

1 CMDR RUSH: Sir, Mr Karlov was stood over until this
2 morning. I would ask him to go back into the witness box,
3 please.

4
5 <GEORGE KARLOV, on former oath: [9.30am]

6
7 <EXAMINATION BY CMDR RUSH CONTINUING:

8
9 CMDR RUSH: Q. Mr Karlov, can I ask you, at the
10 beginning, to try to speak slowly.

11 A. I will try. My wife's commented on how difficult
12 I have been. I will try to be very good and very careful.
13 If I am going at 100 miles an hour, just give me a nod,
14 please.

15
16 Q. Mr Karlov, do you say that *HMAS Sydney II* had a
17 capacity to transmit signals in any other form than
18 continuous wave?

19 A. Well, it is an interesting comment. I read
20 CAPT Collins' book last night. CAPT Collins mentioned -
21 and I have a page number here somewhere - that they were in
22 contact with the *Walrus* by radio. Now, that does answer
23 your question, doesn't it?

24
25 Q. No, that doesn't answer my question. Do you say that
26 *Sydney II* had a capacity to transmit in anything but
27 continuous wave?

28 A. I do not say anything. I tell you what I have read.
29 As I mentioned in the beginning, or maybe it is in my
30 notes, I have drawn very few conclusions. I have provided
31 information for the Commission, or whoever wants it. I do
32 not make any conclusions on that subject, or most subjects;
33 I just give you the information for you to conclude.

34
35 Q. You say that you read CAPT Collins' book and it talked
36 about a transmission by radio.

37 A. Yes.

38
39 Q. A radio transmission.

40 A. Yes.

41
42 Q. And you have read Mr Stinnett's book "Day of Deceit",
43 have you?

44 A. Yes, I have, yes.

45
46 Q. He talks about radio transmission, doesn't he?

47 A. I don't recall that, but, yes, he probably does.

1
2 Q. He talks about radio transmission throughout his book,
3 doesn't he?

4 A. No - not about *HMAS Sydney*, though.
5

6 Q. No, but radio transmission in relation to signals?

7 A. Sorry, I don't know, really, the difference,
8 basically, in the question you are asking me. What has
9 been mentioned time and time again is that *Sydney* had no
10 radio capacity. Gary Bathgate - I guess you will be seeing
11 him next week or the week after next - showed that they did
12 actually have radio capacity to pass voice messages.
13 That's the point I'm making.
14

15 Q. What you are referring to is an email or a letter from
16 Mr Bathgate to the Subiaco Post; is that correct?

17 A. Yes.
18

19 Q. Have you spoke to Mr Bathgate about this?

20 A. No, I haven't.
21

22 Q. But you know that he is giving evidence?

23 A. Yes.
24

25 Q. How?

26 A. I don't know. Probably someone mentioned it to me.
27 Is he giving evidence next week?
28

29 Q. Sir, may we have COI.005.0150 on the screen. This was
30 an email sent to you by Mr Samuels containing this letter;
31 is that right?

32 A. Yes.
33

34 Q. It is something that you have provided to the
35 Commission of Inquiry?

36 A. Correct.
37

38 Q. Let's look at the first paragraph of the letter,
39 purportedly sent by Mr Bathgate, of Waverley Street,
40 Shenton Park, to the Subiaco Post:
41

42 *Further to the issue about HMAS Sydney's*
43 *capacity to transmit voice signals via her*
44 *wireless telegraphy (radio) communications*
45 *system ... during the Great War, the armies*
46 *and navies of the world abandoned the*
47 *practice of radio (voice) transmissions.*

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A. Mmm-hmm.

Q. That's nonsense, isn't it?

A. Look, you say it is nonsense. Take the case of Julius Ingvarson. He was a radio --

Q. No, no --

A. No, no, no, no - he is part of the answer.

Q. No. I will take the case of Julius Ingvarson, but let's deal with one thing at a time.

A. I am answering you. You say it is nonsense.

Q. You listen to the question, and please answer the question?

A. Yes. It is not nonsense.

Q. Why isn't it nonsense?

A. Because a lot of people heard voice messages.

Q. A lot of people heard voice messages. I'm asking about a paragraph that says:

... during the Great War, the armies and navies of the world abandoned the practice of radio (voice) transmissions.

A. I can't comment on that.

Q. You can't comment on that?

A. No, because I wasn't there.

Q. This is the person that you rely upon --

A. Oh, God.

Q. -- in relation to asserting that there was some methodology of sending voice transmissions from Sydney.

A. Well, why don't you get down to his methodology? Why don't you ask him next week? I don't have the answer for that.

Q. But you have read widely on this, haven't you?

A. I have read as much as I could. Look, let me finish one thing, when you speak about reading widely: Ms Gillard said that there are 23 kilometres of files on the Sydney.

1 I haven't read any of them. I suspect you haven't read 23
2 kilometres, even 1 kilometre. I don't pretend to be a
3 scholar on *HMAS Sydney* of all of the facts and all of the
4 information. I have done some research and I have
5 submitted the research to you. If that research is
6 ridiculous, well, I can say other things which are
7 ridiculous as well.

8
9 Q. So, let's just clarify this: you haven't researched
10 the ability of --

11 A. No.

12
13 THE PRESIDENT: Q. The ability of *Sydney* to transmit by
14 voice?

15 A. Sorry?

16
17 Q. You have not researched the ability of *Sydney* to
18 transmit by voice?

19 A. No, I have read the affidavit of Julius Ingvarson.
20 I have read the affidavit of Arthur Lane, and they both
21 heard - and I haven't spoken to any others; most of them
22 are dead now anyway.

23
24 Q. Did you read the evidence given by a number of
25 wireless experts to this Inquiry?

26 A. No, I have not.

27
28 CMDR RUSH: Q. Could we go to the fourth-last paragraph,
29 Mr Karlov, to deal with Mr Bathgate's letter?

30 A. Yes.

31
32 Q. To put it in context, starting at paragraph 3, he
33 says:

34
35 *However, in consideration of the Sydney's*
36 *plight and particularly if the encoded*
37 *distress signals were not picked up by the*
38 *control stations, there was obviously more*
39 *scope for detection if voice messages were*
40 *transmitted.*

41
42 *This can simply be achieved by modulating*
43 *the W/T signal.*

44
45 *A carrier wave is a radio-frequency wave*
46 *that carries information. As the*
47 *information is attached to the carrier by*

1 *means of a modulation process, the regular*
2 *change of amplitude and frequency enables*
3 *voice messages.*

4
5 Have you, in any of your research or anywhere, seen the
6 methodology or the modulation process referred to?

