

1 intrigued by it. In earlier parts of his affidavit, he  
2 indicates that he has disbelieved the accounts that have  
3 been provided through Gill and others and has preferred  
4 works of Montgomery.  
5

6 Nevertheless, in paragraph 9, he indicates that the  
7 article was never published, and although the article does  
8 not contain any text, that it is a work of fiction; that  
9 it was never his intention that the article be viewed as  
10 factual.  
11

12 Then he goes on to state that he submitted the article  
13 to the Sydney Morning Herald and the Canberra Times and  
14 that it was only upon investigation by those newspapers and  
15 questioning of Mr McAndrew, when he informed them that the  
16 article was fictional, that they refused to publish it.  
17

18 Nevertheless, it has been provided to the Ballina  
19 Naval and Maritime Museum under cover of a letter, and  
20 Mr McAndrew attempts to explain its provision by saying  
21 that the letter stated that it was a story. That, he  
22 states, is enough for any person, picking it up, to know  
23 that it was an account of fiction.  
24

25 I tender the affidavit, sir.  
26

27 EXHIBIT #122 AFFIDAVIT OF ALEXANDER McANDREW  
28

29 CMDR RUSH: Sir, I read that for the sole purpose of  
30 attempting to indicate the sort of material that counsel  
31 assisting has been attempting to come to grips with when  
32 dealing with conspiracy theories and the like. It has been  
33 a difficult job. Nevertheless, we believe that we are in a  
34 position to provide you with evidence and material  
35 concerning much of what has gone on and as briefly opened  
36 here.  
37

38 Sir, the first witness, for my part, who I desire to  
39 call today is Mr Samuels, who is in the Commission hearing  
40 room.  
41

42 <JOHN SAMUELS, sworn: [12.35pm]  
43

44 <EXAMINATION BY COMMANDER RUSH:  
45

46 CMDR RUSH: Q. Mr Samuels, would you state your full  
47 name to the Commissioner, please?

1 A. John Samuel s.

2

3 Q. And your address?

4

A. [REDACTED]

5

6

7 Q. Your occupation?

8

A. I'm a writer.

9

10 Q. Has that been your occupation for your life,  
11 Mr Samuel s?

12 A. Pretty well .

13

14 Q. I think I read somewhere that you have also described  
15 yourself as a journalist?

16

A. I have been a journalist, on and off, as they say.

17

18 Q. What is the nature of your journalistic background?

19

A. Just general journalism and usually freelance.

20

21 Q. Is that newspaper journalism or television journalism?

22

A. Newspaper.

23

24 Q. Mr Samuel s, when did you develop an interest in  
25 relation to the loss of HMAS Sydney?

26

A. About 20 years ago.

27

28 THE PRESIDENT: Q. As a writer, is your interest in  
29 writing fact or fiction?

30

A. Fact.

31

32 CMDR RUSH: Q. What was it that created or brought about  
33 your interest in the loss of Sydney?

34

A. I think along with a lot of other people, I could  
35 attribute that to the book by Michael Montgomery, "Who Sank  
36 the Sydney?" In fact, I often refer to Mr Montgomery as  
37 the "godfather" of Sydney.

38

39 Q. Was it as a consequence of that interest that you  
40 published your book, "Somewhere Below"?

41

A. As an eventual result of that, yes, although I must  
42 point out, I don't, in any way, subscribe to most of  
43 Mr Montgomery's theories.

44

45 Q. Yet you refer to many of them in your book?

46

A. Mmm-hmm.

47

1 Q. And you assent to many of them?

2 A. Yes.

3

4 Q. What do you mean that you don't subscribe to them?

5 A. Times change. Information changes. The information  
6 that I have now is somewhat different than it was, say,  
7 20 years ago or even when I wrote the book in 1994/1995.

8

9 Q. The book was published, was it not, in 2005?

10 A. 2005, sorry.

11

12 Q. So your views have changed, have they, since 2005?

13 A. Mmm.

14

15 Q. I need to ask you, was it published - the copyright is  
16 2005?

17 A. 2005. It was in an ongoing process of being written,  
18 Commander, for a very long time. It was published in 2005,  
19 but I had been writing it for probably six years.

20

21 THE PRESIDENT: Q. The copy I have says that it was  
22 published in 2007, although the copyright is 2005. Which  
23 is correct?

24 A. I have 2005. So it must have been published in 2007.

25

26 Q. Does that mean that your views have changed since  
27 2007?

28 A. My views have changed in the last couple of months,  
29 sir.

30

31 CMDR RUSH: Q. In what substantive way have your views  
32 changed from those published in the book?

33 A. Well, from the time of publishing the book, Sydney has  
34 been found. We know a lot more now than we would have if  
35 we didn't have the wreck to be a guide for us. For  
36 instance, the decks fascinate me. They are not as burned  
37 as I would have suspected they would have been. The  
38 condition of the ship was described by one expert as being  
39 the best condition of a shipwreck he had ever seen.

40

41 Q. Who was that?

42 A. I don't remember.

43

44 Q. Where did it appear?

45 A. In a newspaper. I would be able to recover it.

46

47 Q. What did that mean for you?

1 A. Well, the story of a blazing ship, blazing stem to  
2 stern, as was told by the German survivors - drawings and  
3 paintings that have been done since, admittedly, based upon  
4 that description, "blazing stem to stern" - we see a ship  
5 that wasn't blazing stem to stern; we see decks that look  
6 like they were walked on yesterday.

7  
8 Q. Have you read the report that was tendered last week  
9 in this Inquiry from the Defence Science and Technology  
10 Organisation and the Royal Institution of Naval Architects?

11 A. I only had time to read part of it.

12  
13 Q. How do you know what the damage to the ship was?

14 A. Only by the photographs.

15  
16 Q. How do you know what the damage to the ship was? What  
17 are you relying on?

18 A. On photographs.

19  
20 Q. What photographs in particular, in your view, show a  
21 ship in remarkable condition? You have mentioned the  
22 wooden flooring of the decks. What else?

23 A. And the paint.

24  
25 Q. The paint of the ship?

26 A. Mmm, there is paint everywhere.

27  
28 Q. Did you see any burned paint?

29 A. I can't say whether I did or I didn't.

30  
31 Q. Perhaps I had better ask you: written on the back of  
32 your book, you describe yourself as an "intelligence  
33 analyst"?

34 A. No, my publisher describes me as that.

35  
36 Q. Didn't you have any say in what was written about you  
37 in your book?

38 A. You have very little chance, Commander, of having  
39 anything to say after you hand the book over. I was a  
40 member of APIO, which is an organisation with many  
41 different members. At that particular time I had an  
42 interest in terrorism and writing about it.

43  
44 Q. Who is your publisher?

45 A. Halstead Press.

46  
47 Q. Halstead Press. What person did you deal with at that

1           organisation?

2           A.     With the boss of Halstead Press.

3

4           Q.     What is his name?

5           A.     His name is Matthew Richardson.

6

7           Q.     Are we to take it from the last answer that not only  
8           have you been a journalist and a writer; you have also been  
9           employed by ASIO?

10          A.     No, I never said that. I said I was a member of APIO.

11

12          Q.     I beg your pardon. What is APIO?

13          A.     Australian Professional Intelligence association, or  
14          something.

15

16          THE PRESIDENT:   Q.     According to the back of the book, it  
17          says that you are a member of the Australian Institute of  
18          Professional Intelligence Officers?

19          A.     That's right. It is a group of  
20          intelligence-interested persons. Some may work for ASIO,  
21          I don't know.

22

23          Q.     But you don't have any professional intelligence  
24          skills?

25          A.     No, none at all.

26

27          CMDR RUSH:    Q.     So in describing you as an "intelligence  
28          analyst" that's a piece of sensationalism from your  
29          publisher?

30          A.     Well, it's publishing things.

31

32          Q.     What analytical skills in relation to the surveying of  
33          wrecks did you bring to your observations of the  
34          photographs of Sydney?

35          A.     Just what I can see, from what was originally said.

36

37          Q.     How many photographs did you have the opportunity of  
38          viewing?

39          A.     Perhaps 20.

40

41          Q.     Twenty. And where were they?

42          A.     The website.

43

44          Q.     And so your views are formed on your own observations  
45          in relation to 20 photographs taken from the website?

46          A.     The observation that the decks and the paint are more  
47          intact than I would have expected them to be if a ship was

1 ablaze from stem to stern.

2

3 Q. Did you think, before offering that sort of opinion,  
4 that it might be an idea to have a look at the totality of  
5 the material that is available?

6 A. No.

7

8 Q. Did you think that it might be a good idea to obtain  
9 some expert advice in relation to what is depicted in the  
10 photographs and video imagery?

11 A. No.

12

13 Q. Because you are an intelligence analyst --

14 A. No, I never said that.

15

16 Q. -- and you can make up your own mind?

17 A. You are saying that. I never said that.

18

19 Q. Why wouldn't you think it was a good idea to get  
20 expert advice?

21 A. Because every expert is going to have a different  
22 opinion than the next expert, and the next expert will have  
23 a different opinion than that. There will be no general  
24 consensus.

25

26 Q. Well, we had nine experts sitting roughly where you  
27 are sitting for two days last week who reached consensus.  
28 Do you think it might be a good idea, before you offer  
29 opinion, from a non-expert point, to observe, read and take  
30 in what they have had to say?

31 A. If I were going to put it in writing, I would do that.

32

33 Q. Mr Samuels, could we go to your book? Initially, I  
34 would like to take you to the prologue to the book, to  
35 page 7.

36 A. Right.

37

38 Q. At the bottom of that page, you say:

39

40 But as we dismantle the legends and lies,  
41 the truth that emerges is unpalatable and  
42 shocking. It will outrage an entire nation  
43 and astonish the world.

44

45 The deceptions are unforgivable - but the  
46 truth is shattering!

47

1 A. Mmm.

2

3 Q. Is what we are to read there the truth, or is it your  
4 speculation based on material that has come to your hand?

5 A. I suppose it is a bit of both.

6

7 Q. At the top of page 7, you say:

8

9 Yet there is already an answer, yielded on  
10 land, to intensive research and historical  
11 method.

12

13 A. Mmm-hmm.

14

15 Q. What you are outlining to the reader there is that, in  
16 relation to the work that they are about to enter into, it  
17 is based on intensive research and historical method?

18 A. Well, it was. There was an enormous amount of  
19 research that went into this book.

20

21 Q. So my question is whether you would claim that what is  
22 set out in your book is based on intensive research and  
23 your use of historical method to that research in reaching  
24 conclusions?

25 A. Mmm-hmm.

26

27 Q. And that brings about what you have called the  
28 "shattering truth"?

29 A. Mmm-hmm.

30

31 Q. Is that a little bit of exaggeration?

32 A. I don't think so. I think it is not shattering truth  
33 that the Navy lied to the Prime Minister and the Cabinet in  
34 1942.

35

36 THE PRESIDENT: Q. In 1942?

37 A. Yes, in 1942, sir. The head of the Navy - well, the  
38 Chief of Staff of the Navy - we're talking about  
39 Admiral Royal - deliberately told the Prime Minister an  
40 outright lie, that a court of inquiry had taken place.  
41 No-one has ever come forward to say that it took place..

42

43 CMDR RUSH: Q. Just to put some propositions to you from  
44 your book, Mr Samuels, the shattering truth involves this,  
45 does it: that the Sydney was sunk by a Japanese submarine?

46 A. I can't prove it.

47

1 THE PRESIDENT: Q. Do you disavow that theory now?

2 A. I don't disavow the theory since I've spoken to a  
3 gentleman in Western Australia, sir. He is a well-known  
4 Australian, Mr Jack Wong Sue, former Australian military  
5 hero of Z Special Force, who was standing on the deck -  
6 before he was in Z Special Force, he was standing on the  
7 deck of a carrier which was carrying aviation fuel to  
8 Africa. The first night out of Fremantle, during the  
9 window of opportunity for there to have been a submarine  
10 present during Sydney's demise, his ship was attacked by  
11 this submarine - one night out of Fremantle.

12  
13 They were subsequently ordered to go to Geraldton and  
14 have a gun fitted to the ship. The ship was the largest,  
15 or the second-largest tanker, I think he told me, at that  
16 time in the world. The gun was subsequently fitted and  
17 then they were ordered to look for Sydney in the search  
18 area. He will be anxious to tell you this story in Perth.

19

20 Q. When did you speak with him?

21 A. I have been speaking with Mr Sue fairly often.  
22 I spoke to him two weeks ago.

23

24 Q. Since the publication of this book?

25 A. It wasn't until a long time after that book that  
26 I spoke to him.

27

28 Q. Did you speak to him after the finding of Sydney?

29 A. No - oh, in relationship to other matters.

30

31 Q. No, in relation to the Sydney matter?

32 A. No. He offered the information about the Sydney;  
33 I didn't ask him about it.

34

35 Q. The Sydney was found in March 2008.

36 A. Yes.

37

38 Q. Have you spoken to Mr Jack Wong Sue since that time  
39 about the loss or finding of Sydney?

40 A. Yes, I have.

41

42 Q. Is it that discussion with him that has persuaded you  
43 of what?

44 A. That has persuaded me that there definitely was a  
45 submarine there. Although, I must say, I would be the  
46 first one to say that I can't prove that it sank or had  
47 anything to do with HMAS Sydney.



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Q. So, insofar as there was any involvement of a submarine in the sinking of Sydney, you now disavow that, although you maintain that there may have been a submarine in the area; is that your position?

A. My stance on it now is that I still suspect, myself, that the submarine was involved somehow, and it's being cemented by people like Mr Jack Wong Sue.

Q. Yes. How would he know?

A. He was standing on the tanker, sir, that was attacked by the submarine.

Q. So because this man was standing on a deck of a tanker which was attacked by a submarine, you then jump to some sort of conclusion that that submarine must have been involved in relation to the loss of Sydney?

A. I didn't say that. I said I would be the first one --

Q. What did you say?

A. I said I would be the first one, sir, to say that I can't prove that it had anything to do with Sydney at all.

Q. Do you have any concept of the notion of logic?

A. Yes, of course.

CMDR RUSH: Q. Mr Samuels, you have, in your book, maintained that Sydney was hit by three torpedos?

A. So said one of the Chinese laundrymen on board, yes.

Q. You rely on that in your book?

A. Yes.

Q. Rather than, you say, the Chinese laundryman on board, you put forward that the three torpedos that were fired were fired by a Japanese submarine?

A. Correct.

THE PRESIDENT: Q. Do you maintain that position now or not?

A. In view of the finding of the wreck of Sydney, it would appear - it would appear - at this moment in time as though only one torpedo hit, so, therefore, I have to retract that idea of three.

Q. But do you maintain that the one which did hit, and

1 undoubtedly did hit, was fired by a Japanese submarine, or  
2 not?

3 A. I believe it could have been.

4

5 Q. Do you believe it was?

6 A. I believe it was, yes.

7

8 Q. What is the basis of that belief?

9 A. The Chinese laundryman, to start with, who we just  
10 brought up; the fact that we don't know what is underneath  
11 Sydney, we haven't seen anything underneath the hull of  
12 Sydney. Some of Sydney is quite well buried in the sand.

