24 Q. Please, I want to know what the basis is for you
25 saying that?

26 A. If you look at the historical fact, the Sydney went
27 straight to the Kormoran on a very vast and empty ocean at
28 top speed.

29
30 Q. Is that the basis for you saying that an order was
31 given by C-in-C China in Singapore cancelling Sydney's
32 previous orders and directing her to go to that point?

33 A. Exactly right.

34
35 Q. That's the basis for it?

36 A. Exactly right.

37
38 Q. Have you actually had a look at any of the signals
39 from C-in-C China, for the Naval boards?

40 A. Are they all available?

41
42 Q. They are all available they were in the Archives?

43 A. Okay, feel free to look them up.

44
45 CMDR RUSH: Q. So you made that assumption without
46 looking at the cables and signals?

47 A. Yes. Look, I do apologise, if that is correct. There

1 are probably 10 million pages on --

2

3 Q. Are we to take it that the basis of this submission is
4 pure speculation based on your own summation of what went
5 on?

6 A. Correct.

7

8 Q. From picking it up from what you have read around the
9 place?

10 A. Correct.

11

12 Q. Without going to any original source document?

13 A. I have spent a lot of time looking for --

14

15 Q. Without going to any original source document?

16 A. I am happy to re-check what I have said there.
17 Obviously I can't do it right now.

18

19

20 THE PRESIDENT: Q. Just have a look at it, take your
21 time.

22 A. I am happy to get back to you. If I can find the
23 reference that her Royal Australian Navy orders were
24 cancelled and she was then commissioned by the UK, I am
25 happy to send that to you. I will write this down for you,
26 a little note.

27

28 Q. So that you don't waste too much time, I can tell you
29 that there are signals from C-in-C China saying that she
30 parted from her ship she was conveying and received no
31 further orders?

32 A. So are you telling me that the captain --

33

34 Q. I am not telling you anything, I just don't want you
35 to waste too much time on a theory which has no substance.

36 A. I find it very hard to believe that a Royal Australian
37 Navy captain would decide to turn his ship around and take
38 it for a spin across the coast unless he was ordered or
39 directed to, during a war. So I am happy to get that
40 reference for you and send it to you, sir.

41

42 CMDR RUSH: Q. While you are getting that reference, if
43 you would go to 0031, please. You refer in the penultimate
44 paragraph - do you see the one starting:

45

46 C-in-C China Station Singapore cancels Walrus launch.

47

1 A. Yes.
2
3 Q. What's your basis for saying that?
4 A. Easy. It is called line command - L-I-N-E.
5
6 Q. Okay. How was the cancellation of the Walrus launch
7 effected?
8 A. If you could --
9
10 Q. But what methodology? By what signal?
11 A. Oh, signal, I don't have the signal.
12
13 Q. You don't have the signal?
14 A. I wish I did.
15
16 THE PRESIDENT: Q. You have just made that up, haven't
17 you?
18 A. If you - we're getting back to line command, L-I-N-E.
19
20 Q. What you have just said, you have just made up,
21 haven't you?
22 A. I will tell you what the - the coincidence is - the
23 coincidence is the sun was setting and the coincidence is
24 that all the officers on the bridge were looking across the
25 horizon when the German ship was right next to them. And
26 the coincidence is that the Germans say the Walrus was
27 started up and Detmers, in his book, says he was concerned,
28 because the way that they were launching the craft it would
29 have gone over his ship and they would have seen the mines.
30
31 Q. Mr Angwin, the question you were asked related to your
32 assertion that there was an order given by C-in-C China to
33 cancel the flight of the Walrus. I put to you that you
34 have just made that up - that you have no basis for saying
35 that whatsoever?
36 A. Look, you would like a piece of paper with the signal
37 written on it, sir, and I wish I could give that to you.
38
39 Q. No, no, I want to know what you say is the basis for
40 that?
41 A. I am trying to reconstruct the event and why they shut
42 the Walrus down.
43
44 Q. So your solution is to say, having no information
45 whatsoever, that it was a direct order from the
46 C-in-C China?
47 A. And it is called line --

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Q. And there is no basis for that, is there?

A. It is called line command, where C-in-C China says "You go to this position, we think there is a cruiser there", and the captain does. He then has to report back. The captain is following strict line command. He gets told what to do with his ship. He is not taking it for a spin. So he reports back and says, "We have a merchant ship here, and it is bolting. What should I do?"