7 A. No, no.

8
9 Q. It continues:

10
11 *Thus, a modulator affixed and a microphone*
12 *in lieu of a keyboard are required to send*
13 *the voice messages that were previously in*
14 *common use, but unfortunately easily*
15 *intercepted and read.*

16
17 A. Mmm-hmm.

18
19 Q. So what you understand Mr Bathgate to be saying is
20 that, by affixing a modulator and a microphone in lieu of
21 the keyboard - which I take it means the morse code
22 device - you can send voice messages. Is that what you
23 understand him to be saying?

24 A. I understand that you can send voice messages. The
25 methodology used I don't know, I don't understand; I'm not
26 an engineer. I have two affidavits of people who say they
27 heard voice messages.

28
29 Q. The one thing that I want to ask you on this is: you
30 understand that voice messages can be sent on the basis of
31 two affidavits of persons who say they heard voice
32 messages?

33 A. And there are probably at least 10 other people who
34 claimed, but in each case they have been shot down.

35
36 Q. Is that your understanding: because people say they
37 heard voice messages from *Sydney*, you understand *Sydney*
38 could send voice messages?

39 A. Well, again, I have to go a little bit beyond the
40 "yes" and "no" answer, if you are willing to hear.
41 Julius Ingvarson said he heard, "Hit by torpedoes", plural,
42 and sinking". He said, repeat, "Hit by torpedoes and
43 sinking". I offered that information to Bruce Billson
44 to give to the Navy to interview Julius Ingvarson or
45 Julius Ingvarson. They refused, you refused. This was a
46 live person, one of the few people who were still alive,
47 who heard. No-one bothered to ask him any questions about

1 that. His affidavit is here. He is dead now, obviously.
2 But voice messages were heard. How they were heard I don't
3 know. I know there are probably claims of about 10 to 12
4 who people heard the voice messages.
5

6 Q. And my question is: is it on the basis that 10 to
7 12 people heard voice messages that you say that *Sydney*
8 could transmit in voice?

9 A. I think there is sufficient evidence that some message
10 was transmitted, and you can't dismiss it because it
11 doesn't suit you.
12

13 THE PRESIDENT: Q. You can dismiss it if technically it
14 is impossible.

15 A. Well, how come people heard it? How come, when I put
16 to Mr Billson and the Navy, "Interview Julius, he has
17 cancer, he hasn't got long to live. Interview him. Find
18 out what he knows", nothing; there was no interest in that.
19

20 CMDR RUSH: Q. Let's examine a person whom you put
21 forward as having heard voice messages to test your
22 proposition.

23 A. Okay.
24

25 Q. You have put forward and supplied the Commission of
26 Inquiry with an affidavit from Mr Arthur Lane?

27 A. Yes.
28

29 Q. Mr Arthur Lane, as you indicate, was a drummer and
30 bugler in Singapore; is that right?

31 A. Yes.
32

33 Q. He was a drummer and bugler who belonged to the
34 Manchester Regiment?

35 A. I believe so, yes.
36

37 Q. He has told you that he was based at Tanglin Barracks?

38 A. Yes.
39

40 Q. It is fair to say, based on the information that he
41 has provided to you and to Mr Samuels, and in his book,
42 that he never sent or received a signal himself.

43 A. He said he overheard it.
44

45 Q. No, no, one thing at a time.

46 A. As far as I know, no, he didn't.
47

1 Q. Did you critically analyse the contents of the
2 information that was available to you from Mr Arthur Lane
3 in relation to his various assertions?

4 A. I passed the information to you. Arthur Lane is still
5 alive, and the Commission has been given Arthur Lane's
6 email address and details for you to question Arthur Lane.
7 There is not much in point questioning me about what
8 Arthur Lane did or didn't do. He is at the end of a
9 telephone.

10
11 Q. You have been critical of various people for not
12 contacting Arthur Lane. First, did you critically examine
13 the material?

14 A. I was with Arthur Lane. I spent a couple of hours
15 with him. We talked about what he heard. We didn't talk
16 about his life story or anything else that he did or didn't
17 do. No. I didn't - the only point I talked to him about
18 was that he heard the voice message.

19
20 Q. May we look at the affidavit that you have provided to
21 the Commission of Inquiry, which is at COI.005.0144.

22 A. Yes.

23
24 Q. Who prepared this for him?

25 A. Mr Lane.

26
27 Q. He says:

28
29 *I was a Drummer Bugler serving with the*
30 *Manchester Regiment in the British Army.*

31
32 *In 1938, as a young man of 18, I was*
33 *stationed in Singapore Tanglin Barracks.*
34 *This was a well known British Government*
35 *listening post.*

36
37 *I understand that there is a belief that we*
38 *as individuals were not able to receive or*
39 *send voice messages.*

40
41 A. Mmm-hmm.

42
43 THE PRESIDENT: What is that sentence supposed to mean?

44
45 CMDR RUSH: Q. "I understand that there is a belief that
46 we as individuals were not able to receive or send voice
47 messages."

1
2 THE WITNESS: My understanding is that there is a general
3 belief that Singapore couldn't hear voice messages; it
4 could hear morse, it could hear whatever, but voice
5 messages could not be heard in the Singapore listening
6 station. That's my understanding, and I have read that
7 from other sources as well, and I can't quote the sources,
8 in case you are going to ask me.

9
10 THE PRESIDENT: Q. Is that sentence meant to mean that
11 persons in Tanglin Barracks in Singapore could not receive
12 or send voice messages? Is that the way one should read
13 that? Otherwise, it doesn't make any sense. It doesn't
14 make much sense anyway.

15 A. Well, you are being a bit picky. Basically --

16
17 Q. I'm not being picky, I'm reading what the words are.
18 A. Sure, but Arthur is, what, about an 85 or 90-year-old
19 gentleman. The point that he was making there, and had
20 been making before and other people have made, is that
21 Singapore had no capacity to hear voice messages. If he
22 phrased or wrote it in a funny kind of way, that's the way
23 he did it. Again, he is at the end of a telephone for you
24 to find out.

25
26 CMDR RUSH: Q. He says:

27
28 *This is completely wrong, as voice messages*
29 *received by WIR ...*

30
31 What is that?

32 A. I don't know.

33
34 Q. You have never asked him?

35 A. No, we talked about voice messages being heard in the
36 listening station in Singapore. That's the point of this
37 affidavit, as far as I can tell.

38
39 Q. I will continue:

40
41 *... were a daily occurrence as that was the*
42 *reason for the existence of a listening*
43 *post.*

44
45 A. The listening post was there to listen to all the
46 shipping traffic and all the sounds and noises and messages
47 that come through that they can pick up. That's the

1 purpose of a listening station generally, Commander.