13

14 Q. No, it is not.

15 A. I believe that the Sydney is partly buried in the  
16 sand.

17

18 THE PRESIDENT: If you look at the pictures, you will see  
19 it is not.

20

21 CMDR RUSH: Q. You have also put forward the proposition  
22 that Kormoran lowered a boat and it was on the way to  
23 Sydney?

24 A. Mmm-hmm.

25

26 Q. Is that right?

27 A. It could well have been.

28

29 Q. I want to detail the propositions: it was only after  
30 the Japanese torpedos hit Sydney that Kormoran launched her  
31 own torpedos?

32 A. Say that to me again?

33

34 Q. It was only after the Japanese torpedos hit Sydney  
35 that Kormoran torpedoed Sydney.

36 A. How do we know Kormoran fired a torpedo?

37

38 Q. I am just recounting, I would suggest, what you have  
39 written in your book, Mr Samuel. Did you write that in  
40 your book?

41 A. If that's what it says, that's what I wrote.

42

43 Q. The three Japanese torpedos hit Sydney's bow - that's  
44 what you say, isn't it?

45 A. Mmm.

46

47 Q. And that the German torpedo hit Sydney underneath

1 A and B turret?  
2 A. Mmm.  
3  
4 Q. That's what you have said in your book?  
5 A. Yes.  
6  
7 Q. Then that, later, I-58, the Japanese submarine,  
8 torpedoed Sydney again --  
9 A. Mmm-hmm.  
10  
11 Q. -- after it had left the scene of the battle?  
12 A. Mmm-hmm.  
13  
14 Q. You put that?  
15 A. We now know that that is not absolutely so, is it?  
16  
17 Q. And somewhere, according to you in your book,  
18 something like 10 torpedos were fired at Sydney; correct?  
19 A. My assumption was at the time, yes.  
20  
21 Q. And then that the Japanese conducted what you describe  
22 in your book as a criminal slaughter of the crew of Sydney?  
23 A. Mmm-hmm.  
24  
25 Q. Correct?  
26 A. Yes.  
27  
28 Q. That's what you wrote?  
29 A. That's what I wrote.  
30  
31 Q. And all this, you allege, was covered up; it has been  
32 covered up since 19 November by Government and --  
33 A. No, I don't believe the Government was ever involved.  
34  
35 Q. The British Government, you allege, was involved?  
36 A. Mmm.  
37  
38 Q. Churchill was involved?  
39 A. Mmm.  
40  
41 Q. But not the Australian Government?  
42 A. Not the Australian Government.  
43  
44 Q. So Churchill was involved in the cover-up; is that  
45 right?  
46 A. Yes, I believe so.  
47

1 Q. Admiralty was involved in the cover-up?

2 A. Absolutely.

3

4 Q. And the Royal Australian Navy was involved in the  
5 cover-up?

6 A. Absolutely.

7

8 Q. But the Federal Government was not?

9 A. No.

10

11 Q. In your account, as you have indicated, you have  
12 relied, in relation to torpedos, on one of the Chinese  
13 laundrymen that was in one of the German lifeboats and was  
14 taken to Fremantle with the German prisoners?

15 A. Mmm-hmm.

16

17 Q. Is that correct?

18 A. Yes.

19

20 Q. Mr Samuels, the expert evidence that is before the  
21 Commission of Inquiry is to the effect that Sydney was hit  
22 by one torpedo?

23 A. Mmm-hmm.

24

25 Q. Do you dispute that?

26 A. If that is the expert evidence now, I accept it.

27

28 Q. And from your view of the photographs, did you see or  
29 notice any torpedo damage to Sydney?

30 A. Only the bow torn away.

31

32 Q. I am sorry?

33 A. Only the bow torn away, Commander.

34

35 Q. No, I am talking about specifically did you notice or  
36 observe any torpedo damage?

37 A. Other than the bow torn away?

38

39 Q. Yes.

40 A. Do you mean other than the bow torn away?

41

42 Q. From your observations, was there anything, when you  
43 looked at the ship - you have spoken about your views and  
44 perceptions of what you saw - to suggest more than one  
45 torpedo?

46 A. No.

47

1 Q. So do you say to the Commission, if you accept that  
2 Sydney was hit by one torpedo, that you recant in relation  
3 to the Japanese submarine?  
4

5 Q. So who fired the torpedo?

6 A. It's still my belief that it could have been fired by  
7 the Japanese submarine.  
8

9 Q. On what basis?

10 A. On what basis for what?  
11

12 Q. On what basis? What evidence can you put forward to  
13 say that it was fired by a Japanese submarine?

14 A. Well, I can say that there is no proof that Kormoran  
15 fired theirs.  
16

17 THE PRESIDENT: Q. That's not really right, you know.  
18 We know that there were two ships engaged in a battle, and  
19 we know that one was hit by a torpedo.

20 A. Mmm-hmm.  
21

22 Q. We know that the other one had torpedos, and we have a  
23 number of witnesses, in the order of more than 10, who say  
24 that torpedos were fired by Kormoran, so we do know that  
25 Kormoran fired torpedos, and we do know, on the basis of  
26 that evidence, that one of them hit Sydney.

27 A. Mmm-hmm.  
28

29 Q. What do you have to put in opposition to any of that?

30 A. Who these witnesses are. Were they not once all the  
31 enemy?  
32

33 Q. And so they should never be believed?

34 A. Well, they are the only ones left to tell the story,  
35 aren't they, sir?  
36

37 Q. And? What is the consequence of that?

38 A. If they told an untruth then, they are probably still  
39 telling an untruth now.  
40

41 Q. The problem that you have, if I may say so, is that we  
42 now have some empirical proof.

43 A. Well, I'm unaware of it.  
44

45 Q. Well, it was presented here a week ago.

46 A. Right.  
47

1 CMDR RUSH: Q. You have indicated that you rely on the  
2 notes of interrogation of Shu Ah Fah, the Chinese  
3 laundryman.

4 A. Mmm.

5

6 Q. As I understand it, you rely on those notes in  
7 relation to torpedos that were fired at Sydney; is that  
8 correct?

9 A. It is.

10

11 Q. The interrogation notes of Mr Shu Ah Fah indicate that  
12 he saw Kormoran fire three torpedos?

13 A. I believe he did, yes.

14

15 Q. You are aware, are you not, that Sydney was incapable  
16 of firing three torpedos in a fan on the starboard side?

17 A. I am, yes.

18

19 Q. Yet, nevertheless, you took Mr Shu's account as being  
20 the account that you would rely on?

21 A. I couldn't see any reason at the time why he would  
22 tell a lie about it.

23

24 Q. Well, where do you think he got three torpedos from?

25 A. At the time, I suppose, if I remember rightly,  
26 I thought that he would have seen the trail of individual  
27 torpedos. As a consequence of having found the Sydney with  
28 the bow torn off, perhaps all he saw was one almighty  
29 explosion.

30

31 Q. He was the person that you put forward as providing  
32 evidence of three torpedos, which you subsequently, in your  
33 book, say were fired by I-58?

34 A. Mmm.

35

36 Q. Is that right?

37 A. I believe so.

38

39 Q. Mr Shu Ah Fah at no time said that there was a  
40 submarine involved?

41 A. That's right. He never did.

42

43 Q. And you rely on his visual account of Kormoran firing  
44 torpedos?

45 A. Well, if you look at it from the point of view that he  
46 said that Kormoran fired them and he didn't see the  
47 submarine, I'm assuming that he saw the torpedos hit

1 Sydney, but he assumed that they came from the Kormoran.  
2  
3 Q. So that chain of assumptions you gain from what?  
4 A. From his observation.  
5  
6 Q. From his interrogation notes?  
7 A. Mmm.  
8  
9 Q. You haven't spoken to him, have you?  
10 A. No, of course not.  
11  
12 Q. The only thing that you had to go on - and I ask that  
13 it come up on the screen, sir, BATT.006.0059 - was a note  
14 of an interrogation of Mr Shu Ah Fah?  
15 A. But why would Mr Shu Ah Fah have lied about it?  
16  
17 THE PRESIDENT: Where is the passage in the book?  
18  
19 CMDR RUSH: At the bottom of the first page, the last  
20 paragraph, if that can be brought up.  
21  
22 THE PRESIDENT: No, where is what Mr Samuel's wrote in his  
23 book about three torpedos?  
24  
25 CMDR RUSH: What Mr Samuel's wrote in his book is at  
26 page 93, sir.  
27  
28 Q. I wonder whether we can have that enlarged.  
29 I want to read this paragraph with you, Mr Samuel's.  
30 A. Where are we, Commander?  
31  
32 Q. It's on the screen in front of you: Shu Ah Fah's  
33 story of action conforms in general to that told by  
34 SBLT Bunjes and the sighting at 16:00 to the time of  
35 opening fire. It varies considerably from that time  
36 onward.  
37  
38 Shu Ah Fah states raider fired three  
39 torpedos in quick succession on cruiser's  
40 starboard quarter. These hit cruiser  
41 forward at about the same time as she was  
42 struck by raider's first salvo, and a  
43 terrific explosion followed.  
44  
45 Is that what you have relied upon, Mr Samuel's?  
46 A. It could well be. I don't remember this particular  
47 document.

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Q. You quote it at page 93.

A. Do I?

Q. Under the photograph of your book, page 0093.

A. Yes. Then I relied upon that document, yes.

Q. What is it about that account that in any way permits you to interpret the involvement of a Japanese submarine?

A. Well, it wouldn't have been just this that I was relying upon at the time.

THE PRESIDENT: Q. What else was it?

A. There was other evidence, which I believe the Inquiry has seen, from the late Pastor Ivan Wittwer.

Q. No doubt we will come to him, but he is not mentioned at this point in your book?

A. No, that's not what I'm saying, sir. What I would have said here was, if I was relying upon this only to interpret that there was a submarine there, it would have been rather ridiculous and I wouldn't have done that, and I would have had other information to suggest that the submarine was there.

CMDR RUSH: Q. I will go on with the paragraph that I have been reading from, Mr Samuel's:

So at the very beginning of the action, at the same time as Kormoran's first gunnery salvo, Sydney was struck by three torpedos. Yet Detmers tells us that Kormoran fired her first and only torpedos after nine salvos from her guns and after turning to 260 degrees - and then only two of them. Shu Ah Fah saw the three earlier torpedos hit Sydney with his own eyes. Unaware of I-58's presence, and unaware that Detmers reported firing only two torpedos later on, Shu Ah Fah had to assume that the other three torpedos came from Kormoran.

Do you say that there is logic in that reasoning?

A. There is.

Q. And the other three torpedos were fired by the Japanese submarine?



1 A. Exactly.

2

3 Q. Whereas the account that you rely on is that of  
4 Shu Ah Fah and that he saw Kormoran fire three?

5 A. Three.

6

7 Q. Shu Ah Fah was the laundryman?

8 A. Mmm-hmm.

9

10 Q. The laundryman, according to you, to rely on his  
11 account, must have had a view of the battle?

12 A. Well, he said he did.

13

14 THE PRESIDENT: Q. I just don't understand. What you  
15 have done in the paragraph just read to you is to say that  
16 Shu Ah Fah saw three torpedos hit Sydney. In the next  
17 paragraph, you have said that he had no reason to lie, so  
18 I assume that you are saying that Shu Ah Fah was telling  
19 the truth. But then you make a jump and say "Well, he is  
20 actually wrong, because the three torpedos came from a  
21 Japanese submarine." There is no logic in that.

22 A. I can see that still happening, sir. I'm not going to  
23 retract it. If he didn't know about the submarine, he  
24 would have assumed that they came from the Kormoran.

25

26 Q. Yes, but the point is a somewhat different one. It  
27 has nothing to do with the presence of a Japanese  
28 submarine. What you have to say is that Shu Ah Fah said  
29 something; he was absolutely wrong, although you say he was  
30 right, and the torpedos came from somewhere else. Do you  
31 not follow that?

32 A. No, I'm afraid I don't. I'm afraid I don't.

33

34 THE PRESIDENT: We will adjourn for lunch and resume at  
35 2 o'clock.

36

37 LUNCHEON ADJOURNMENT

38

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1 UPON RESUMPTION:

2

3 CMDR RUSH: Q. Mr Samuel s, where did you get your theory  
4 that there was an involvement of a Japanese submarine from?

5 A. Hard to say, it's that far back.

6

7 Q. Sorry?

8 A. It's hard to say, it was that far back. From what  
9 I remember, I thought it was highly suspect that it was  
10 17 days before Pearl Harbor. I thought it was even more  
11 suspect that there was an insistence by all of the gurus of  
12 submarine movements that it was quite impossible that all  
13 the submarines had been accounted for. Now, all the  
14 submarines had not been accounted for, and that's a fact.

15

16 THE PRESIDENT: Q. That can't possibly lead you to the  
17 view that there was a Japanese submarine involved in this  
18 engagement?

19 A. It would have been part of the reason, sir.

20

21 Q. But do you have any evidence of any positive nature  
22 that there was?

23 A. Not positive --

24

25 Q. Or is it just the circumstance that you don't think  
26 people could account for them all?

27 A. Well, I know they can't account for them all, even  
28 though --

29

30 Q. Therefore one must have sunk Sydney?

31 A. Well, not necessarily, but it was certainly worthwhile  
32 exploring, and it led me to the conclusion that there could  
33 well have been one involved.

34

35 Q. But on what basis?

36 A. Opportunity.

37

38 Q. Well, there may have been a lot of opportunities for  
39 a lot of people to do a lot of things. That doesn't mean  
40 they did them. Is there any positive evidence of any  
41 nature at all that you can point to suggesting the  
42 involvement of a Japanese submarine, apart from the fact  
43 that you say people can't locate them?

44 A. Montgomery had some arguments, some of which  
45 I subscribed to then, some of which I dismiss now.  
46 I suppose that led me to conduct further investigation into  
47 it.

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Q. But having conducted that investigation, which you say you've now done, what evidence is there?

A. I think the Inquiry has a document that you have received from Mr David Kennedy. I might hand a copy of that to CMDR Rush.

CMDR RUSH: Sir, it is on Summation. It is a signal of 20 November 1941 indicating the suspected whereabouts of some Japanese submarines. I will perhaps come back to that. It shows to submarines in the Pearl River Delta. It shows submarines nowhere near the Indian Ocean, and one of the bearings is in fact in the middle of Africa.

THE PRESIDENT: Yes, I know.

THE WITNESS: And one of the submarines was reported as heading west.

CMDR RUSH: It is SPC.006.0005.

Q. This is something that you picked up from Mr Montgomery's book, is it?

A. No. This comes from Mr David Kennedy.

Q. Mr Kennedy provided it to you for what purpose?

A. As part of the support for my theory that a Japanese submarine may have been involved in the ultimate demise of HMAS Sydney.

Q. What is it about this document that in any way supports your theory?

A. This document supports the fact that we have a submarine here heading west when they were all supposed to be heading east.

Q. Which one are you referring to?

A. I'm having trouble seeing here, Commander.

THE PRESIDENT: Q. Would you like it blown up a little bit more?