Q. This is just speculation by you. There is no basis for it whatsoever, is there?

A. Well, look, Commissioner --

Q. Is there any basis at all?

A. As I said to you before, if I had the signals, I would have given them to you already.

Q. I will take that as meaning that you have no basis for it?

A. I want you to look at the viability of that, sir.

Q. The other thing you say in this report is that the Kormoran was flying a white flag. What is the basis for that?

A. That's the German report, and they popped a white flag up.

Q. What is the German report which says that the Kormoran was flying a white flag?

A. When they were about to open fire on the Sydney --

Q. Please, what is the --

A. It is historical fact. The German record says.

Q. Please, would you listen to me, please, and answer the question I am asking you: what is the German report which says that Kormoran was flying a white flag?

A. It is the one that was forwarded - I will get this reference for you as well, sir.

THE PRESIDENT: Are you familiar with any such report, CMDR Rush?

CMDR RUSH: No, sir.

Q. Could I clarify this, Mr Angwin - you say this is a

1 German report?
2 A. Yes, written by Detmers.
3
4 Q. Written by CAPT Detmers?
5 A. And it took six seconds, allegedly, to drop the white
6 flag.
7
8 Q. Forget the camouflage. You have said here the
9 Kormoran was flying a white flag and it is in a German
10 report written by CAPT Detmers; correct?
11 A. I will chase the reference down for you, sir.
12
13 Q. Where do you understand the reference to be?
14 A. On the report that was filed.
15
16 Q. What report?
17 A. And also --
18
19 Q. What report?
20 A. -- and in his book.
21
22 Q. What report was filed?
23 A. A report was filed.
24
25 Q. What report, by whom?
26 A. CAPT Detmers, about what happened on the day.
27
28 Q. When did he say that?
29 A. I will find that reference for you and as soon as
30 I get it, I will send it to you. Now, we have a lot of
31 ground here --
32
33 Q. When did CAPT Detmers file a report concerning the
34 engagement?
35 A. I will find the exact reference for you and I will
36 forward it to you. I don't have it with me at the moment.
37
38 Q. So I suggest this is another making-up by you of
39 CAPT Detmers filing a report - they are your words?
40 A. Are you defending the German captain, sir?
41
42 Q. I am asking you a question about a very important
43 allegation of a white flag?
44 A. And as I said to you, as soon as I can get that exact
45 reference to you, I will forward it to you. As you can
46 see, I have no problem forwarding stuff to you.
47

1 Q. No, well, we would just like you to concentrate,
2 Mr Angwin --

3 A. I am concentrating, Jack Rush.

4
5 Q. -- on what you say is a white flag being flown by
6 Kormoran in a report of the action filed by CAPT Detmers.
7 Do you know when it was?

8 A. I will get the exact reference for you. I think
9 I have told you five times now, sir: as soon as I have it
10 you will get it.

11
12 Q. This account, Mr Angwin, doesn't seem to include an
13 account concerning the Japanese submarine?

14 A. This one? This is about the defence of a Royal
15 Australian Navy captain, a line captain who got called
16 incompetent and blamed for the total loss, including 645
17 men, who vanished. Are you with the Navy, sir?

18
19 THE PRESIDENT: Q. Mr Angwin, you seem to be under some
20 misapprehension. This Inquiry is entirely independent, and
21 those assisting me are also entirely independent.

22 A. That's fantastic to hear that, sir.

23
24 CMDR RUSH: Q. Apart from the two documents that you
25 have indicated to the Commissioner that you will follow up
26 and provide us with, you have provided us with all other
27 documents that you say support your theories and
28 assertions?

29 A. Apart from the Tug Uco. I can't find anything about
30 it. 300 tonnes, did eight knots, was a converted trawler.
31 Unfortunately, I don't have access to Google, as I asked,
32 and the historical record filed by the Royal Australian
33 Navy said the Tug Uco was at 113 and 26 when she picked up
34 the QQQ message from the Kormoran. Now, and it says
35 there - historical fact - within 300 miles. Now, my point
36 of view is the Sydney is actually 112, and the Germans
37 claim 111. Now, that's very, very close. We are talking
38 60 nautical miles that the tug picked up the signal and
39 would have seen the gunfire, and was available. It was a
40 government ship. So I have tried very hard to find out
41 what the Uco was doing and I can't find out. If I could,
42 I would have sent it to you.

43
44 Q. My question was really quite a direct question,
45 Mr Angwin. Apart from the two documents that you are going
46 to provide, everything else that supports any kind of
47 theory, any kind of allegation, has been provided to the

1 Commission of Inquiry?

2 A. Unless I have missed something, and if you think that
3 I have missed; please inform me and I will chase it up for
4 you. That's pretty fair, isn't it?

5
6 CMDR RUSH: Sir, I have no further questions.

7
8 THE PRESIDENT: Yes. Thank you, Mr Angwin. I will
9 adjourn until a date to be fixed.

10
11 <THE WITNESS WITHDREW

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13 AT 1.05PM THE COMMISSION WAS ADJOURNED
14 ACCORDINGLY TO A DATE TO BE FIXED

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