2
3 Q. It says:

4
5 *Early in 1940 we had a sports day against*
6 *the British merchant ship the Rawalpindi.*
7 *One month later when the ship was sailing*
8 *across the Indian Ocean we received a voice*
9 *message from her captain and crew, thanking*
10 *us for our hospitality and enjoyable time*
11 *they had had.*

12
13 A. Mmm-hmm.

14
15 Q. Did you, in accepting Mr Lane, as I understand you do,
16 critically analyse that statement?

17 A. No, I think Mr Lane told me what he heard. I didn't
18 go to any scientific criticism or analysis. He told me
19 what he heard and passed that on.

20
21 Q. When he says, "we as individuals were not able to
22 receive or send voice messages" and "we received a voice
23 message from her captain and crew", this is the drummer
24 bugler boy, not someone who was based in the Tanglin office
25 listening?

26 A. I suspect maybe, in my nasty mind, that he had a
27 girlfriend there, that's why he hung around when he had
28 nothing to do. But, look, ask him. Please, ask him.

29
30 Q. He is telling you that the merchant ship *Rawalpindi*
31 sent a voice message from the middle of the Indian Ocean at
32 a time when, as you would know, the Indian Ocean was
33 subject to armed merchant cruisers?

34 A. That's what he said.

35
36 Q. Then Mr Lane specifically remembered the date,
37 19 November 1941, as set out here?

38 A. Mmm-hmm.

39
40 Q. He says:

41
42 *... I personally overheard an incoming*
43 *transmission saying "She is going down."*
44 *This was repeated twice. The voice had an*
45 *accent which I took to be either Australian*
46 *or American.*
47

- 1 A. Mmm-hmm.
2
3 Q.
4 "She is going down".
5
6 A. Mmm-hmm.
7
8 Q. If Sydney - as we have discussed, but I will put it
9 again - was not capable of sending a voice message, what
10 Mr Lane is saying could not be true?
11 A. But if Sydney was capable of sending a voice message,
12 what Mr Lane was saying is true.
13
14 Q. Of course. So you accept both of those propositions?
15 A. I accept that there are people who heard.
16
17 Q. No, no. You accept both of those propositions: if
18 she wasn't capable of sending a voice transmission, what
19 Mr Lane has put forward then is nonsense, but, if she was,
20 it could be true?
21 A. Yes.
22
23 Q. 19 November was a remarkable day for Mr Lane, wasn't
24 it?
25 A. It was remarkable for the Australian Navy and everyone
26 else.
27
28 Q. But it was more remarkable for Mr Lane, wasn't it?
29 A. Why is that?
30
31 Q. Well, he just happened to be in the office when he
32 also overheard the winds message being sent by the Japanese
33 Navy?
34 A. That's a ridiculous proposition, "a remarkable day".
35 His job as a drummer and a bugler didn't take him 12 hours
36 a day. He was loose-ending, which you would be. I suspect
37 he had a girlfriend there and hung around there for some
38 reason.
39
40 Q. Did he tell you about that?
41 A. No, he didn't tell me about that.
42
43 Q. Do you just suspect that?
44 A. Sorry?
45
46 Q. Do you just suspect that?
47 A. Yes. I suspect that. Yes.

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Q. But it would be a remarkable day if he not only heard the *Sydney* say she was going down but if he was there at the same time as the so-called Japanese winds message was received and decrypted?

A. I don't think it was a remarkable day. I think it was a day that things happened. This was coming up to a crescendo, as far as Japan starting the war with Australia. Everything was building up, as far as I understand it. If at Tanglin Barracks he heard or he was told, I don't know, but unless you ask him the question - there is not much point putting to me that it was a remarkable day for Mr Arthur Lane; put it to him.

Q. But you are putting him forward here. You are the person who has provided it. I want to take you to a statement attributed to him in Mr Samuels' book, which you say is a source of much of your information.

A. No, no, some of my information. Sorry.

Q. This is at PUB.001.0050. Could we go down to the third paragraph. This is what Mr Samuels says in his book:

While we were researching this book, Arthur Lane revealed he could clearly recall radio contact during Sydney's final minutes, at our request he recorded the following statement.

In the third paragraph set out by Mr Samuels it says:

The signals section had that morning --

and he is referring to 19 November --

picked up a Japanese coded message, which today has become well known as the winds messages.

A. Mmm-hmm.

Q. I won't pretend to read the Japanese, but it reads:

*... (East Wind Rain) Japan American Crisis
... (North Wind Cloudy) Japan Russia Crisis
... (West Wind Clear) Japanese British
Crisis. On the reading of any of the*

1 *messages relative action should be taken.*
2 *This message was intercepted and translated*
3 *by one of the signallers and then relayed*
4 *to India via R/T [Morse] with instructions*
5 *for onward transmit to UK. The reply*
6 *received later from India was "Do nothing".*
7

8 Did you look at that?

9 A. Yes, I have read that part.

10

11 Q. What did you make of that when you read it?

12 A. Look, Mr Samuels wrote that based on information that
13 Mr Lane --

14

15 Q. No, Mr Lane provided that.

16 A. Yes. I'm in the middle of a sentence, Commander -
17 from the information provided by Mr Lane. Look, you have a
18 wrong idea of where I'm coming from. I, as I mentioned in
19 my submission, was doing some research. I am not an expert
20 on *Sydney*. There are some obvious things which I looked
21 at. I have no comment to make about the winds messages.
22 The only questions I asked Mr Lane were about whether
23 Tanglin had the capacity to receive and send voice
24 messages. That's been denied by the Navy for a long time,
25 and he said, "Yes, we had the capacity to receive and send
26 voice messages." That's a point of Arthur Lane, not if he
27 had a girlfriend - I probably quite falsely suggested that.
28 The point is, Tanglin Barracks had the capacity.

29

30 THE PRESIDENT: Q. He said so.

31 A. Yes, sure, sure, but the Navy has always denied it.
32 I have read reports that Singapore had no capacity to send
33 or receive voice messages. The purpose of this is: here
34 is evidence of someone who was there. Okay, he was a
35 drummer, a bugler; he wasn't a radio operator.
36 Julius Ingvarson was. But he said that it had the
37 capacity - and, again, Arthur Lane is at the end of a
38 telephone if you want to ask him. Don't ask me about them;
39 ask him.

40

41 CMDR RUSH: Q. Let's just put this proposition: that it
42 is established beyond any reasonable doubt that *Sydney*
43 could not transmit in voice?

44 A. I am sorry, I don't accept that.

45

46 Q. No, but, let's say it is established.

47 A. Yes, okay.

1
2 THE PRESIDENT: Q. You don't accept it because of
3 Mr Lane and because of what else?

4 A. No, Julius Ingvarson was a radio operator in Perth.
5 He was told to keep quiet. He was sworn to secrecy. He,
6 afterwards, realised what had gone on. I offered him to
7 Bruce Billson and the Navy to provide the evidence, because
8 he was probably the last living person and he had cancer
9 and we knew that he was dying, and you guys were not
10 interested to talk with him.