A. If you could, sir.

... object appeared to be a submarine steering west.

THE PRESIDENT: Where are we?

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CMDR RUSH: Four lines from the bottom, sir.

Q. Did you by any chance, in adopting the historical rigour that you referred to in the prologue, look at the bearing of the submarine that was heading west?

A. No, I didn't.

Q. Did you think that that might be a good idea --

A. This doesn't appear in the book, either, Commander.

Q. Do you think that it might be a good idea, before you use a document to purport to support a theory that you are propounding, to check where the submarine that is heading west is initiating its course from?

A. I'm led to believe from --

Q. No, my question is a direct one. Do you think, adopting --

A. Yes, I do.

Q. -- historical rigour, that it would be a good idea to look at the bearing that the signal is referring to?

A. I answered that.

Q. Did you do so?

A. No.

Q. Why not?

A. Because it's not in the book.

Q. No, but you had the document. It is not in the book, but you have the document and you're purporting to put it forward to support your theory of Japanese submarine involvement in Sydney. That's the reason you've handed it to me?

A. That's right.

Q. Then where is the submarine?

A. It's heading west, when all of these submarines were supposed to be stationary or heading east.

Q. Heading west from where?

A. I'm led to believe by LCDR Ean McDonald that it is somewhere south of the Philippines.

Q. Somewhere south of the Philippines?

1 A. Mmm-hmm.

2

3 Q. And you're led to believe that by whom?

4 A. LCDR Ean McDonald.

5

6 Q. You mean LCDR Ean McDonald --

7 A. Retired.

8

9 Q. -- from Western Australia, retired?

10 A. That's right.

11

12 Q. How did he advise you of that?

13 A. I gave him the letter. He navigated the coordinates.

14

15 THE PRESIDENT: 17 degrees north, 94 degrees east.

16

17 CMDR RUSH: Q. So Mr McDonald advised you that it was  
18 off the Philippines; is that right?

19 A. That's right.

20

21 Q. That's your evidence. Does Mr McDonald have  
22 navigation experience?

23 A. Apparently.

24

25 Q. It is off Burma, north-west of Burma. Did you not  
26 think that it might be a good idea, before you offered your  
27 opinion as to that somehow supporting an involvement of  
28 this submarine and before you put it forward as somehow  
29 being involved in the sinking of Sydney, to look up where  
30 it was located on 20 November 1941?

31 A. I never said I put this submarine as being involved in  
32 the sinking of Sydney. I'm just saying that this is proof  
33 that submarines can't be accounted for.

34

35 THE PRESIDENT: Q. Mr Samuels, I asked you, after some  
36 discussion, if you had any positive evidence, and you said  
37 that you did. What you said you had was a document given  
38 to you by another gentleman, and you then produced this  
39 document. It doesn't say that there was a submarine. It  
40 speaks of two coast watch stations in approximate positions  
41 which apparently are somewhere off Burma, or Myanmar, east  
42 of an object appearing to be a submarine steering west.  
43 That's not positive proof of anything. Is that all you  
44 have to support the notion that a Japanese submarine was  
45 involved in the sinking of Sydney?

46 A. I researched the submarine I-58. I came to the  
47 conclusion that when the I-58 encountered the two capital

1 ships - Prince of Wales, and the other name escapes me for  
2 a moment - and they only had a few torpedoes left. I can't  
3 prove that I-58 was involved, either. This is entirely my  
4 own theory.

5  
6 Q. Yes, I understand that, but I'm trying desperately to  
7 see if there is any basis for it, of any type. You see,  
8 I have to write a report about all this, and you've come  
9 forward, as I understand it, and you say that a Japanese  
10 submarine was involved. So I would say to you, "What is  
11 the basis for saying that?", and there is nothing you can  
12 produce?

13 A. Not of any concrete evidence, sir, no.

14  
15 CMDR RUSH: Q. Mr Samuels, I want to conclude the matter  
16 I was dealing with before we adjourned for lunch. You are  
17 prepared to attribute an eyewitness account of the firing  
18 of torpedoes to Mr Shu Ah Fah; is that right?

19 A. I was reminded over lunch that Mr Shu Ah Fah not only  
20 spoke English very well; he was also the quartermaster of  
21 the Eurylochus, one of the ships taken by the Kormoran, and  
22 he could very well have been seen on the deck, because I'm  
23 also reminded that Detmers said so.

24  
25 Q. Who reminded you of that?

26 A. A person within the court.

27  
28 Q. Who was that?

29 A. Mrs June McCluskey.

30  
31 Q. Who is that?

32 A. (Indicating).

33  
34 Q. How do you know that Shu Ah Fah spoke very good  
35 English?

36 A. I believe - how do I know that? I have read it, that  
37 he spoke English. It may have been in the Navy report.

38  
39 Q. How do you know that he spoke very good English?

40 A. Well, I don't.

41  
42 Q. I ask you to go to page 91 of your book. In the third  
43 paragraph, you wrote there:

44  
45 That statement has three interesting parts.  
46 Kormoran's crew for the most part could see  
47 nothing from their stations, because in

1 a warship ready for action, few of the men  
2 are stationed on deck or in places that  
3 command a general view.  
4

5 So you state that very few of the Germans would have seen  
6 the action, but you put forward that the laundryman would  
7 have had a good view of the action?

8 A. Well, I would have been taking a look. Wouldn't you?  
9

10 Q. I'm sorry?

11 A. I would have been taking a look to see what was going  
12 on.  
13

14 Q. You say that when this ship was at camouflage and  
15 attempting to prevent any form of identification from  
16 another warship, the laundryman would have been permitted  
17 to be on deck?

18 A. Yes, but I also recall Detmers saying at some stage or  
19 other that he had deliberately done that as a ploy to get  
20 them out there.  
21

22 Q. And you would further say, I suppose, that not only  
23 was he on deck, but this eyewitness to the perfidy of the  
24 Germans was taken in the lifeboat and rescued by the  
25 Germans and landed in Australia?

26 A. That's right.  
27

28 Q. Did there strike you as being any form of unusualness  
29 in the Germans doing that, taking a witness to their  
30 actions and saving his life in their lifeboat?

31 A. I don't have an explanation about it. I wasn't there.  
32

33 THE PRESIDENT: Q. Mr Samuels, would you mind going to  
34 page 93. This is the matter I was addressing with you  
35 before the luncheon adjournment.

36 A. Yes.  
37

38 Q. This is the passage that was read to you, which  
39 purports to be a copy of what Mr Shu Ah Fah said in his  
40 statement, underneath the photograph?

41 A. As far as I know, that is what he stated.  
42

43 Q. According to that, Mr Shu Ah Fah said that Kormoran  
44 fired three torpedoes, which he saw, and those three  
45 torpedoes hit. In the next paragraph, you say:  
46

47 [He] had no motive to lie ...

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A. Yes.

Q. So do you accept the evidence of Mr Shu Ah Fah or do you not?

A. I can see where you're coming from, sir, that he states that the Kormoran fired three torpedoes when the cruiser was on her starboard quarter. He is making the assumption that those torpedoes originated from the Kormoran.

Q. No, he's not. He said:

The Kormoran fired three torpedoes when the cruiser was on her starboard quarter.

He's saying that. He's not making any assumption. He's stating it as a fact.

A. All right, my assumption is that they were fired from a submarine.

Q. So when you say that he had no motive to lie, you are in fact saying that he is either mistaken or telling an untruth?

A. No, I think he was telling the truth.

Q. Which is, according to him, that Kormoran did fire three torpedoes and they all hit Sydney, which you now reject?

A. Well, we know three torpedoes did not hit Sydney.

Q. So Mr Shu Ah Fah was wrong?

A. In the torpedo count, yes.

Q. So how do you get from there to a Japanese submarine?

A. It was my assumption that the submarine was there.

Q. So Shu Ah Fah's evidence has absolutely nothing to do with anything, so far as Japanese submarines are concerned?

A. Basically, none.

Q. Yet before lunch, that was the only thing you could point to relating to the existence of a Japanese submarine being involved in this engagement; and after lunch, you come up with a document which relates to a submarine somewhere off the Burmese coast.

A. Only to demonstrate that submarines are not accounted



1 for.

2

3 Q. But do you not see that inability to account for  
4 submarines doesn't mean that a submarine was involved? Do  
5 you not understand that?

6 A. No, but it has been used for many, many, many years,  
7 sir, as the catalyst for people to say there could not  
8 possibly have been a submarine intervention - the fact that  
9 they're all accounted for.

10

11 Q. Yes, and if they are all accounted for, it's an  
12 absolutely sound argument. But if they are not all  
13 accounted for, it doesn't mean that there was a submarine  
14 involved in the Sydney action?

15 A. I would agree.

16

17 Q. So I ask you again: is there anything that you can  
18 point to which indicates the existence of the involvement  
19 of a Japanese submarine?

20 A. Nothing solid, sir, no.

21

22 CMDR RUSH: Q. Mr Samuel s, at page 66 of your book, at  
23 the bottom of the page, you say this:

24

25 Two days before Kulmerland's departure from  
26 Kobe, Wenneker asked her commander,  
27 Captain Pschunder, to come to Tokyo and  
28 join him for afternoon tea at the mission.  
29 There Wenneker entrusted a hand-to-hand  
30 diplomatic pouch to Captain Pschunder, to  
31 be given only to Captain Detmers or  
32 destroyed without opening should there be  
33 any likelihood of it failing to reach him.  
34 Amongst other things, the pouch contained  
35 orders from the German Naval Attache to  
36 collaborate with I-58 to sink the troop  
37 ship Aquitania.

38

39 What evidence do you have of that meeting and that  
40 diplomatic pouch?

41 A. I'm not entirely sure I remember what the source for  
42 that was, but part of it was something that Detmers wrote  
43 himself, whether it was in his book or somewhere else,  
44 about very valuable information or very valuable documents  
45 having been delivered to him.

46

47 Q. That concerned the disguise of Straat Malakka, didn't

1 it?

2 A. It may. I don't remember.

3

4 Q. My question is very direct: you have asserted  
5 something as a matter of fact at the bottom of page 66 -  
6 that, two days before, the Captain of the Kulmerland met  
7 with Wenneker and was given a diplomatic pouch and told to  
8 deliver it to Detmers, and it said that Detmers was to  
9 rendezvous with I-58 for the purpose of sinking Aquitania.  
10 What evidence do you have of what you put there as fact?

11 A. You're asking for some old information here. What  
12 page are we on, again? Is this 67?

13

14 THE PRESIDENT: Q. The bottom of page 66 and the top of  
15 page 67.

16 A. Well, the last part of that you can attribute to me  
17 only.

18

19 Q. You just made it up, didn't you?

20 A. No, I didn't make it up. I made an assumption.  
21 I don't make up things, sir. I just make a calculated  
22 assumption on what I'm told at the time.

23

24 Q. What is the difference between making something up and  
25 making an assumption when you have no basis for the  
26 assumption?

27 A. I don't know, sir.

28

29 CMDR RUSH: Q. In other words, it would be fair for us  
30 to conclude that you put something in your book as a matter  
31 of fact for which you had absolutely not one scintilla of  
32 evidence in support?

33 A. Yes.

34

35 Q. And do you say that that brings historical rigour to  
36 the writing of your book?

37 A. There's nothing wrong with the information that I had  
38 at the time.

39

40 Q. What information did you have at the time?

41 A. You're asking about an old book now, Commander. Quite  
42 frankly, I don't remember where half of these sources came  
43 from.

44

45 Q. Mr Samuels, what I want to suggest to you is that you  
46 don't remember half the sources that it came from, because  
47 there are no sources?

1 A. There have been a lot of sources, Commander.

2

3 Q. Well, this is a fairly important piece of history that  
4 you have set out there, isn't it?

5

6 THE PRESIDENT: Q. It is not history. Whatever it is,  
7 it's not history. It is an assertion of fact which, as  
8 I presently understand it, you had no basis for asserting.

9 A. I'll agree that it is only my assumption.

10

11 Q. So if I am to do an analysis of this book, how am I to  
12 distinguish between that which is your assertion and that  
13 which you say has some basis in fact?

14 A. I think up until the time Sydney was actually  
15 discovered in March last year, every book and every piece  
16 of paper ever written about HMAS Sydney has had 90 per cent  
17 assumption.

18

19 Q. I wouldn't agree with that, but that's by the by. How  
20 am I to distinguish it?

21 A. I don't think there is a way, sir.

22

23 Q. Is there anything in this book that you presently  
24 adhere to?

25 A. CAPT Snook.

26

27 Q. Let me get a list of all the things that you presently  
28 adhere to, because they're the ones that I will have to  
29 deal with. CAPT Snook?

30 A. Yes.

31

32 Q. Anything else?

33 A. Definitely CAPT Snook and definitely our exploration  
34 for the remains of Sydney sailors on the West Australian  
35 coast.

36

37 Q. Do you maintain that there are bodies on the Western  
38 Australian coast who are bodies from the Sydney?

39 A. I do, sir.

40

41 Q. Do you maintain that they're buried?

42 A. I do, sir.

43

44 Q. And that some people buried them?

45 A. I do, sir.

46

47 Q. I have written down CAPT Snook; bodies buried on the

1 beach. What else is there, if anything?

2 A. I think they're certainly the two most important  
3 things I've been involved in in the last X amount of years.

4  
5 Q. Well, are you content, then, if I disregard all in  
6 this book save those two matters?

7 A. I don't know if I would use the word "disregard", but  
8 certainly I've changed my opinion about a great many things  
9 in there.

10  
11 Q. Unless you can give me some factual basis for these  
12 assertions - and to date you have not been able to do so -  
13 I can see no basis on which I should waste my time  
14 considering them.

15 A. I cannot prove that a submarine interacted with  
16 Kormoran. I cannot prove that a Japanese submarine, or  
17 a U-boat, for that matter, had anything to do with the  
18 ultimate demise of HMAS Sydney.

19  
20 Q. You see, Mr Samuels, one can draw inferences from  
21 established facts, but you can't give me any facts which  
22 you can establish even from which an inference could be  
23 drawn, let alone direct evidence.

24 A. The trouble is, sir, there has been so much of it over  
25 the many, many years --

26  
27 Q. So much of what?

28 A. So much small pieces of this and that and something  
29 else, that you cannot help but draw a certain opinion.  
30 There might be 20 things that say "yes" over here, and  
31 15 things that say "yes" over there. I put those things  
32 together, but I will agree they're my own assumptions.

33  
34 Q. But the problem is that when we go to those bits, as  
35 you call them, and I ask you what the factual basis for  
36 them is, there isn't one, so they're not "bits"; they are  
37 just speculation by somebody - it may not be by you, but by  
38 somebody - and you then take speculation and heap  
39 speculation on that. There is no kernel of truth in the  
40 basic fact at all?

41 A. I wouldn't say that. I would say that when you hear  
42 the story from one person, it's one story, which you tend  
43 to disregard, but when you hear the same story from  
44 a number of different people, it's reasonable that you make  
45 an assumption from there that this is a possibility,  
46 a strong possibility.

47

1 Q. That is not the way either the law or history works,  
2 I'm afraid. Anyway, there are two matters you've raised so  
3 far - CAPT Snook and bodies buried on the beach. Is there  
4 any other?