11
12 Q. So you don't accept that *Sydney* had no capacity to
13 transmit via voice because of Mr Lane and Mr Ingvarson?

14 A. Well, it also transmitted, according to CAPT Collins,
15 on the *Walrus* plane by radio. *Walrus* planes certainly had
16 the capacity to transmit by radio. The funny part --

17
18 Q. That's three things. Are there any others?

19 A. No, there are a dozen names which are part of my
20 submission - I don't know which number it is - where people
21 have said they have heard. But Ingvarson was alive and
22 well and no-one was interested enough to ask him.

23
24 Q. You have said that about six times now. I really only
25 need to be told things once.

26 A. Well, okay. I have already said I don't accept that,
27 and --

28
29 Q. I am trying to find out the basis upon which you do
30 not accept that *Sydney* had no capacity to send by voice.
31 Now, you have told my Mr Lane, you have told me
32 Mr Ingvarson, you have told me CAPT Collins' book; is there
33 anything else?

34 A. There is a lists of a dozen people who are all dead,
35 who all allege to have heard. I don't know them, I don't
36 know what the messages said, but there is enough evidence
37 for me to accept that there was some capacity to send and
38 hear voice messages.

39
40 THE PRESIDENT: My memory may be playing tricks on me, but
41 I think this famous winds message was not sent on
42 19 November 1941.

43
44 CMDR RUSH: I was just going to put that.

45
46 Q. You have put forward Robert Stinnett's book as a
47 source for some propositions, Mr Karlov?

1 A. Yes, mmm-hmm.

2

3 Q. I suggest that if you read his book you would agree
4 that at least he - and I think others - put forward that
5 the winds message was received on 28 November 1941.

6 A. I don't know. You have to ask him - I mean ask Arthur
7 Lane.

8

9 THE PRESIDENT: Q. Well, no, that's historical fact.

10 A. You are asking questions about something I have no
11 involvement in. You are asking me questions about
12 something I told half a dozen times that I am not involved
13 in. The only point I was making - and listen to this
14 carefully, Commander - is that Tanglin had the capacity to
15 hear and send voice messages.

16

17 CMDR RUSH: Q. According to Mr Lane?

18 A. Oh, God. Yes.

19

20 Q. According to Mr Lane?

21 A. Yes.

22

23 THE PRESIDENT: Q. Do you not understand, Mr Karlov,
24 that if you base your view in part on Mr Lane, and Mr Lane
25 has said that he heard the winds message on 19 November,
26 but in fact it was not transmitted until 28 November, one
27 must have serious reservations about the evidence of
28 Mr Lane?

29 A. Not necessarily. He is an old man. As I said, you
30 can find out - and I am repeating this for the seventh time
31 to hope someone picks it up: he is at the end of a
32 telephone; he is quite happy to comment on all of these
33 points, but you have to ask him. You don't have to ask me.
34 Because I don't have the answers that you want.

35

36 CMDR RUSH: Q. I want to finish on a couple of matters
37 concerning page 50 of "Somewhere Below". It is the last
38 paragraph on that page:

39

40 *It wasn't until after the war that*
41 *I learned that the ship was HMAS Sydney.*
42 *It was now of some interest to me because*
43 *it was just a few weeks previous to the*
44 *sinking when during an off duty period*
45 *I went to the small cafe in the Botanical*
46 *Gardens Singapore, where service men often*
47 *went for a quiet drink (non-alcoholic) and*

1 to listen to music being played on the
2 record player. A group of sailors from the
3 Sydney had formed a singing group and they
4 were singing with the music.

5
6 A. Mmm-hmm.

7
8 Q. You didn't investigate that either.

9 A. No. Need I?

10
11 THE PRESIDENT: If you are going to advance him as a
12 person of credit on which you base a view, yes.

13
14 CMDR RUSH: Q. If *Sydney* wasn't in Singapore a few weeks
15 or a few months before the time that Mr Lane was talking
16 about; what do you make of that?

17 A. Pick up the telephone and speak to Arthur Lane.
18 I don't have the answers. That's the eighth time I repeat
19 that.

20
21 Q. If you would go to page 51, Mr Samuels says in the
22 middle of the page:

23
24 *When I questioned Arthur Lane to test his*
25 *exact recollections he had further insights*
26 *concerning matters he had not been asked*
27 *about before.*

28
29 *"Sydney wasn't under radio silence in*
30 *Singapore waters".*

31
32 Does that fit in with what you understand?

33 A. That's what it says.

34
35 Q.

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

45
46 You don't think that's nonsense?

47 A. For the ninth time, ask Arthur Lane.

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Q. No, I'm asking you.

A. I have no comment on it because I don't know.

Q. But you have purported to put him forward as a person of some repute. I am asking you whether you think that statement is nonsense?

A. Let me answer this my way, and I hope you don't shoot me down. For 66 years Navy lied to the Government. That lie went on for 66 years. People generally tell lies because they want to hide the truth.

THE PRESIDENT: Q. Let me interrupt: what was the lie?

A. That there was a Court of Inquiry held. That was a lie. There was no Court of Inquiry. Poor Joe Burnett got the - they say it was all his fault and, by implication, that he was responsible for the deaths of 645 people.

We have a dirty big gorilla in the corner of the room. You guys ignore that. You look at the small dust mites and say, "Is that so? Is that not so?" I submit this to you respectfully, Mr Cole: unless this Commission finds out why there was the lie and what the basis of the lie was and why it was protected for 66 years and why every effort in the 66 years of people to find out what happened has been discouraged, has been ridiculed; unless this Commission finds the crux question about *Sydney*, I think everything else is secondary and doesn't really mean anything.

Q. The big question, you say, is why it was said in 1942 that there was a Court of Inquiry held when there wasn't; is that the big question?

A. That's basically it. What was the reason? Lies are told to hide something. You must admit that. What was the purpose of that lie to the Government, to the Prime Minister of the day? It wasn't just John Samuels' fevered imagination; it was part of the Cabinet minutes.

That is the main question, I think, that this Commission needs to address; not whether Arthur Lane had a girlfriend, whether Arthur Lane heard this or that. I guess Arthur is in his mid to late 80s, whatever the maths is. He is willing to explain whatever he knows, not to prove that he is right or he is wrong. He is willing to provide some evidence of his knowledge. It may be the knowledge of an old man, he forgets, but you have to talk to him.

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Q. Let me just think about that for a moment. Let me ask you about this: let me assume that what you say is right.

A. It is.

Q. That there wasn't a Court of Inquiry.

A. Mmm-hmm.

Q. There was an Inquiry, but not a Court of Inquiry.

A. Mmm-hmm.

Q. So that's the lie to which you draw attention.

A. Mmm-hmm.

Q. Assume all of that is true.

A. Mmm-hmm.

Q. Where does that lead?

A. That leads to that for 66 years the *Sydney* mystery has been underpinned by a lie.

Q. But where does it lead?

A. I don't know. That's for the Commission to find out.

Q. If there was an Inquiry and it was called a Court of Inquiry and it wasn't a Court of Inquiry, or if there was an investigation and it was called a Court of Inquiry instead of calling it an investigation, what follows from that?

A. Mr Cole, as a member of Naval Reserve for 20 years, you ought to know that a Court of Inquiry has to be held when a Capital ship goes down. It is not, kind of, two fellows meeting outside the gentleman's toilet to discuss it. It has to be a formal Court of Inquiry. There was not a formal Court of Inquiry. They had 66 years to say, "Okay, we just got together. We spoke to the German sailors; we got this." The specific words, "Court of Inquiry", which has a specific meaning within Navy --

Q. I understand that. I premised the whole matter I am putting to you on the basis that what you are saying is true. What is the consequence?

A. The consequence is that --

Q. Somebody got it wrong?

A. No, someone didn't get it wrong, someone deliberately lied. Everything that the Navy has said over 66 years

1 since then is open to some question.

2

3 Q. What is it that the Navy has said in the last 66 years
4 about this that is open to question?

5 A. That there was no voice message capacity from *Sydney*.
6 That Bruce Billson said 10 times, "It was a bullet from a
7 small calibre hand gun", until the Navy got involved and
8 two weeks later said, "No, it wasn't, because we haven't
9 really investigated it", while Mr Billson said, "Yes, we
10 investigated it and that's our conclusion". So many double
11 things.

12

13 Q. All right. We have bullets against shrapnel; we have
14 the capacity to transmit. Both of those matters are being
15 fully investigated by this Inquiry and, at present, there
16 is a whole bunch of independent evidence from independent
17 people saying that *Sydney* had no capacity to transmit by
18 voice?

19 A. Mmm-hmm.

20

21 Q. There is also a great deal of information, which will
22 be investigated in public very soon, which indicates that
23 this is shrapnel, not bullets.

24 A. Mmm-hmm.

25

26 Q. What else is there?

27 A. Can I quote Professor Duflou?

28

29 Q. Yes. Professor Duflou will be giving evidence, by the
30 way.

31 A. Good. The trouble with this thing is that you gather
32 so many bits of paper, at the end you are drowned by it.

33

34 Q. And when you refer to Professor Duflou in the passage
35 you are about to read to me, don't forget to refer to the
36 correction made about three-quarters of an hour later.

37 A. No, I'm not talking about that at all. Basically,
38 what he said is that whatever he gave is his opinion, and
39 every opinion raises questions; some raise more questions
40 than answers. When I asked Bruce Billson some of these
41 questions, they weren't answered.

42

43 There is the case of Wittwer's file being stolen from
44 his rooms by someone he attributes to be a member of ASIO.
45 ASIO lost his interview, which was done by shorthand and by
46 some voice transmission tape-recorder originally.

47

1 Prime Minister Curtin said that he was surprised that
2 he didn't know that Japanese ships were coming freely to
3 Australia and sailing unhindered. He was corrected by the
4 Navy the following morning. He said, "They knew but
5 I didn't - the Government didn't".
6

7 There was the case of the Plymouth.
8

9 CMDR RUSH: Sir, I am going to go to all these matters.
10

11 THE PRESIDENT: I assumed you would.
12

13 Q. So far, I have written down the question of
14 transmission, the question of the bullet or shrapnel, the
15 question of Wittwer and ASI0. What else?

16 A. There is the Carley float which CAPT Collins said was
17 riddled with bullets. In 1993 the Australian War Memorial
18 decided, "Oh, no, it wasn't bullets; it was fingers -
19 strips torn by fingers", and that that's what the damage to
20 that Carley float from *Heros* was. The War Memorial or the
21 Navy afterwards made out that Collins didn't know what he
22 was talking about.
23

24 Q. The Carley float is also being investigated and that
25 will be dealt with publicly and so will the question of
26 whether they were bullets or shrapnel. Do you know if
27 CAPT Collins ever saw this Carley float?

28 A. I don't know, but I know he wrote about it. The other
29 thing is that - well, you are already discussing the
30 Plymouth thing.
31

32 The question about what was it - was it a bullet, was
33 it shrapnel - Mr Billson asked some questions, but he asked
34 very limited questions. He didn't ask --
35

36 Q. Can I say to you so it is clear, I'm not concerned
37 with the speeches of politicians; I'm concerned with fact
38 and detail. I will investigate all of those matters.
39 I don't propose to go and ask Mr Billson, if he said
40 something, why he said something. That would lead us
41 nowhere?

42 A. You have an assumption that politicians don't speak
43 facts.
44

45 Q. I'm not making that assumption at all.

46 A. Well, you said you are not speaking to politicians.
47 This politician was nominally in charge of the *Sydney*

1 story, and if you can't trust the boss - I mean, I am a
2 layman. I don't spend all my life searching for *Sydney*.
3 I have another life. If you hear that Bruce Billson said
4 "XYZ" you accept that as the truth unless and until it is
5 proven wrong, and you don't go there to try to disprove
6 him. You take things at the face value.

7
8 There was a case of - it escapes me - the bullet from
9 the Christmas Island man's Carley float. It was given to
10 the Navy. It disappeared.

11
12 There are enough things to question why certain things
13 were done, with the basis that whatever the lie that the
14 Navy tried to protect for 66 years was --

15
16 Q. You haven't yet told me what this lie is, except
17 for the statement which you made that there was no
18 Court of Inquiry. Accept that for the time being. I asked
19 you where that led. You have so far told me that it leads
20 to queries about voice transmission, bullets, Wittwer and
21 ASIO, Carley floats and CAPT Collins: what else? Just
22 because an error was made or was wrong --

23 A. No.

24
25 Q. -- all right, or a lie, in your terms, was made, one
26 has to then say, "What are the consequences of that?"
27 That's what you have to tell me.

28 A. I don't know.

29
30 Q. You don't know?