5 A. They're the two that most concern me, sir.

6

7 CMDR RUSH: Q. What about the signals - Mr Lane in  
8 Singapore?

9 A. Yes, Mr Lane.

10

11 Q. Do you still adhere to that?

12 A. Yes, absolutely. In fact, I have had a communication  
13 from Mr Lane in the last few days. I'll just find that  
14 communication.

15

16 Q. I won't let you go without giving you the opportunity,  
17 Mr Samuels. I want to ask you just a couple of other  
18 matters about --

19

20 THE PRESIDENT: Q. Just before you do that, I want to be  
21 once and for all satisfied that we understand the position  
22 that you are presently taking. I have noted CAPT Snook.  
23 I have noted bodies buried on the beach. I have now noted  
24 voice signals from Sydney. Is there anything else?

25 A. They would be the three I'd like to concentrate on,  
26 sir.

27

28 Q. What about the previously expressed notion that  
29 Kormoran and the Japanese submarine were diverted together  
30 to sink the Aquitania - can I put that to one side?

31 A. You can, sir.

32

33 Q. We don't have a Japanese submarine, to start with.

34 A. Well, it would be difficult to carry on from there,  
35 wouldn't it, so I'll have to pass that one.

36

37 Q. What about the notion that China Station sent some  
38 signals to Sydney to diverge from Largs Bay and go and  
39 intercept, I assume, the Kormoran? What about that one?

40 A. There is good reason to believe - and I don't remember  
41 the source of it, either, but it is there somewhere. The  
42 source of it is that someone gave a statement, who was  
43 aboard Largs Bay, that Sydney left in a great hurry.

44

45 Q. There is no evidence at all, unless you can provide me  
46 with some, that Sydney was ever in the company of  
47 Largs Bay. The evidence is quite the contrary, that after

1 she handed over Zealandia, she turned immediately around  
2 and went straight back towards Fremantle, unaccompanied.

3 A. I was under the understanding that Largs Bay sighted  
4 the Sydney and the other ship that you just mentioned, sir.

5  
6 Q. Zealandia?

7 A. Zealandia.

8  
9 Q. That's when they were going up towards Singapore. The  
10 account you gave is a different one - about Sydney  
11 separating from Largs Bay after she had handed over  
12 Zealandia.

13 A. I may have made a mistake, then.

14  
15 Q. I'll put that to one side, then. Are there any other  
16 things that you wish to maintain?

17 A. No, I'd like to concentrate on CAPT Snook, sir, if  
18 I may, and the burials in Western Australia.

19  
20 THE PRESIDENT: Very well.

21  
22 CMDR RUSH: Q. Would you turn to page 110 of your book,  
23 please. In the third paragraph, you state as follows:

24  
25 When Captain Laurence Snook was serving  
26 with the Australian Army Medical Corps, he  
27 was ordered to perform an autopsy on a male  
28 body. There wasn't anything unusual in  
29 that for an officer who had done many  
30 autopsies as routine. The only really  
31 disturbing aspect of this one was that the  
32 body was from HMAS Sydney!

33  
34 What evidence do you have to say that CAPT Snook routinely  
35 performed autopsies?

36 A. His sister, who is the main source of this  
37 information, whom he told that he had performed this  
38 autopsy, assures me that he had performed many autopsies  
39 before this, and no doubt he performed many autopsies after  
40 this. He was a very skilled man, even though he was an  
41 agriculturist. If you have a look at his file, sir, you  
42 will find that he was promoted very quickly to assistant  
43 pathologist, if I remember rightly from the file. He was  
44 a very skilled man, indeed.

45  
46 Q. So you have examined the file, the Army records, of  
47 CAPT Snook?

1 A. Mmm-hmm.

2

3 Q. Do they suggest anywhere that he was routinely  
4 involved in autopsies?

5 A. No, his file doesn't.

6

7 Q. CAPT Snook was not a medical doctor?

8 A. No.

9

10 Q. Did he have any qualifications at all at the time he  
11 was in the Army?

12 A. I don't know.

13

14 THE PRESIDENT: Q. Pathologists don't normally conduct  
15 autopsies.

16 A. Yes, if his file appointed him as, his file states,  
17 assistant pathologist.

18

19 Q. What I said was that pathologists do not normally  
20 conduct autopsies.

21 A. No, I'll have to accept that, sir.

22

23 CMDR RUSH: Q. I suggest that the only evidence you have  
24 of his sister is that he told her that on one occasion that  
25 he had conducted an autopsy on a hippopotamus. Is that  
26 what you've referred to as "routinely conducting  
27 autopsies"?

28 A. I've never heard the hippopotamus story before.

29

30 Q. On what basis do you say that he routinely performed  
31 autopsies as an assistant pathologist?

32 A. His sister told me.

33

34 Q. How does his sister come by that information?

35 A. He told her the story of performing the autopsy on  
36 a Sydney sailor's body.

37

38 THE PRESIDENT: Q. Was that one sister who told you that  
39 or both?

40 A. Yes, there were two sisters, sir, but he told  
41 Grace Richardson, Mrs Grace Richardson.

42

43 Q. Is she the one who told you?

44 A. She's the one who told me.

45

46 Q. Do you have some note of that?

47 A. Yes, I do.

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Q. Do we have that?

A. You should have a DVD of it, provided by Professor Bruce Horsfield.

CMDR RUSH: Q. And who conducted the interview?

A. Professor Bruce Horsfield.

Q. He conducted the interview of Mrs Richardson?

A. That's right, under my instructions.

Q. While you were present?

A. No.

Q. What was the purpose of the DVD?

A. Bruce was here in Sydney - Professor Horsfield was here in Sydney. I wasn't. There was an opportunity to interview her and record that interview. Subsequently, he conducted that interview.

Q. You not only correspond with Professor Horsfield, but you also, from time to time on matters concerning Sydney, correspond with Dr John McArthur in Perth?

A. I do.

Q. And you had correspondence with John McArthur in Perth concerning the Snook autopsy, didn't you?

A. There was something, yes.

CMDR RUSH: I ask that CORR.016.0040 be put on the screen, sir.

THE PRESIDENT: Professor Horsfield is the gentleman who gave evidence before Christmas, is he not?

CMDR RUSH: Yes.

Q. Would you go to the bottom of that page. Do you see it is an email from John McArthur to John Samuels of 22 May 2006, which reads:

Dear John,

I believe that your story about the autopsy on the sailor at the old Hollywood Repat Hospital stacks up and is the most important and sensational revelation to



1 emerge since Sydney's loss.

2

3 The problem as I see it is that there has  
4 to be certainty that it is a Sydney person.  
5 All I need is your reassurance that the  
6 information you have is:

7

8 It was a body of a Sydney sailor and not  
9 a body of a German sailor  
10 The approximate date of the autopsy.

11

12 Does this bring back any memories for you, Mr Samuel s?

13 A. Vaguely.

14

15 Q. You replied to John McArthur, if we go to the top  
16 of page 0040, and also forwarded your reply to  
17 Mr George Karlov. He is your publicist, is he?

18 A. Yes, and agent.

19

20 Q. Sorry?

21 A. And agent, Commander.

22

23 Q. In your email of 22 May 2006, you thanked John for his  
24 email:

25

26 ... and most importantly your observati on  
27 that Capt Snook's autopsy of a Sydney  
28 sailor did take place.

29

30 I would ask you to go down that email to approximately  
31 seven lines from the bottom of it:

32

33 ... quell the truth about Sydney and those  
34 who seek the truth into the matter. David  
35 Kennedy is persona non grata as far as  
36 I and a number of other people are  
37 concerned, and I would appreciate your  
38 complete silence as to anything you and  
39 I speak of in any way. Bruce Horsefield is  
40 most trusted on the other hand, we trust  
41 him in all things. There is more to know  
42 as far as the Sydney body is concerned but  
43 in answer to your second inq regarding  
44 when ... my best guess is 2-3rd week of  
45 December or even later, the cadaver semi  
46 adipocre and partial mummi fication in  
47 progress with all due respect to current,

1 water temp and atmos temp on a descending  
2 tide schedule.

3

4 You sent that letter to Mr McArthur?

5 A. Mmm, made a terrible mistake in it, too.

6

7 Q. What was the terrible mistake?

8 A. About the second or third week of December. I had not  
9 at that stage done the research that I have done now.

10 Snook was not here in the second to third week of December.  
11 The body obviously came into his possession having already  
12 been buried at some earlier time.

13

14 Q. Well, what was the basis of your guess that the  
15 autopsy had been carried out in the second or third week of  
16 December?

17 A. Actually, just what I said to you. I said it was  
18 a terrible mistake.

19

20 Q. But you must have had a basis for --

21 A. No, I had no basis at all. It was a terrible mistake.

22

23 THE PRESIDENT: Q. You just made it up?

24 A. No, I didn't make it up. I just made a terrible  
25 mistake. I was probably thinking of another date for  
26 something else.

27

28 Q. That could hardly be possible. You're writing about  
29 this very topic?

30 A. It was a mistake. That's all I can say.

31

32 CMDR RUSH: Q. It's a mistake, which I suggest,  
33 Mr Samuels, is untruthful evidence?

34 A. No. It's just a mistake.

35

36 Q. What's happened is that you have found out by  
37 searching the Army records of CAPT Snook that he wasn't in  
38 the country in the second or third week of December; isn't  
39 that the position?

40 A. I had the records long before this email was sent.

41

42 Q. You have found out that CAPT Snook was not in the  
43 country in the second or third week of December?

44 A. I knew that, yes.

45

46 Q. Well, when did the autopsy take place?

47 A. Best guess, March/April the following year, '42.

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THE PRESIDENT: Q. I would like to have it established, as a start, that there ever was an autopsy?

A. I believe there was.

Q. I know you believe that there was, but I want to know the basis for it. Would you go back, please, to the letter you wrote to Mr McArthur. He says:

I believe that your story about the autopsy on the sailor ... stacks up and is the most important and sensational revelation ...

Now if we go back to your response to that, you say:

Thank you for your email and ... your observation that Capt Snook's autopsy of a Sydney sailor did take place.

He didn't observe that at all.

A. Agreed.

Q. Well, why did you write that? He hadn't confirmed to you that there had been any autopsy.

A. That's what I wrote.

Q. Do you understand that it has no sequential logic at all? On your account to date, you have a sister of CAPT Snook telling somebody else, not you - apparently Professor Horsfield - on video that their brother, then dead, had said that he had carried out an autopsy on a Sydney sailor. You then wrote to Mr McArthur indicating that, and he wrote back to you, and you said that he confirmed to you that the autopsy had taken place, when he hadn't. Then you have said, "My best guess is that it took place in December", when (a) you didn't know there had been an autopsy and (b) you had no idea when it had taken place?

A. The date, as I said, sir, is my mistake. The assumption that I put here, "Thank you for your email and most importantly your observation", yadda yadda yadda, was just an error of my way of writing this particular email. I don't see where this is relevant to the body at all.

Q. I'm very keen to see if there ever was a body on whom an autopsy took place. At present, I don't see any evidence that there was or that a pathologist would have been likely to have been carrying one out?

1 A. Well, who else would have carried it out?

2

3 Q. Precisely. Therefore, you say that there must have  
4 been one?

5 A. No, I say there must have been one because CAPT Snook,  
6 to all intents and purposes, as far as I can determine, was  
7 squeaky clean and had no reason to lie to his sister about  
8 it.

9

10 THE PRESIDENT: When was CAPT Snook overseas?

11

12 CMDR RUSH: Sir, he returned to Australia not before  
13 23 May 1942, and he had departed for the Middle East on  
14 19 October 1940.

15

16 THE PRESIDENT: Q. So if he carried out an autopsy, the  
17 body was more than six months old. Where do you say this  
18 body was found?

19 A. I don't know where CAPT Snook got the body from, but  
20 it's quite clear that it was almost certainly buried  
21 before.

22

23 Q. Why do you say that?

24 A. Had it been exposed to the elements for that long, it  
25 would be very doubtful if he could have made the statement  
26 that he did that it had a Sydney lifebelt on the body.  
27 Now, I recently - well, not recently - came into possession  
28 of information that perhaps the lifebelt didn't have the  
29 ship's name on it.

30

31 Q. Quite.

32 A. Then again, I also have information that says that  
33 a belt was issued to some sailors back in those days, a  
34 ship's issue. It could well have had the ship's name on  
35 it.

36

37 Q. "A belt", being a lifebelt or just a belt?

38 A. A lifebelt.

39

40 CMDR RUSH: Q. Where did you obtain the information that  
41 the lifebelts didn't have the ship's name?

42 A. I think I might have read it in the Inquiry's notes on  
43 the internet.

44

45 Q. Where did you obtain the information, then, that they  
46 did?

47 A. That they did, I had from ages ago, and I can't

1 remember the source.

2

3 Q. You can't remember the source?

4 A. I can't remember the source. I do remember what the  
5 source - that it was written information and it said that  
6 there was an issue of ship's lifebelts. It would be  
7 a reasonable assumption, Commander, that those were issued  
8 from the ship, therefore, the ship's name would be on them.

9

10 THE PRESIDENT: Q. Why? Why would you assume that?

11 A. So that they could account for them.

12

13 CMDR RUSH: Q. Isn't the evidence, Mr Samuels, of  
14 sailors that they were issued with lifebelts on service at  
15 sea and that they carried the lifebelts with them from ship  
16 to ship? You don't know?

17 A. Sorry?

18

19 Q. You don't know?

20 A. I don't know.

21

22 Q. Then the source that you refer to in relation to their  
23 being on ships and in some way or another being stencilled  
24 with the ship's name - what is that source?

25 A. It was a written source. Perhaps it was in a book.  
26 Perhaps it was an article. There are a million Sydney  
27 articles. I don't remember it being anything other than  
28 something just in passing that I noted.

29

30 THE PRESIDENT: Do we have Professor Horsfield's  
31 interviews?

32

33 CMDR RUSH: We have what Professor Horsfield has provided  
34 us with, sir.

35

36 THE PRESIDENT: Overnight, someone might check and see if  
37 there is an interview with Miss Grace Richardson.

38

39 THE WITNESS: Mrs Grace Richardson.

40

41 CMDR RUSH: Could we have document PTE.005.0055 on the  
42 screen, please?

43

44 Q. Do you see there the first page of the officer's  
45 record of service of Laurence Cecil Snook, and do you see  
46 that his civilian employment at the time of his entry into  
47 the Army was an agriculturalist? Did you observe that,

1 Mr Samuel s, when you --

2 A. Yes.

3

4 Q. Are you familiar at all with agriculturists  
5 undertaking autopsies

6 A. No, I'm not.

7

8 Q. It would appear, would it not, that Mr Snook's  
9 employment, at least prior to him signing on on 1 June  
10 1940, had nothing to do with any form of medical science?