31 A. That's for the Commission to find out. Let me read
32 it:

33
34 *In reply to an Inquiry by the Prime*
35 *Minister, the Chief of the Naval staff said*
36 *"a Court of Inquiry had investigated the*
37 *circumstances surrounding the loss of*
38 *HMAS Sydney. Its conclusions were*
39 *summarised by the Chief of the Naval staff*
40 *as follows ...*

41
42 Basically blaming Burnett. Whether Burnett was guilty or
43 not I don't know. But the point is, a Court of Inquiry is
44 not two men meeting outside the men's room. It had to be a
45 formal Court of Inquiry. It was not a mistake. If you
46 want me to believe it was a mistake, it's ridiculous. It
47 had to be a formal Court of Inquiry or a lie. There is no

1 third alternative. Why did they lie? I don't know. Why
2 was it such a secret that it had to be told that way? You
3 see, within two weeks of *Sydney* going down, there was a
4 public controversy. On one side there was the Minister For
5 Information, the Senator - I forget his name now, but
6 I have it here - who wanted an open Inquiry. On the other
7 side was the Minister for the Navy, who said, "What purpose
8 does that serve?" That pressure, I suspect, went on for
9 quite a long time. Then, by saying that a Court of Inquiry
10 was held, that would have taken some pressure off.

11
12 A few years later, the Navy said, "We're not going to
13 talk any more about this", because some people might not
14 have believed what they said. Somewhere along the line, we
15 have to live in the real world and look at things in the
16 way of the real world.

17
18 Q. Precisely. We have to live in a real world.

19 A. Exactly.

20
21 Q. Not rumours, innuendo, speculations: real world, real
22 circumstances.

23 A. This was a fact. This was a Government minute, a
24 Cabinet minute: Canberra, 18 March 1942, Minutes of
25 Advisory War Council. It wasn't a mistake. They had
26 plenty of time to correct the mistake. They didn't. It
27 was a formal statement of the formal Court of Inquiry. It
28 either happened or it didn't happen.

29
30 Q. Right. Well, you will be taken to all these things.
31 I want to know if there are any more. I have four written
32 down so far. Are there any more?

33 A. Yes, there are quite a few more, but at the moment --

34
35 Q. Tell me what they are, please?

36 A. Hang on, hang on, hang on a minute. I will give it to
37 you later on. I will send you an email.

38
39 Q. No, no, I want to know them now, because you will be
40 asked questions about them, I expect.

41 A. Okay.

42
43 Q. I want facts; I don't want speculation.

44 A. Okay. Well, firstly, the Court of Inquiry wasn't
45 held.

46
47 Q. Yes.

1 A. Secondly, on 31 March 2008 the Chief of Defence Force,
2 Air Chief Marshal Angus Houston, admitted that it didn't
3 happen.

4
5 Q. I understand that. You have said that to me --

6 A. I know, but I have said a lot of things, too, which
7 you repeating. Sorry to be punchy, but I think you have to
8 listen rather than continually interrupt. On December 5,
9 1941, there is an article in the paper.

10

11 Q. No, no, no.

12 A. Let me explain it, please.

13

14 Q. Mr Karlov, you have said to me that there was a major
15 lie.

16 A. Yes.

17

18 Q. Because it was said that a Court of Inquiry was held
19 and it wasn't. I asked you what are the consequences of
20 that.

21 A. Well --

22

23 Q. You have told me, so far, four things were of
24 consequence.

25 A. Let me read you part of the quarterly newsletter of
26 the Australian Association of Maritime History. They can
27 put it better than I can.

28

29 *Disappointing too was --*

30

31 CMDR RUSH: Sir, I think this is going a bit too quickly.

32

33 THE WITNESS: Sorry.

34

35 *Disappointing too was the behaviour of the*
36 *Australian Defence Department (ADF Navy)*
37 *which appeared in the role of devil's*
38 *advocate in its submission and therefore*
39 *caused significant offence and distress to*
40 *the wider Australian community.*

41

42 THE PRESIDENT: Q. Excuse me a moment. What are you
43 reading from now?

44 A. The quarterly newsletter of the Australian Association
45 of Maritime History.

46

47 Q. Dated?

1 A. June 1999.

2

3 Q. June 1999?

4 A. Yes.

5

6 Q. So you are telling me about someone's view about
7 whether or not they were disappointed with the conduct of
8 Navy in 1999?

9 A. Would you like me to finish the whole thing and then
10 ask me the questions, please?

11

12 Q. No, I would like you to give me the factual
13 consequences which you say flow from there being a lie
14 about the holding of a Court of Inquiry?

15 A. The factual consequences: in the end result they
16 said:

17

18 *The Committee could determine no reason --*

19

20 This is a Senate Committee that we're referring to:

21

22 *The Committee could determine no reason why*
23 *this stance had been taken, and that the*
24 *action invited suspicion of a cover-up or*
25 *indifference by the Navy.*

26

27 Now, "cover-up or indifference" - they aren't my words;
28 they aren't John Samuels' words; they are the words of the
29 Senate.

30

31 Q. Cover-up or indifference about what?

32 A. Well, we are talking about the Senate Inquiry.

33

34 Q. I understand that. I don't recall them saying that
35 there was a cover-up about a particular thing?

36 A. No, it invited suspicions of cover-up and
37 indifference. Why don't you check it up, then?

38

39 Q. If you are speaking of suspicions of a cover-up,
40 perhaps they were speaking about all this rumour and
41 innuendo that people have been writing about.

42 A. Not in the context of what they wrote. You have to
43 stretch your imagination far outside the local logic. You
44 have been talking about what is logic, and you are telling
45 things which have no relevance. Take it in the context.
46 There can only be one interpretation. Again, you can call
47 the evidence, the publishers of the --

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Q. One interpretation of what?

A. Well, you said it is an interpretation of somebody. What the Senate Committee said was that the Navy's action invited "suspicion of a cover-up or indifference" - the Navy's evidence, obviously, to the Senate Committee. What did they say about it at the Senate Committee? I can read it to you if you want me to.

Q. I have read that.

A. Yes. You asked me what I believe. I read this not out of John Samuels, or whatever other authors; I read this from a respected magazine referring to the Senate Inquiry. I'm not going to have the time or energy or enthusiasm to prove or disprove every word. That's not my job. I am bringing certain information to the Commission, whether it wants to listen, whether it wants to argue me down, whether it wants to shut me up or put ridiculous propositions to me - that's fine. I am bringing you what I have learned. If it is wrong, if it is not good enough, it is still there. If you are going to find out about that next week, next month, fine. You find that out and find out what the truth of the matter is. Don't shoot me down because I quote the Senate Committee.

I notice also - as a matter of interest - that the Senate Committee said that the Christmas Island man was from *Sydney*. One your jobs, as you mentioned in your opening speech, was to find out whether, in fact, this was true. Whether you are going to question that or how you are going to question that, I don't know. But, again, if you look at the way that the Navy treated the six fellows, ex-sailors from *Sydney*, there was certain indifference there.