11 A. It would appear so, yes.

12

13 Q. You maintain, do you not, that there was a sealed  
14 envelope on the file --

15 A. Yes.

16

17 Q. -- of Laurence Snook?

18 A. Yes.

19

20 Q. And you had some communication, did you, with the  
21 holder of Army records in relation to what was there?

22 A. Mostly George Karlov had that conversation, Commander.

23

24 Q. And has he informed you of that?

25 A. Mr Karlov?

26

27 Q. Yes.

28 A. Yes.

29

30 Q. You were informed that there was correspondence of  
31 1997 which had to remain in a sealed envelope under the  
32 30-year rule?

33 A. No, I've not heard that before.

34

35 Q. What have you heard?

36 A. Just that there was a sealed envelope. I've never  
37 known what was in it.

38

39 Q. As far as it being sealed, did you understand why it  
40 was sealed?

41 A. I understood that, and I told LCDR Kerr that when he  
42 interviewed me.

43

44 Q. What did you understand was the reason?

45 A. No, what I said was I never understood the reason why  
46 it was sealed. It contained something. I didn't know what  
47 was in there.

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Q. Did Mr Karlov not inform you of the results of his inquiries?

A. Only that the envelope has apparently gone missing.

Q. Could we bring up CORR.016.0048. Do you see there an email from Pauline Maly to you, John Samuels, of 11 July 2005.

A. I don't remember this one.

Q. You were requesting further information in relation to the file of Laurence Snook, weren't you?

A. That's right, yes.

Q. She emailed you in these terms:

There is further information contained in the envelope concerning Laurence Cecil Snook, Service Number NX24732. This information has been placed in a sealed envelope as the date range of 1997 falls within the closed period for information, it is less than 30 years old.

So you were directly informed of a sealed envelope in the date range of 1997, which was closed because it was 30 years old.

A. Because it was 30 years old?

Q. It was less than 30 years old.

A. Less than 30 years old, yes.

Q. You knew that?

A. Well, the information here says I did, yes.

Q. Well, what did you make of that?

A. I would have liked to have known what was in the envelope, that it was necessary to seal it.

Q. Could we look at page 111 of your book. Could we go down just below the photograph to the paragraph where you say:

It's no use looking in Captain Snook's Army file. Part of it was sealed up and removed in 1997, the year the Parliamentary Inquiry began. A secrecy order was placed on the

1 sealed envelope ensuring it could not be  
2 examined by the Inquiry. Whatever it is in  
3 Laurence Snook's World War II career that  
4 was deemed to put our national security at  
5 risk in 1997 won't be available for  
6 inspection till thirty years from that  
7 date!

8  
9 What basis at all did you have for saying that our national  
10 security was at risk as a consequence of what was in the  
11 correspondence?

12 A. Why else can you imagine a former agriculturist having  
13 his file sealed up?

14  
15 Q. Sir, the Inquiry has obtained the correspondence that  
16 is in the two letters. It still is affected by the 30-year  
17 rule, but I can tell you what it is and I will tender it  
18 and ask that it be marked "Confidential". It is a letter  
19 of 4 September 1997 from Laurence Snook asking for a copy  
20 of his Army records, and it is a reply of 18 September 1997  
21 from Army career management, enclosing his records.  
22 I tender it.

23  
24 THE PRESIDENT: Why is this still subject to any rule?

25  
26 CMDR RUSH: Because it is correspondence that must be kept  
27 in relation to the files, as I understand it, sir.

28  
29 THE PRESIDENT: Because it is 1997 correspondence, it has  
30 to stay secret for 30 years?

31  
32 CMDR RUSH: Yes.

33  
34 THE PRESIDENT: Even a request for the date on which he  
35 enlisted and was discharged and his length of service?

36  
37 CMDR RUSH: Yes.

38  
39 THE PRESIDENT: That is, may I say, all it contains. It  
40 will be a confidential exhibit, 1. That is EML.003.0107  
41 and 0106.

42  
43 EXHIBIT #CONFIDENTIAL 1 SEALED CORRESPONDENCE PERTAINING TO  
44 CAPT SNOOK'S SERVICE RECORDS, BARCODED EML.003.0106 AND  
45 0107

46  
47 CMDR RUSH: Q. Just while we have that page on the



1 screen, you there refer in the next paragraph to:

2  
3 Snook's superior officer at Hollywood  
4 Hospital in Perth was Colonel John Adey.  
5 Adey's file, for reasons unknown, cannot be  
6 found in the archives.

7  
8 What was the significance of Adey's file?

9 A. I should firstly point out, Commander, that Adey's  
10 file was not available to me when I asked for it but it  
11 later reappeared again. I don't have an opinion about it.  
12 Col John Adey, so I'm told, couldn't stand Laurence Snook.  
13 I was hoping to see if there was anything in there that  
14 might shine some light on Snook.

15  
16 Q. From looking at that file, were you able to determine  
17 what Dr Adey's movements were in --

18 A. I never got Dr Adey's documents.

19  
20 Q. You're not suggesting, are you, that Dr Adey was  
21 involved in the autopsy?

22 A. I don't know.

23  
24 Q. He also was in the Middle East, wasn't he?

25 A. I don't know. I haven't seen Adey's file, as I said.

26  
27 Q. Could we have brought up document NAA.092.0025? Could  
28 we go to page 0028 of Dr Adey's file. Perhaps we could go  
29 to the third entry, May 1940. That is "2 Echelon,  
30 disembarked at Kantara, 18 May, Palestine." Do you see  
31 that?

32 A. Do I see that? Yes.

33  
34 Q. Then if you go down to 17 September 1942, "Embarked  
35 per 'Laconia', transhipped to 'Duntroon' at Bombay.  
36 25.3.42, India". Then, "Disembarked", "23 May". Then,  
37 "Mentioned in despatches, 30 June 1942". He also, clearly,  
38 was out of the country certainly in December 1941 and well  
39 into 1942. Correct?

40 A. This "21.5.43 RGH" - is that --

41  
42 Q. Australian General Hospital.

43 A. Oh, it's "AGH", okay. Yes, I can see that.

44  
45 Q. I suggest that for Adey or Snook to have been involved  
46 in an autopsy, having regard to the dates, is nonsense?

47 A. I don't believe so, Commander.

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THE PRESIDENT: Q. What we have at present so far as the so-called CAPT Snook autopsy, as I understand it, is this: you tell me that there is a disk or a tape of an interview, something Mrs Richardson may have told to Professor Horsfield?

A. Mrs Richardson, sir, told me. I told Professor Horsfield.

Q. But I thought you said that it is recorded in Professor Horsfield's interview?

A. Professor Horsfield was here at Camden in Sydney. I was in Queensland. He seized the opportunity to film her saying what she had to say.

Q. And have you seen that disk or tape?

A. No, but I've seen the transcript of it.

Q. What did she say?

A. She said that her brother, Laurence Snook, told her that he had performed an autopsy on an HMAS Sydney sailor; he was - this is not word verbatim, sir - in a very sorry state; his assistant left the room - I remember her saying that, that that's what he said - and that he was wearing a Sydney Lifebelt.

Q. Right. That's what you put in your book at page 110. We do not know where this body was found?

A. No, we don't.

Q. When it was initially found, who buried it, who exhumed it, who required there to be an autopsy, or, indeed, whether an autopsy was carried out at all, apart from the fact that you say Mrs Richardson told you that one had been. We know that CAPT Snook wasn't in Australia when Sydney was sunk and didn't come back here until May the following year.

A. That's right.

Q. So we're speaking of some period after May 1942.

A. Yes, sir.

Q. Is there any other information that you have about that?

A. That is the end of what I know about CAPT Snook, sir, other than the fact that I add to that I fully believe Mrs Grace Richardson's story.

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Q. And we will find a transcript of this interview - did you yourself make a note of what Mrs Richardson told you?

A. The note would be associated with what's written in the book, sir.

Q. No, I said did you make a note of what she told you when you had a conversation with her?

A. Yes.

Q. Where is that note?

A. In a file box at home somewhere.

Q. When was that conversation?

A. Too long ago to remember.

Q. Are we talking about 2005, 2006?

A. I wouldn't remember, sir.

Q. How did you come to meet Mrs Richardson?

A. Mrs Richardson is the mother of the publisher of Halstead Press.

Q. Halstead Press?

A. Mmm-hmm, the same.

Q. The what?

A. The same.

Q. This publisher?

A. Yes.

Q. So the lady who told you the story that ends up in this book happens to be the mother of the publisher?

A. Yes, that's right.

Q. And the mother happens to be the sister of the man who was supposed to have conducted the autopsy?

A. She's also the widow of the late Ombudsman of New South Wales, sir, too. But I don't think that matters.

Q. It doesn't have the slightest relevance, no. But the fact that she is the sister of CAPT Snook may have some relevance.

A. It is a quirk of fate, but that's all it is.

CMDR RUSH: Sir, I tender the records of service of

1 CAPT Snook.

2

3 EXHIBIT #123 RECORDS OF SERVICE OF CAPT SNOOK

4

5 CMDR RUSH: And the records of service of Col Adey.

6

7 EXHIBIT #124 RECORDS OF SERVICE OF COL ADEY

8

9 THE PRESIDENT: Q. Who is the publisher of  
10 Halstead Press?

11 A. Matthew Richardson.

12

13 CMDR RUSH: Q. Mr Samuels, do you still hold to the view  
14 that Kormoran was directed to intercept Aquitania?

15 A. I think it's a reasonable assumption. It has been the  
16 assumption of me and a lot of other writers that they were  
17 out there to do something. Aquitania seems like a likely  
18 target.

19

20 THE PRESIDENT: Q. That's just ungrounded speculation?

21 A. It's my speculation, sir, yes. They hardly went out  
22 there to run into the Sydney.

23

24 Q. Who hardly went out where?

25 A. Well, the Kormoran.

26

27 Q. Mr Samuels, am I to understand from your last remark  
28 that because you think it is unlikely that the Kormoran  
29 went out to encounter the Sydney, therefore she must have  
30 gone out to encounter the Aquitania?

31 A. The Aquitania would have been a very attractive  
32 target, and I don't recall ever researching or looking at  
33 any other more attractive targets than Aquitania that would  
34 have been out there.

35

36 Q. So you assumed, to start with, that Kormoran knew of  
37 the existence of the Aquitania, knew of her course?

38 A. Sorry, sir, it could have been contained in the pouch  
39 that came from Wenneker.

40

41 THE PRESIDENT: We have been through that.

42

43 CMDR RUSH: Q. Just to clarify that, you say on  
44 2 September 1941, when the Kulmerland sailed from Japan, it  
45 knew of the movements of Aquitania as they might occur in  
46 or around 19 November?

47 A. It could have.

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THE PRESIDENT: That's just nonsense, it really is.

CMDR RUSH: Q. I just want to ask you about one thing at page 39 of your book, Mr Samuels, about 10 lines from the bottom. You refer to:

The persistent claim of many of Kormoran's crew that the raider's intended target was Aquitania is certainly more credible than the outrageous alternative that Kormoran lay in wait for Sydney ...

What references are you referring to when you say "the persistent claim of Kormoran's crew that Aquitania was the intended target"?

A. As far as I remember, some of Kormoran's crew - and it was more than one, Commander - said that they were waiting for the Aquitania, but Sydney rocked up first.

THE PRESIDENT: Q. I must say, I've read all of those statements, and I don't recall that at all. I may be wrong. My memory may be at fault. Can you point to any particular statement by any survivor that said that?

A. Not offhand, sir, but I remember reading it.

CMDR RUSH: Q. Do you know the speed that Aquitania was capable of?

A. No, not offhand.

Q. Do you know the speed that Kormoran was capable of?

A. It was 14 knots, I think, something like that.

Q. And Aquitania, around 24 knots. Would that make it a good target?

A. It would if you had a Japanese torpedo, and a submarine to go with it.

Q. But without the Japanese torpedo, it's not a good target?

A. The Aquitania, no.

Q. And you also allege, do you not, that Aquitania was deliberately delayed in Singapore?

A. Mmm, so I believe.

Q. On what grounds do you believe that?

1 A. Once again, something in the dim, dark ages. I read  
2 that it was deliberately delayed in Singapore.

3

4 Q. Is there one shred of evidence that's referred to in  
5 your book to support the proposition?

6 A. Probably not.

7

8 Q. Did you make it up?

9 A. No.

10

11 Q. You can't point to anything?

12 A. No.

13

14 Q. And no doubt, if you find anything, you'll inform us?

15 A. I will.

16

17 Q. And Commander-in-Chief, Singapore Station directed  
18 Sydney to engage with Kormoran?

19 A. I think it's not only me as a writer, Commander, but  
20 I don't think the Australian public quite goes with the  
21 flow the Navy goes with, with things just happening the way  
22 they did. I think that it's unreasonable to say that  
23 Sydney was heading back after escort duty in the Sunda  
24 Strait and accidentally, in the middle of the Indian Ocean,  
25 ran into a raider.

26

27 Q. That's unreasonable?

28 A. I think it's totally unreasonable.

29

30 THE PRESIDENT: Q. Why is that?

31 A. The Indian Ocean is a very big place, sir.

32

33 Q. Yes.

34 A. And I don't think the Kormoran would have put itself  
35 in a position necessarily to be run over by a warship.

36

37 Q. Are you suggesting that the Kormoran knew Sydney was  
38 there?

39 A. Well, from what I have seen of what Detmers said,  
40 I think that he was fearful of another warship - I can't  
41 remember the name of it. He made some remark to his crew  
42 that there was another warship out there, but it certainly  
43 wasn't the Sydney. It is reasonable for me to assume, and  
44 I think it is for most people to assume, that Sydney was  
45 sent to intercept the raider.

46

47 Q. It is not reasonable to make an assumption unless you

1 have some basis of fact for the assumption. You have none.  
2 A. No, it is only my assumption, I agree.

3  
4 Q. Do you understand the difference between an assumption  
5 and speculation?

6 A. Yes, I do.

7  
8 CMDR RUSH: Q. You referred to the career of CAPT Snook  
9 as supporting the proposition leading to credibility. What  
10 about Admiral Sir John Collins?

11 A. For all intents and purposes, he was a fine officer.

12  
13 Q. Well, why did you insinuate in your book, as you refer  
14 to, that he kept a long, dark secret concerning Sydney?

15 A. Commander, have you read his book on Sydney?

16  
17 Q. I'm asking you the questions.

18 A. Well, I don't have an answer for it.

19  
20 Q. Let's have a look at page 32 of your book.

21 A. What page, Commander?

22  
23 Q. Page 32. As a journalist, I take it, Mr Samuels, that  
24 you have a rudimentary knowledge of the laws of defamation?

25 A. Mmm.

26  
27 Q. You say at the bottom of the page:

28  
29 Captain JA Collins was also present at  
30 China Station Singapore in November 1941,  
31 when the ship he'd formerly commanded was  
32 sent raider hunting. It is difficult to  
33 believe that such a man could have been one  
34 of the few privy to and charged to keep  
35 silent the dark secret of HMAS Sydney's  
36 fate, but with the facts as they stand, it  
37 is still harder to believe he could not  
38 have known the truth.

39  
40 So you insinuate that it is impossible to believe or hard  
41 to believe that he didn't know that Sydney had been  
42 directed to engage with Kormoran?