Q. What are you talking about now?

A. I'm talking about the word "indifference".

Q. What are you talking about "the six sailors"; which six sailors?

A. Again, let me read it to you.

Q. Is this the six sailors who were not given an invitation to go --

A. No, that's right.

Q. -- to a ceremony in November 2008?

1 A. I am talking about indifference, the Navy's
2 indifference. This is what the Senate Committee is talking
3 of, this is an example of Navy's indifference.
4

5 Q. Yes.

6 A. Julius Ingvarson is another case of the Navy's
7 indifference. No-one bothered to question him whilst he
8 was alive. Mr Billson said that there is no written
9 evidence of Julius Ingvarson reporting what he heard. Of
10 course there wasn't. Julius Ingvarson was sworn to
11 silence, never to repeat what he said. Only after he
12 found --
13

14 Q. Just pause there. How do you know that?

15 A. Read his affidavit?
16

17 Q. He said that, did he: he was sworn to silence?

18 A. That's right.
19

20 Q. Very well. Yes. I have Ingvarson. He is number 5 on
21 my list. Is there anything else?

22 A. As far as I know, the Navy has never quoted the
23 documents found in the Office of the Chief of Military
24 History Department of the US Army about the Navy Order 5 by
25 Chief of Naval General Staff, Nagano, Osami to Yamamoto,
26 Commander-in-Chief of the fleet. That has never been an
27 issue - it has never been raised. Again, you can check the
28 documents; I don't have them all with me, I just have a
29 couple of pages. The Japanese Navy was divided into
30 various battle groups. One battle group was sent to the
31 Indian Ocean for the Commerce Destruction Force. Robert
32 Stinnett says that 15 Japanese submarines are unaccounted
33 for.
34

35 Q. Yes. This is the Japanese submarine theory?

36 A. That's right, yes.
37

38 Q. There are things which come up from research and they
39 don't come up on Navy's radar. They don't come up when
40 Navy says, "Yes, it did say that"; the Japanese Imperial
41 Order did say that. CAPT Collins, I understand, went to
42 Japan to investigate the rumour that there were some
43 sailors from *HMAS Sydney* --
44

45 Q. No, he didn't.

46 A. I have a quote --
47

1 Q. He was in Japan.

2 A. I know he was in Japan. I know that. But I'm not
3 talking about that.

4
5 Q. You said he went to Japan to investigate; he didn't do
6 anything of the sort.

7 A. Oh, God, look --

8
9 Q. We do have to be a bit accurate and precise.

10 A. I know. In that case, in what he was quoted - he
11 either lied or you don't believe him or whatever.
12 I haven't got a quote with me, but I can dig that up when
13 I get home quite easily.

14
15 The New Plymouth Memorial, which CMDR Rush is going to
16 ask me about, referring to six of the RAAF fellows on the
17 Sydney, says:

18
19 *... killed in action from HMAS Sydney when*
20 *ship lost and sunk with all hands in an*
21 *action against Japanese forces on November*
22 *19, 1941.*

23
24 "Against Japanese forces". Again, this information was
25 originally supplied by the RAAF, not by someone with his
26 imagination. There is so much there which has been denied
27 and is being denied. Take the article in the Bulletin
28 magazine --

29
30 Q. No, no, no.

31 A. No? You don't take that. Okay. What evidence is
32 there, you don't accept. Robert Stinnett says that he
33 finds it difficult to believe or understand why there were
34 no references Sydney in US Naval traffic in the Pacific.
35 Okay, it was the Indian Ocean, not the Pacific.

36
37 The Dutch, who had a listening post, said, "We can
38 find no reference to Sydney". They had a listening post in
39 Carnarvon; they were intimately involved.

40
41 Q. Do you know any of this stuff or are you just
42 re-mouthing what other people have said?

43 A. I am not re-mouthing any more than this Commission is,
44 because none of us were there personally.

45
46 Q. Of course we weren't.

47 A. Yes.

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Q. That's a silly thing to say, with great respect.

A. Why do you say I am re-mouthing when you are not?

Q. Because people who normally advance theories normally investigate them. You are advancing theories when you haven't investigated them. That's a different issue.

A. I have a letter from the Dutch Ministry of Defence. Is that strong enough?

Q. Yes.

A. I think I have submitted that letter already.

Q. Yes. We have that.

A. So what is that? Is that some kind of reference or is that, again, unsupported theory - that they could find no reference to *HMAS Sydney*, after having their listening post in Carnarvon from I think June 1941 to whenever, certainly beyond the time when *Sydney* was sunk.

CMDR RUSH: Q. They didn't say that, did they?

A. Well, no.

Q. No. What they said is that their records have been destroyed.

A. No, no, no, they didn't say that.

Q. I will come to that, too?

A. They said - sorry, you are twisting what they said.

Q. "Unaccounted".

A. "Unaccounted". That's right. Mr Mason, to whom you referred on Monday, said, "You wouldn't believe the amount of documents that were burnt in 1976 after the 30 years finished". Again, I wasn't there at the bonfire, he was.

The article in the Bulletin, which I know you don't want to listen to, said that the Australian Army destroyed a lot of documents after the War so that they wouldn't reach whoever they weren't supposed to reach. So there is a pattern of cover-up; there is a pattern of things not being done honestly; there is a pattern of asking the minute questions which really don't matter all that much, but the main question, "What was the secret that had to be hidden?", has not been answered. If you are going to answer that, investigate that, I applaud you.

1 THE PRESIDENT: Q. Do you have any idea what you say
2 this secret is?

3 A. I have no idea what the secret is.

4

5 Q. No idea at all?

6 A. No.

7

8 Q. You wouldn't be about to write a book about it?

9 A. Oh, no, no, I'm not a writer.

10

11 CMDR RUSH: Q. Are you the publicist for a new book?

12 A. No, I am a literary agent and I have a handful of
13 clients, and the subject matter of their books is quite
14 varied.

15

16 John Samuels is writing a book on the bodies - "The
17 Secrets of the Sand". That's his book. That is nothing to
18 do with me. My job is to approach a publisher to get the
19 contract, which I have done, and then it is between the
20 two.

21

22 Q. So you are the marketer of a new book?

23 A. No, the publisher is the marketer of a new book.

24

25 Q. What is Karlov Marketing?

26 A. Karlov Marketing Services Pty Ltd is the name of my
27 company. That is the name of my company.

28

29 Q. What is your interest in the book?

30 A. I have a handful of authors. Do you want me to tell
31 you the variety of authors I have?

32

33 Q. No, I asked you what is your interest in this book?

34 A. As a literary agent, looking after the work of my
35 author, I try to find a publisher for his work.

36

37 THE PRESIDENT: Q. Mr Samuels gave evidence, and it is
38 not unfair to summarise his evidence as saying that he
39 agreed that he had no basis for the theories that he was
40 advancing, and that most of what he had written, if not
41 all, was pure speculation.