43 A. No, I don't think it is impossible to believe.  
44 I believe it is hard to believe that he didn't know, yes.

45  
46 Q. What evidence, anything, do you have to support the  
47 proposition contained in that paragraph?

1 A. I think signals received by Hetty Hall at China  
2 Station; I think Arthur Lane at China Station; I think it  
3 was well known on the day exactly what was going on, and  
4 I find it hard to believe that the great CAPT Collins, whom  
5 I have a great deal of respect for - I find it very  
6 difficult to believe he hadn't heard what was going on.

7  
8 Q. Arthur Lane didn't work at China Station.

9 A. At Tanglin Barracks, sir.

10

11 Q. He belonged to the Manchester Regiment as a bugler at  
12 Tanglin Barracks; is that right?

13 A. That's right.

14

15 Q. I thought you said that you had a recent communication  
16 from him. What's that?

17 A. I have an email, but I actually haven't printed it  
18 out.

19

20 Q. Well, perhaps if you have it, I could be shown it?

21 A. I will do. No, I don't have it. That's what I mean.  
22 I haven't printed it out.

23

24 Q. Can you do that --

25 A. I didn't bring it with me. Yes.

26

27 Q. What's the nature of what he says?

28 A. Just that he supports his original story that that's  
29 what he heard.

30

31 THE PRESIDENT: Q. This is the story in your book?

32 A. Yes. Yes, sir.

33

34 Q. It is full of factual impossibilities. Do you  
35 recognise that?

36 A. It's the story he told me.

37

38 CMDR RUSH: Q. I think it's at page 50 of your book.  
39 You say:

40

41 ... Arthur Lane revealed that he could  
42 clearly recall radio contact during  
43 Sydney's final minutes. At our request he  
44 recorded the following statement.

45

46 Correct?

47 A. Yes.



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Q. He was about 18 years of age; is that right?

A. I don't know. I wouldn't be able to tell you.

Q. His job was to play the bugle at various times during the day at his barracks; is that right?

A. Yes. Yes, that's right.

Q. And he says, as told to you, that he used to walk over to a radio room at Tanglin Barracks?

A. That's what he told me, yes.

Q. Run by the Manchester Regiment; is that correct?

A. If that's what's in there, that's what he told me.

Q. If you have a look at his statement to you, the second-last paragraph on page 50, where he says this:

Later that same day among other messages on the [vocal radio] was one which sounded like an Australian voice. (I had not met very many Aussies at this time, so it could have been an American.). The voice sounded excited as it repeated "She is going down" "She is going down". At the same time that this was happening, he [the radio operator] informed me that a British warship had sunk a German raider which at the time meant very little to me.

Is that right?

A. Yes, that's right.

Q. No doubt, as a consequence of that you either knew or would have examined the ability of Sydney to send such a transmission?

A. I did.

Q. And what did you find?

A. A mixed bag.

Q. Where did you go to look?

A. Oh, the usual - Eric Cooper. There's piles of it, Commander. But there's no use asking me specific questions. I don't have that good a memory.

Q. What would Eric Cooper know about the ability of

1 Sydney to transmit radio signals?

2 A. I don't know. Eric Cooper came to mind as somebody  
3 who knew something about transmission of signals.

4  
5 Q. Going back to your prologue and the fact that you  
6 state to your readers that you apply historical rigour in  
7 relation to the statements that you make, what did you do  
8 to ascertain whether Sydney could send voice messages, as  
9 this refers to?

10 A. I would have, from memory - and I remember doing it -  
11 spoken to a number of people about different types of radio  
12 sets that were available at the time to Sydney, different  
13 masts that it may have had, was it capable of sending voice  
14 messages. The general consensus was, no, it wasn't.

15  
16 Q. No, it wasn't what?

17 A. Capable of sending a voice radio message.

18  
19 Q. That was the consensus of whom? Two whom did you  
20 speak?

21 A. Any number of people.

22  
23 THE PRESIDENT: Q. Did you accept that consensus view?

24 A. I'm afraid, in view of the persistence that Sydney  
25 could not send voice radio messages, I would have to say  
26 that, yes, in all probability it couldn't.

27  
28 Q. So you accepted that?

29 A. Yes.

30  
31 Q. So you knew that what this gentleman Mr Lane was  
32 telling you was wrong?

33 A. Not at the time.

34  
35 Q. When you wrote the book, you did?

36 A. No, but the point of the matter is, the general  
37 consensus of people doesn't necessarily change my mind.  
38 Their idea of Sydney sending voice radio is that it was  
39 impossible. He says, and many other people have said, they  
40 heard it. You can't shoot the messenger. All of these  
41 people can't --

42  
43 Q. So you accepted the impossibility?

44 A. I accept their word if they say it.

45  
46 Q. Even though you know it's impossible?

47 A. I didn't say I know it's impossible. I said that the

1 general consensus of others is that it's impossible.

2

3 Q. But accepting that, as you said you did, you still  
4 accepted the words of people telling you something which  
5 was, in accordance with the view you had accepted, not  
6 possible?

7 A. That's right.

8

9 Q. Why?

10 A. Because they can't all be lying about one thing.

11

12 Q. And if something is impossible, wouldn't you think  
13 that the other story might be untenable, untrue?

14 A. No.

15

16 Q. You wouldn't?

17 A. No.

18

19 CMDR RUSH: Q. To ensure your journalistic integrity,  
20 did you have a look at his statement, as provided to you,  
21 for other anomalies?

22 A. There was something about his pay book, if I remember  
23 rightly, in Singapore.

24

25 Q. Before we get to that, may I take you to the next  
26 paragraph on page 50:

27

28 It wasn't until after the war that  
29 I learned that the ship was HMAS Sydney.  
30 It was now of some interest to me because  
31 it was just a few weeks previous to the  
32 sinking when during an off duty period  
33 I went to the small cafe in Botanical  
34 Gardens Singapore, where service men often  
35 went for a quiet drink (non-alcoholic) and  
36 to listen to music being played on the  
37 record player. A group of sailors from the  
38 Sydney had formed a singing group and they  
39 were singing with the music.

40

41 You surely knew that Sydney wasn't in Singapore a couple of  
42 weeks before 19 November?

43 A. Yes, but Arthur is not a young man, either. He could  
44 have made a mistake in that particular zone. There's no  
45 need to discount the whole story.

46

47 Q. When was Sydney in Singapore?

1 A. I have no idea.

2

3 Q. No idea?

4 A. I have no idea.

5

6 Q. He goes on, doesn't he, to talk about that?

7

8 The Leader was a young man about my age  
9 named Knill ...

10

11 There was no person on the Sydney called Knill, was there?

12 A. As far as I remember, no.

13

14 Q.

15 ... and I got him to sign my pay book just  
16 in case he became famous. My pay book is  
17 now with the Singapore history museum ...

18

19 Then he goes on to talk about the armament of Sydney and he  
20 talks about the Kormoran crew surrendering, abandoning  
21 ship, and that's all material that he has come into  
22 possession of after the war; is that right?

23 A. That last part, Commander, say that to me again? What  
24 does he come into possession of after the war?

25

26 Q. I'll withdraw the question. If you go to page 51, in  
27 the middle of the page, you say this:

28

29 When I questioned Arthur Lane to test his  
30 exact recollections he had further insights  
31 concerning matters he had not been asked  
32 about before.

33

34 And you quote him:

35

36 Sydney wasn't under radio silence in  
37 Singapore waters. In fact there was an  
38 incident. The same singing lads I'd met at  
39 the cafe on an earlier visit to Singapore  
40 (it had to be them) put out a song over  
41 HMAS Sydney's radio, and they were  
42 reprimanded for it by the shore station and  
43 that would have been not much short of  
44 48 hours before she was sunk.

45

46 You must have felt that that was sheer and utter nonsense?

47 A. As I said before, you can't shoot the messenger.

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Q. But you are the historian; you're the journalist applying historical rigour. You must have felt that that was absolute nonsense?

A. These are Arthur Lane's words. They're not mine.

Q. But you are attempting, as you said in your prologue, to write a reputable book; correct?

A. Mmm.

Q. You must have appreciated that what you were referring to there was absolute nonsense?

A. Yes, but this is Arthur Lane's story in his own words, the same as Mrs Richardson's story is her own words.

Q. I see, so anyone that puts a story in their own words has some form of credibility as far as John Samuel's is concerned; is that it?

A. Yes. I see the better part of people and I see the better part of what they have to say.

Q. Would you say that that's impossible?

A. What's impossible?

Q. What is written there, about singing over the ship's radio.

A. Well, if they didn't have voice radio, Commander, then they couldn't have done it, could they?

Q. Even allowing for that, are you seriously saying that on a ship that you allege is directed by C-in-C China to engage with a raider, and with a Captain who is aware of a raider in the area, 48 hours before an engagement, some members of the crew have somehow got into the wireless office to sing a song over the radio? Is that what you're saying?

A. That's Arthur's story.

Q. That's Arthur's story?

A. That's Arthur's story.

Q. And John Samuel's, just because it's his story, puts it out there?

A. I didn't say I support it.

Q. Well, why did you put it in your book?

A. Because it's Arthur Lane's story.

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Q. In your prologue to your book, instead of saying that it was the result of intense research and historical rigour, why didn't you say that you were just reciting what stories people were giving to you?

A. Well, it was remiss of me not to do that, wasn't it?

THE PRESIDENT: Q. And even when you knew those stories couldn't possibly be true?

A. That's not entirely correct either, sir. I wasn't there. I don't know. The bottom line to everything is that none of us was there and none of us know.

CMDR RUSH: Q. You were aware, at the time you wrote your book, of a letter that Arthur Lane had written to the Daily Mail in London in 1998, weren't you?

A. Refresh my memory.

Q. It was tendered before the Parliamentary Inquiry; it was a letter of Arthur Lane of 5 June 1998.

A. And what did it say?

Q. Were you aware of that?

A. I don't know. If you tell me what it says, I might be aware of it; I might not be.

Q. It is document PINQ.SUBS.016.0116. As you look at it, does that ring a bell?

A. I don't ever recall having seen this before.

CMDR RUSH: I tender that letter, sir.

EXHIBIT #125 LETTER FROM ARTHUR LANE TO THE DAILY MAIL DATED 5/6/1998, BARCODED PINQ.SUBS.016.0116

CMDR RUSH: Q. Just coincidentally, according to the statement that Arthur Lane gave to you, he was present at Tanglin Barracks when the so-called Japanese Winds message was received and decoded by personnel from the Manchester Regiment?

A. Is that what he says?

Q. Well, that's what you have put in your book.

A. Well, if that's what it says, that's what he said.

Q. And, again, you would know that to be nonsense, wouldn't you?

1 A. I may not have at the time.

2

3 Q. But you do now?

4 A. The Winds message is always very chaotic. I don't  
5 know what to make of it. I don't think it's of any  
6 consequence whatsoever.

7

8 Q. It goes to the credibility of a person you are  
9 referring to in your book, if, on 19 November, he says,  
10 "I was coincidentally at the Manchester radio office when  
11 the Winds message was decoded." Do you accept that?

12 A. Do I accept it now?

13

14 Q. Yes. Do you accept it now?

15 A. No, I don't accept it now.

16

17 Q. Then why did you accept it in 2005?

18

19 THE PRESIDENT: 2007.

20

21 THE WITNESS: Because I probably didn't know more about it  
22 in 2005.

23

24 CMDR RUSH: Q. You are a theorist who supports the  
25 proposition that Cape Otway came across bodies 23 days  
26 after Sydney had vanished?

27 A. No. Actually, there's another one that I can  
28 categorically state: Let's not discuss it any further.  
29 I'll cave in entirely on that. I don't think it matters  
30 one iota whether they saw bodies in the sea or not.

31

32 Q. Are you maintaining that they saw bodies in the sea or  
33 not?

34 A. It doesn't matter if they saw bodies in the sea.

35

36 THE PRESIDENT: Q. It does, if they did.

37 A. The movements of Cape Otway - according to the  
38 merchant shipping movement cards, it left Darwin on  
39 17 November at 10.25 via Lighthouse; Broome, 23 November;  
40 then to Lighthouse at Cossack, the 27th; Geraldton,  
41 3 December, arrived at 05:30, departed at 10:00 hours;  
42 Fremantle, arrived 4 December.

43

44 CMDR RUSH: Q. I suggest that it arrived in Fremantle on  
45 6 December?

46 A. Well, I'm wrong, then.

47

1 Q. It didn't leave Fremantle after that, did it, until  
2 the next year?

3 A. Yes.

4  
5 Q. Which is entirely consistent with what it did every  
6 year over December, January, into February.

7 A. Mmm-hmm.

8  
9 Q. Whilst you've read the log, do you maintain that Otway  
10 sighted bodies in the water off the Western Australian  
11 coast?

12 A. I don't think they could have.

13  
14 THE PRESIDENT: Q. So where did the bodies come from  
15 that you say are buried on the coast?

16 A. I believe they just came ashore, sir, with the  
17 currents and the tides.

18  
19 Q. When was that?

20 A. There's no way to know. I wouldn't put a date on it.  
21 I think I have tried at various stages to put a date on it,  
22 but it would be an unknown date.

23  
24 CMDR RUSH: Q. Mr Samuels, in January 2005, you  
25 made a DVD recording where you were interviewed by  
26 Mr David Kennedy, and in the course of that recording you  
27 refused to discuss with him what you referred to as the  
28 Holy Grail concerning events about Sydney. What's the  
29 Holy Grail?

30 A. I consider the Holy Grail to be finding the remains of  
31 the men who came off the Sydney, however many it is, and  
32 there's no way to know that, either, any more than there is  
33 to know at the moment exactly where they are.

34  
35 Q. What do you mean, "the Holy Grail"?

36 A. Well, it is the grail. The grail simply means  
37 something which is extremely important, and I consider this  
38 to be the most important aspect of the Sydney.

39  
40 Q. So what's your basis for saying that there are bodies  
41 buried on the beach of Western Australia?

42 A. The story has been circulating, as LCDR Kerr knows  
43 from LCDR Vic Jeffrey RANR in Western Australia. The story  
44 is one that goes back to a time we can't find; it has been  
45 going on that long. There have been people before who have  
46 looked for it. The story has gained its own momentum, for  
47 want of a better term. It is my belief that they came



1 ashore. It is my personal belief. I don't have any proof  
2 at this moment either way, but I shall continue the search  
3 that I began.

4  
5 Q. Apart from it being a story, what other material is  
6 there, if anything, to support this proposition?

7 A. There was a piece of timber which you will be able to  
8 obtain from Max Kramer. There was a tooth at one stage,  
9 human, which was sent back to Mr Jeffrey - I'm just trying  
10 to think of his correct name. It will come to me  
11 momentarily, sir. He had been looking for a very long  
12 time - he and his son and a few other people. They had  
13 come across - apparently, I say - a cranium. They had come  
14 across a skull. I had pictures of these at one stage,  
15 which I have provided Navy with. What they mean, there is  
16 no point in asking me. I never got an explanation as to  
17 what they mean.

18  
19 Q. Could we have a look, please, at PTE.005.0066?

20 A. Bruce Jolly. Sorry, I couldn't remember his name.

21  
22 Q. Who's Bruce Jolly?

23 A. The late Mr Jolly owned a tyre service in Geraldton.  
24 He had been looking for what we're discussing for a very,  
25 very long time. He sent these pictures back in 2007, no  
26 explanation. He became very sick after that and died  
27 actually two weeks before LCDR Kerr came and saw me.

28  
29 Q. You say that he sent these pictures with no  
30 explanation?

31 A. No explanation. He was very "reds under the bed".

32  
33 Q. How did he send the pictures to you?

34 A. Just in an envelope.

35  
36 Q. What accompanied the pictures?

37 A. Nothing. That was typical of Bruce.

38  
39 THE PRESIDENT: Q. Did they arrive with "Bruce Jolly pic  
40 Aug 07" on them or did you put that on there?

41 A. No, I actually put that on there.

42  
43 Q. So you have some originals without that, do you?

44 A. No, I only got a copy in the first place, sir. That's  
45 a copy of a copy of a copy.

46  
47 CMDR RUSH: Q. So what is the relevance of it?

1 A. I don't know. This is what I said, Commander.  
2 I don't know what it means or where it is. I would love to  
3 know where it is. And there's another one, as you well  
4 know, of a cranium.  
5  
6 Q. What about PTE.005.0062?  
7 A. That's the tooth.  
8  
9 Q. Where did that come from?  
10 A. This was sent back to Mr Jolly as well.  
11  
12 Q. So did it come in the same envelope?  
13 A. No.  
14  
15 Q. When did that come?  
16 A. There may be a date on it, is there?  
17  
18 THE PRESIDENT: Q. It says that the forensic photo was  
19 taken on 16 November 2007.  
20 A. Around the same time or perhaps just a little bit  
21 later.  
22  
23 CMDR RUSH: Q. So when is it that you say Mr Jolly died?  
24 A. CMDR Kerr came to see me in September. Two weeks  
25 before that, perhaps three weeks.  
26  
27 Q. So this came in a different envelope?  
28 A. Yes, in a different envelope.  
29  
30 Q. And it was just the photograph?  
31 A. No. He sent me the tooth.  
32  
33 Q. He sent you the tooth?  
34 A. Yes. That is my photograph.  
35  
36 Q. So you must have communicated with him as  
37 a consequence of him sending you a tooth?  
38 A. Yes, I did, and as I told LEUT Kerr, "Reds under the  
39 bed". The man wouldn't talk to me over the phone.  
40  
41 Q. So what did you do with it?  
42 A. I sent it back to him.  
43  
44 Q. I think you referred to LCDR Jeffreys having seen the  
45 tooth?  
46 A. I never said that.  
47

1 Q. What were you saying about LCDR Jeffreys?

2 A. In relationship to what?

3

4 Q. The tooth.

5 A. I never said anything about LCDR Jeffreys in  
6 relationship to the tooth.

7

8 Q. So where's the tooth now?

9 A. It went back to Mr Jolly. Mr Jolly's dead.

10

11 Q. So you sent it back to him?

12 A. Mmm-hmm.

13

14 Q. Why, if he sent it to you?

15 A. It's quite illegal, even under the circumstances, as  
16 LCDR Kerr indicated to me, that I would be forgiven for  
17 keeping forensic evidence. We've taken nothing away from  
18 this area and I don't intend to.

19

20 THE PRESIDENT: Q. But did he send you a covering letter  
21 saying, "This is a tooth, which I found in a skull  
22 buried" --

23 A. No, sir. There was no explanation, as usual, from  
24 Bruce.

25

26 Q. Well, where did those notes in the bottom come from?

27 A. They are mine.

28

29 Q. Did you make them up?

30 A. No.

31

32 Q. Well, where did you get them from?

33 A. I talked to him over the phone briefly. That's all he  
34 gave me. Other than that, he wouldn't - he basically  
35 believes that everyone is in the Government employ, or he  
36 did, shall we say, while he was alive.

37

38 CMDR RUSH: Q. What's the location referred to?

39 A. I don't know. They were coordinates that he gave me.

40

41 Q. NTPR - NTBR.

42 A. NT - what is it?

43

44 Q. Sorry, NTBR.

45 A. NTBR. I don't know.

46

47 Q. You don't know?

1 A. I don't know. I wrote down what he told me.

2

3 THE PRESIDENT: Q. I'll bet it stands for "Not to be  
4 revealed".

5 A. "Not to be revealed".

6

7 CMDR RUSH: Q. So you don't make anything of it?

8 A. I don't make anything of it. It's a tooth.

9

10 THE PRESIDENT: Q. You see, the problem with the bodies  
11 on the beach is that this theory all stems from bodies  
12 being found by Cape Otway. We now know that's nonsense.

13 A. Yes, sir, but, as I said, I don't think Cape Otway  
14 matters in the story, whether they came ashore or not.

15

16 Q. Well, you have to have somebody finding the bodies  
17 before you can bury them. That's the problem.

18 A. Yes, but --

19

20 Q. It was said that they were found by Cape Otway and  
21 sent away, and then someone went up north, found all the  
22 bodies and buried them. If Cape Otway didn't find them,  
23 who did?

24 A. It's a fact that we don't know, sir.

25

26 Q. We don't even know that there were any bodies, apart  
27 from speculation, which, as presently advised, doesn't have  
28 the slightest basis in fact, particularly after last week's  
29 evidence that if bodies sank near the site of the sinkings,  
30 they would not re-arise.

31 A. Yes, I saw that, but I think the evidence was given by  
32 a Defence scientist.

33

34 Q. And what's wrong with that?

35 A. I didn't find anything wrong with it. I just thought  
36 that he hadn't allowed for the fact that there are enormous  
37 cross-currents, including the two north and south currents,  
38 present in the Leeuwin Current. It's not likely that many  
39 of these bodies floating on the surface for the amount of  
40 time that Mr - I cannot find his name here. The gentleman  
41 that gave evidence - expert evidence, anyway - hadn't taken  
42 into account the fact that maybe they didn't get to the  
43 bottom before they joined the other current.

44

45 Q. That's your theory, is it? Is this a new one? Is  
46 there any basis for that at all?

47 A. Yes, there is.

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Q. Is there? Have you studied at depth the currents?

A. I have had a very, very intensive look at the currents and the eddies in particular. In fact, if I may, sir, there's a chart here that you might find interesting.

Q. Yes. (Handed to the Commissioner). What is this supposed to be?

A. It's to demonstrate the eddies --

Q. No, where did you get it from?

A. It's from a website, a Government website or something. It might be the CSIRO.

Q. What do you say you derive from that?

A. That there are so many eddies there and they're all gradually pushing towards the West Australian coastline.

THE PRESIDENT: Well, they're not. In any event, I'll pass it down to counsel. I had better have it marked as an exhibit, I think, now that it has been produced. It's a print-out from a website showing the level and surface current, 25 February 1996; altimetric sea level and surface current, 25 February 1996; sea surface temperature seasonal anomaly, 25 February 1996. What one makes of it I don't know, but it will become exhibit 126.

EXHIBIT #126 OF PRINT-OUT FROM WEBSITE SHOWING LEVEL AND SURFACE CURRENT, 25 FEBRUARY 1996; ALTIMETRIC SEA LEVEL AND SURFACE CURRENT, 25 FEBRUARY 1996; SEA SURFACE TEMPERATURE SEASONAL ANOMALY, 25 FEBRUARY 1996

CMDR RUSH: Could we look at PTE.005.0042.

Q. Is that your diagram, Mr Samuels?

A. No, not mine. It was sent to me by someone. I would be able to find out who sent it to me. It was a long time back, when the Sydney was first discovered.

Q. Does it have any bearing on the exhibit that has just been tendered? Is it related in any way?

A. Actually, I have a theory that it was winds more than anything else, wind currents.

THE PRESIDENT: Q. That's the spaghetti formation, is it?

A. Yes. I don't think it had anything to do with tide

1 movements or anything like that.

2

3 CMDR RUSH: Sir, I have no other questions on that matter,  
4 but I do want to come back to the tooth.

5

6 Q. You have referred to your meeting with LCDR Kerr, and  
7 as I understand your evidence here today, you have said  
8 that you don't know where the tooth came from.

9 A. If I said that, I was wrong. It came from Mr Jolly.

10

11 Q. It came from where?

12 A. It came from Mr Jolly.

13

14 Q. But apart from that, you don't know where it came  
15 from?

16 A. No, no idea.

17

18 Q. Could we look at EML.002.0023.

19 A. Do you intend using anything from this document,  
20 Commander?

21

22 Q. I intend to read some of it to you and then ask you  
23 a question.

24 A. I haven't signed this document.

25

26 Q. I'm not interested in whether you have signed it.  
27 I can play it to you, if necessary, Mr Samuel's. This is  
28 a transcript of an interview conducted by LCDR Kerr with  
29 you. I'm going to the second question:

30

31 LEUT Kerr: Now you're left with a picture  
32 of a tooth and you don't know where it is  
33 though.

34 John Samuel's: I can get it again.

35

36 LEUT Kerr: So you know where it is?

37 John Samuel's: Oh, yes, same as the top of  
38 that skull.

39

40 LEUT Kerr: So you know where they are?

41 John Samuel's: Yes. It's not a question of  
42 knowing where they are, it's a question of  
43 not disturbing anything and God knows what  
44 else we might be disturbing forensically  
45 speaking.

46

47 A. That's right.

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Q. Continuing:

I've had a real education over the last 3-4 years about forensics and you don't touch anything.

LEUT Kerr: When you say you know where they are, how have you pinpointed?

John Samuels: GPS.

LEUT Kerr: And would you give us the GPS location?

John Samuels: I can do.

What you have just told the Commission, if we're to compare it with what you told LEUT Kerr, is a lie?

A. No, it's not a lie at all. You're misconstruing what I said.

Q. What did you say?

A. Roll back, scroll back.

Q. No, what you say --

A. Would you mind scrolling back, Commander, so I can read it?

Q. Do you say, Mr Samuels --

A. I can't remember.

Q. You can't remember?

A. I can't remember unless you scroll back. If you can do that, I can tell you what I meant.

Q. You can't remember what you said a couple of minutes ago?

A. I'm trying to read what you have got on the screen.

THE PRESIDENT: Q. Let me just ask you this: do you know where the tooth is?

A. The tooth, I assumed when I answered LEUT Kerr, would have been with Mr Jolly's son, who accompanied him on most of his tours into the sand dunes, for want of a better term. I've subsequently spoken to his son. He instructed me to speak to his mother. I have not spoken to his mother.

1 Q. Well, you said, as I interpret what's on the screen  
2 now:

3

4 LEUT Kerr: When you say you know where  
5 they are, how have you pinpointed?

6 John Samuel s: GPS.

7

8 A. GPS.

9

10 Q. Had you pinpointed the location of either the skull or  
11 the tooth with GPS?

12 A. I think it has been misconstrued. The GPS, Bruce's  
13 son would have taken at the time.

14

15 Q. And who is Bruce's son?

16 A. Actually, I think his name is Joe Jolly.

17

18 Q. Is he in Western Australia?

19 A. He's in Western Australia, yes, sir.

20

21 Q. Is it your understanding that he knows where the skull  
22 is?

23 A. It's my understanding that he probably knows where the  
24 skull is.

25

26 Q. I thought you said that's what you thought his father  
27 would have told him?

28 A. I would assume that's what his father would have told  
29 him.

30

31 CMDR RUSH: Q. I was asking you questions about the  
32 notes of location on the photograph. At the bottom of  
33 page 1342, at line 26, you were asked this:

34

35 Q. Well, where did those notes in the  
36 bottom come from?

37 A. They are mine.

38

39 Q. Did you make them up?

40 A. No.

41

42 Q. Well, where did you get them from?

43 A. I talked to him over the phone  
44 briefly. That's all he gave me. Other  
45 than that, he wouldn't - he basically  
46 believes that everyone is in the Government  
47 employ, or he did, shall we say, while he



1 was alive.

2

3 CMDR RUSH: Q. What's the location  
4 referred to?

5 A. I don't know. They were coordinates  
6 that he gave me.

7

8 In connection with your sworn testimony to the Commission  
9 that you didn't know the coordinates and what you told  
10 LCDR Kerr, that you were aware of the GPS position, how do  
11 you explain that?

12 A. What it says here is misconstrued, all the way I have  
13 said it, or I didn't understand LCDR Kerr's question in the  
14 first place. When I answered LEUT Kerr's question, "When  
15 you say you know where they are, how have you pinpointed?",  
16 "GPS", "And would you give us the GPS location?", "I can  
17 do", I agreed to do it, and LEUT Kerr asked:

18

19 I'm not sure, I must say, what we would do  
20 with it, we're not about to run out there  
21 with picks and shovels ...

22

23 That GPS, in my mind, was where we are looking, not where  
24 Bruce Jolly was looking. It is my mistake. I have no idea  
25 where Mr Jolly was looking.

26

27 Q. When you said that you haven't signed it --

28 A. Sorry?

29

30 Q. When I took you to it, you said, "I haven't signed  
31 it." What was the relevance of that?

32 A. There's mistakes all through it.

33

34 Q. Could we have a look at PTE.005.0053, please, sir. Is  
35 that a letter received by you, Mr Samuel s?

36 A. No. It was received by my publisher.

37

38 Q. Mr Karlov?

39 A. My publisher.

40

41 Q. Who is your publisher?

42 A. Halstead Press.

43

44 Q. Addressed to you?

45 A. Addressed to Halstead Press. It was sent on from  
46 Halstead Press.

47

1 Q. So who's "Mr Samwells"?

2 A. Apparently me.

3

4 Q. And it was sent on to you?

5 A. It was sent on to me, yes, sir.

6

7 THE PRESIDENT: Could we just go to the top of the page  
8 for a minute. Thank you.

9

10 CMDR RUSH: Q. This is a letter that was sent on to you?

11 A. From Halstead Press.

12

13 Q. What did you make of this letter?

14 A. Not much, to tell you the truth.

15

16 Q. Why not?

17 A. I think it's too complex.

18

19 THE PRESIDENT: Q. You think it's a fake?

20 A. Yes, I do. I don't think it's a fake necessarily,  
21 sir, but it's someone who may not be telling us all the  
22 truth or may be telling us part of the truth but covering  
23 up the rest. I don't know what to make of it, but I don't  
24 buy the story that this fellow was present at a cemetery in  
25 the middle of nowhere. I forget exactly where it was. It  
26 was somewhere in Western Australian, up north inland. It  
27 would have been a long way to take the remains of someone,  
28 keeping in mind that they didn't want to be seen doing it.

29

30 CMDR RUSH: Q. What happened to the bodies that you say  
31 washed up on the coast of Western Australia?

32 A. I believe that a militia army unit was seconded to  
33 recover them from a lower level of the beaches; they were  
34 consequently buried in a mass grave. I don't believe that  
35 there is one mass grave, and I don't believe that there are  
36 too many mass graves, but these bodies wouldn't have come  
37 up necessarily in a convenient little group. There are  
38 bound to be isolated graves here and there.

39

40 Q. What was the militia unit?

41 A. I have no idea. I only suspect that - I think it was  
42 22 Construction Company I told LEUT Kerr. I had a reason -  
43 I can't remember the reason, but I had a reason to think  
44 that maybe they were involved. Maybe they're not.

45

46 Q. Have you any document, any evidence at all, to support  
47 the proposition that you have just put forward?

1 A. I did have, on a burnt-out computer, from some  
2 research a fellow did for me in Canberra. Hence I got  
3 22 Construction out of it.

4  
5 Q. So who is that person?

6 A. I can't even tell you that. It was someone I employed  
7 in Canberra on the shortlist of researchers down there.  
8 From memory, it cost me \$500.

9  
10 Q. So you have made no attempt to get back to the person  
11 who prepared that at the cost of \$500?

12 A. His end result of it was that he had looked at  
13 22 Construction Company and he found that there were great  
14 gaps in the files, if I remember correctly, but I may not  
15 be remembering it exactly.

16  
17 Q. No, but my question was a different question. You're  
18 saying to the Commissioner that you have made no attempt to  
19 get in touch with the person who conducted that research  
20 for you at a cost of \$500?

21 A. No.

22  
23 Q. Why not?

24 A. After I got the answer I needed, that was it. There's  
25 no more to know.

26  
27 Q. But wouldn't gaps in a file tend to make you, on the  
28 basis of what we see and somewhere below, very inquisitive  
29 about the role of the Construction Company?

30 A. Yes, but I've been inquisitive before, Commander. It  
31 was like the sealed envelope in Snook's file. You've  
32 managed to get a hold of it because of who you are.  
33 I can't get a hold of it because of who I am.

34  
35 Q. So apart from the results of research that you haven't  
36 followed up on a burnt-out computer, which showed gaps in  
37 the record, you think, of a militia Construction Company,  
38 is there any other evidence at all that you can point to to  
39 support what I suggest to you is a sensational proposition?

40 A. That the bodies are buried ashore?

41  
42 Q. Yes.

43 A. No, there's no other evidence at all.

44  
45 THE PRESIDENT: Q. That means that there is no evidence,  
46 full stop.

47 A. Basically, sir, that's what it means, yes. It's

1 a good-faith thing, from my point of view. I can't see  
2 what else could have happened to them.

3

4 Q. That was explained last week, but you don't accept  
5 that. Would you mind just having a look at pages 138 and  
6 139 of your book.

7 A. Yes, sir.

8

9 Q. It's this Cape Otway matter.

10 A. Page 138 you say?

11

12 Q. Pages 138 and 139. The top picture on page 138 has  
13 this caption:

14

15 The lighthouse ship Cape Otway reported  
16 bodies floating in the sea to the RAN and  
17 was ordered to abandon her station and  
18 leave the area.

19

20 You, as I understand you, now accept that that is false?

21 A. False or neither here nor there is what I think.

22

23 Q. It's either true or it's false. Whether it's here or  
24 there is another question. Is it false or is it true?

25 A. I'd say it's false.

26

27 Q. Further down on that page, it says in the second-last  
28 paragraph:

29

30 On December 12th 1941 the watch aboard  
31 Cape Otway sighted bodies floating at the  
32 foot of the cliffs.

33

34 Do you now say that that's false?

35 A. Yes.

36

37 Q. Go over the page to page 139. You address the  
38 master's logbook. You say that it doesn't require a team  
39 of Scientific Branch specialists to tell you that it has  
40 been doctored.

41 A. Do you want me to respond to that, sir?

42

43 Q. Yes.

44 A. I know there's a number of logbooks. However, the  
45 logbook I sighted in Perth years ago suggested to me, when  
46 it was ended off on the 18th or something, that it had  
47 either been doctored or possibly altered. So at the time

1 I subscribed to the idea that it could have been altered,  
2 as was Montgomery's concept as well, and I went with  
3 Montgomery's concept.

4  
5 Q. But you now know that that's false?

6 A. Yes.

7  
8 Q. You then go on to say:

9  
10 The need to doctor the log stemmed from  
11 what the ship's officers recorded, after  
12 the search was over, on December 12th 1941.

13  
14 Do you now say that's false?

15 A. Yes, I do.

16  
17 Q. You then go on:

18  
19 Cape Otway reported by radio to the Navy  
20 that she was on station ...

21  
22 And that's false, is it not?

23 A. Well, it's not false. It's the way it's written.

24  
25 Q. It's wrong?

26 A. It's wrong, but it's not false.

27  
28 Q.  
29 ... and that bodies were floating at the  
30 steps of the Zuytdorp Cliffs.

31  
32 And that's false?

33 A. Yes. That's what I just said.

34  
35 Q.  
36 The Navy ordered the master of the ship to  
37 leave the area immediately.

38  
39 And do you accept that's false?

40 A. That's right.

41  
42 Q.  
43 Cape Otway's presence ...

44  
45 We now know that Cape Otway wasn't present; do you agree?

46 A. Agree.

47

1 Q.  
2 ... and the bodies in the sea sighted by  
3 her officers --

4  
5 you now accept that there were none --

6  
7 are well established facts ...

8  
9 So that's false?

10 A. That's false.

11

12 Q.  
13 ... that have been addressed time and again  
14 by many researchers.

15

16 Then at the foot of the page, you have a picture.

17 A. Which is the wrong picture, sir, I might add.

18

19 Q. Whether it's right or wrong, it has a caption:

20

21 Bodies were sighted from Cape Otway on the  
22 arid Coast of Western Australia.

23

24 And you accept that that's false?

25 A. Yes.

26

27 Q. If I may say so, it is only all of that falsity which  
28 leads to the start of this notion that there are bodies  
29 which came ashore and which were buried. Without all of  
30 that falsity, there is not a skerrick of evidence that  
31 there were any bodies that came ashore, unless you are able  
32 to give me some.

33 A. As I said earlier, sir, I have absolutely no proof  
34 that the bodies came ashore, any more than I have proof, as  
35 I've agreed, that Cape Otway may or may not have seen  
36 bodies. I agree, I believe now that they did not see  
37 bodies in the sea. But I don't think that still takes  
38 anything away from the fact that these bodies could well  
39 have come ashore.

40

41 Q. I'm talking about a skerrick of evidence, rather than  
42 your belief.

43 A. I don't have any evidence as such, no.

44

45 Q. Either that bodies in fact came ashore or, indeed,  
46 that anyone buried any bodies; do you agree?

47 A. I agree.

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Q. And you have no evidence of any sort at all that any Army regiment or corps was involved in any burying?

A. Only from the Wittwer letter.

Q. The Wittwer letter.

A. The Wittwer letter. You have it.

Q. I understand the Wittwer letter. Apart from the Wittwer letter, is there any other evidence at all?

A. Not as such, no, sir.

CMDR RUSH: Q. There is one other, is there not, Mr Samuels, that you refer to in your book - a woman you have spoken to, who indicated that her father was involved in the burial and would only speak to a Royal Commissioner?

A. That's right.

Q. Where does that woman reside?

A. In South Australia now.

THE PRESIDENT: Q. What is her name?

A. Her first name is Enid, but I cannot for the life of me think of her second name. It has been a long time since I wrote it down. When LCDR Kerr came to see me, I said that I would re-contact her. I have not been able to re-contact her. In fact, the address I may have for her now could be wrong, too. However, some light may be able to be shone on this by LCDR Vic Jeffrey.

CMDR RUSH: Q. Why might LCDR Jeffrey be able to shed light on it?

A. Because I believe he has heard the same story, and he may even well know the woman herself.

THE PRESIDENT: Q. How did she come to be in touch with you?

A. She contacted me, I can't say before or after the Wittwer letter. It must have been before the Wittwer letter, I believe, from memory. She understood that I was looking at a story concerning bodies buried ashore from HMAS Sydney, told me what her father had said and offered to come forward should there ever be a Royal Commission, which, of course, sir, is yourself. As a consequence of that, I haven't been able to contact her.

Q. I would like, if you wouldn't mind, to --

1 A. I'll make every effort, sir.

2

3 Q. We can't find Enid in South Australia, I'm afraid.  
4 We'll need a bit more information than that.

5 A. I believe, while we're on the subject of not finding  
6 things, too, sir, that there was a problem here late last  
7 year of finding Mr Jack Kendle, who wished to give evidence  
8 to you concerning tally bands. I have contacted Mr Kendle,  
9 and I have his details for you.

10

11 CMDR RUSH: Q. Thank you. Perhaps I can obtain them  
12 from you once we adjourn.

13 A. Absolutely.

14

15 Q. And there should be no problem in your providing the  
16 Commission of Inquiry with the full details of Enid in  
17 South Australia?

18 A. When I get home, I can do it, yes.

19

20 THE PRESIDENT: Q. You might also, if you wouldn't mind,  
21 forward on the email that you say you received from  
22 Mr Lane?

23 A. Absolutely, sir. I'll make a note of it.

24

25 CMDR RUSH: Q. There is one other matter, Mr Samuel s.  
26 You conducted an interview that was recorded on DVD with  
27 a person by the name of Mrs X --

28 A. Yes.

29

30 Q. -- who informed you that she had a neighbour at one  
31 stage who was a survivor of Sydney?

32 A. Here is Mrs X's testimony, Commander.

33

34 Q. I have a copy of it, I think.

35 A. No, you don't, Commander. I only got it yesterday.

36

37 Q. Thank you. Mrs X's name is what?

38 A. Grace Carr.

39

40 Q. You can provide me also with details of her address?

41 A. Immediately.

42

43 CMDR RUSH: Thank you. They are the matters, sir.

44

45 THE PRESIDENT: Q. Would you mind going, please, to  
46 page 21 of your book, the second-last paragraph. It says:

47



1 On the 19th [this is 19 November] the same  
2 Admiral Layton, as signals were received by  
3 Singapore from HMAS Sydney in distress,  
4 sent advice to the Admiralty in London.  
5

6 What are the signals that you are speaking of which you say  
7 were received by Singapore from Sydney in distress?

8 A. I believe I was referring to the Hetty Hall situation,  
9 sir.

10  
11 Q. But then it goes on and says that advice was sent to  
12 Admiralty from, apparently, C-in-C China. How do you know  
13 that?

14 A. From memory, I believe that this information came from  
15 Arthur Lane. I don't remember if I have it noted, but I am  
16 sure I do have it noted. How he knows, I can't answer.  
17

18 Q. It would have to have been sent by signal, and so far  
19 as I'm aware, there is no such signal. You can't shed any  
20 more light than that?

21 A. Not at the moment, sir.

22  
23 Q. Then it says:

24  
25 The Admiralty took some time to respond,  
26 and when they did, simply sent the signal  
27 "Do nothing".  
28

29 A. Yes, I remember the "Do nothing" part. That's why I'm  
30 sure it was Arthur Lane who provided me with that.  
31

32 Q. Again, we have seen, I believe, all the signals, and  
33 there is no such signal. Do you have any evidence or  
34 material which would suggest that there was?

35 A. None at all.  
36

37 Q. Then over the page at page 22, you write:

38  
39 Captain Burnett commanding HMAS Sydney had  
40 found his quarry alright, with assistance  
41 and orders directly provided by the  
42 C-in-C China Station.  
43

44 That's suggesting that C-in-C China directed Sydney to go  
45 and search for, find and presumably destroy Kormoran.  
46 There is no such signal in relation to that. There were  
47 a lot of signals which suggest quite the opposite. Do you

1 have any information at all which would support that  
2 statement in your book?

3 A. Not that I can recall.

4

5 Q. Would you go, please, to page 47. You say:

6

7 We know for a fact that the Royal  
8 Australian Navy - RAN - advised there was  
9 no raider activity off the west coast of  
10 Australia at that time ...

11

12 I believe I have seen all the intelligence information and  
13 most of the signals, if not them all. I don't know that  
14 for a fact. What's the basis of your knowing it for  
15 a fact?

16 A. I recall having read that what I have here is correct.

17

18 Q. No doubt. But what's the source of it?

19 A. I don't recall.

20

21 Q. It could be someone's speculation?

22 A. I think it was more than that, sir.

23

24 Q. You'll need to provide any material that you have  
25 which relates to that, if you can.

26 A. Absolutely.

27

28 Q. You also say:

29

30 We also know that, earlier on, the RAN  
31 command had acknowledged there was  
32 a submarine acting in tandem with  
33 HSK Kormoran off the West Coast ...

34

35 I have not seen anything to suggest that. Do you have any  
36 basis for that statement?

37 A. What line was that on, sir?

38

39 Q. If you look at the screen:

40

41 We also know that, earlier on ...

42

43 It is the third-last paragraph on page 47.

44 A. I actually think - if I give this (indicating) to you,  
45 Commander, can you make a copy of it, because I have  
46 written notes all over the back of it in reference to what  
47 I have to give you. It's directly relevant to this, sir.

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THE PRESIDENT: Q. This is some article --

A. Yes.

Q. -- in an American magazine from New York.

A. Exactly. I think the reference to the thing you just mentioned, sir, about the HSK Kormoran being in the company of a submarine, I believe, was in the same period of time and it was ascribed to the RAN. I may actually be able to find the original source.

Q. But that has nothing to do with the question I asked you. This article purports to be by some journalist who purports to assert the fact that the Kormoran was accompanied by a pocket battleship. What you wrote was:

... the RAN command had acknowledged there was a submarine acting in tandem with HSK Kormoran off the West Coast.

A. What I said, sir, was that in the same vein, the same period of time, I believe there is a newspaper article, which I probably can find and I will find --

Q. But a newspaper article is not a basis for a statement of fact.

A. Well, I based the statement on that.

THE PRESIDENT: You, as a journalist, should know that. I had better mark that, I suppose. I'll have a copy made of it and I shall mark it as exhibit 127.

EXHIBIT #127 COPY OF ARTICLE IN AMERICAN MAGAZINE SUBMITTED BY MR SAMUELS

CMDR RUSH: Sir, there are two matters, just one for Mr Samuels.

Q. Mr Samuels, have you fully complied with the summons in relation to the production of documents?

A. Yes, I have.

CMDR RUSH: Sir, we haven't gone quite as quickly as I thought we might go today. I would ask that a warning be given in relation to discussion of evidence outside the Commission of Inquiry.

1 THE PRESIDENT: Yes.

2

3 Q. Mr Samuels, I should warn you that you must not  
4 discuss the evidence that you have given today with people  
5 outside. They may have to give evidence, and it is  
6 important for me to be able to judge this evidence fresh.

7 A. Right.

8

9 THE PRESIDENT: Are there any questions?

10

11 CMDR RENWICK: No questions from me, sir.

12

13 CMDR RUSH: May Mr Samuels be excused, subject to the  
14 provision of those items?

15

16 THE PRESIDENT: Yes. Thank you, Mr Samuels.

17

18 <THE WITNESS WITHDREW

19

20 THE PRESIDENT: Shall we start a little earlier tomorrow,  
21 or is that inconvenient?

22

23 CMDR RUSH: We can start at 9.30, sir.

24

25 THE PRESIDENT: Yes, very well.

26

27 AT 4.20PM THE COMMISSION WAS ADJOURNED  
28 TO TUESDAY, 20 JANUARY 2008 AT 9.30AM

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