42 A. Mmm-hmm.

43

44 Q. Now, if he wants to write fiction about it, that's one
45 thing. I am more concerned with fact.

46 A. Look, the book hasn't been written yet. You are
47 prejudging him. I don't know. I wasn't here in the

1 room --

2

3 Q. I am talking about his last book.

4 A. Yes. I think there are enough facts there to raise a
5 couple of questions. I mean, you dismiss it because -
6 look, it is not difficult to break a man in a
7 cross-examination; CMDR Rush has done it many times,
8 I suspect he will do it many times more.

9

10 The two points which were not mentioned, as far as I
11 can say, were this thing of the Court of Inquiry; this
12 thing that in 1945 the Navy said, "We're not going to
13 discuss or publish anything about *Sydney* any more because
14 some people might not believe it"; no question was asked
15 about Julius Ingvarson; no question was asked about the New
16 Plymouth Memorial. All these are facts which are
17 indisputable.

18

19 Q. All right. I think you have had a fair chance.

20 A. Yes, I have had a fair chance.

21

22 Q. Now you might like to listen to and answer some
23 questions of CMDR Rush.

24 A. Okay.

25

26 CMDR RUSH: Q. I want to very briefly come back to what
27 is on the screen in front of you.

28 A. Okay.

29

30 Q. During the discourse that we have just had, you have
31 offered opinions and asked to be "real". Looking at what
32 I just read to you about men on *Sydney*, 48 hours before she
33 was sunk, singing a song over the radio --

34 A. Mmm-hmm.

35

36 Q. -- even accepting voice radio - do you think that is
37 real?

38 A. For the ninth time, ask --

39

40 Q. No, do you?

41 A. I have no opinion on that. Arthur Lane said that.
42 Arthur Lane is at the end of a telephone for you to find
43 out first-hand.

44

45 Q. I'm asking not about Arthur Lane. I'm asking for your
46 opinion on that statement?

47 A. I have no comment to make on that.

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Q. Why not?

A. Because I have no comment to make. I didn't talk to him about it, I didn't study that.

Q. I'm not asking you about whether you talked about it. I am asking --

A. You --

THE PRESIDENT: Mr Karlov, please listen to the question you are asked and answer it.

CMDR RUSH: Q. You have chosen to put this information before us. From your research, your talking to Mr Stinnett, everything, do you think it is real --

A. You are wrong --

Q. No, one moment.

A. Okay.

Q. The question is: do you think it is real that the men of *Sydney* stood around the radio and sang a song 48 hours before the engagement with *Kormoran*?

A. That information was not part of my research. You keep telling me about research. The only point I was trying to make was that Tanglin Barracks, Singapore, had the capacity to send and receive voice messages. That's the only point - underline "only point" - I am making.

Q. My question again, and I would ask you to think about the question, is: do you think it is real that at Tanglin Barracks a song was heard over the radio from the men of *Sydney* 48 hours before her engagement with *Kormoran*?

A. For the eleventh time, I tell you I have no comment to make: ask Arthur Lane.

THE PRESIDENT: Q. Did you know that warships maintained radio silence?

A. Yes.

Q. So what do you think about Mr Lane's comment?

A. Do you believe that every Naval or every other human being obeys orders 100 per cent of the time? I don't know: ask Arthur.

Q. As CMDR Rush said, just be a bit real. If a ship is under direction to maintain wartime silence, you are

1 advancing somebody who suggests that a group of *Sydney*
2 sailors, during wartime, got around a radio and transmitted
3 songs. Just think about that for a minute.

4 A. Yes, I have thought about it.

5
6 Q. What would you think about the probability of that
7 being true?

8 A. Look, I have thought about it. I think, again, you
9 are asking me --

10
11 Q. It is obviously nonsense, isn't it?

12 A. No. You ask Arthur Lane and tell him it is nonsense.
13 Don't ask me. I don't know what Arthur Lane did before and
14 after. I'm telling you the point, and you seem to ignore
15 that completely.

16
17 Q. It is just obvious nonsense.

18 A. No, look, ask Arthur Lane. Put it to him. Don't put
19 it to me. I'm not going to say it is obvious --

20
21 Q. What do you think the officers in the radio room would
22 have been doing whilst this bunch of sailors was standing
23 around singing?

24 A. Look, it is obvious nonsense what the Navy said to the
25 Government, but they said it anyway. I don't know: ask
26 Arthur Lane. For the 12th or 13th time. You are going
27 around this without any kind of sense - I don't have the
28 answers. As I mentioned, I haven't drawn too many
29 conclusions, because the purpose of what I put in was,
30 I thought, to help the Commission, not to grind an axe or
31 come to some kind of conclusion. If you want to find out
32 from Arthur Lane, speak to Arthur Lane.

33
34 CMDR RUSH: Q. There is one other matter on Mr Lane that
35 I do want to put to this the witness. It is at
36 PINQ.SUBS.016.0116. Could we go to the first column?

37 A. Mmm-hmm.

38
39 Q. And the last paragraph.

40 A. Thank you.

41
42 Q. You will see, if we go across the page, this is a
43 letter in the Daily Mail on Friday, 5 June 1998, of Arthur
44 Lane?

45 A. Mmm-hmm.

46
47 Q. The last paragraph in the first column reads:

1
2 *Australian Prime Minister Menzies was*
3 *worried about the defence of his own*
4 *country and constantly asked Churchill for*
5 *the return of Australian servicemen from*
6 *the Middle East. To placate him, Churchill*
7 *prepared a secret message saying he had no*
8 *intention of defending any Far Eastern*
9 *station apart from Singapore and hinting at*
10 *the plan to bring the US into the war.*

11
12 *The Axis powers could intercept radio*
13 *messages so Churchill sent his communiqué*
14 *to Menzies by hard copy carried aboard*
15 *HMAS Sydney.*

16
17 Did you speak to Mr Lane about that?

18 A. No.

19

20 CMDR RUSH: I tender that correspondence from Mr Lane,
21 sir.

22

23 **EXHIBIT #141 CORRESPONDENCE APPEARING IN DAILY MAIL ON**
24 **FRIDAY, 5 JUNE 1998, FROM ARTHUR LANE**

25

26 THE PRESIDENT: Q. Perhaps Sydney was going via
27 New York.

28 A. Sorry, if I made that comment I would be shot down.

29

30 Q. Quite. Absolutely. It is absolute rubbish, isn't it?

31 A. Look --

32

33 Q. The same as that sort of writing. That's why people
34 don't trouble to investigate that sort of nonsense.

35 A. I am sorry, you --

36

37 CMDR RUSH: Q. Mr Karlov, can you turn to the page of the
38 material that you provided to the Commission which is under
39 the heading "Signals".

40 A. Okay. What number is it?

41

42 Q. I think on the sixth page of the material, page 0189.
43 By your numbering, pages 17 and 17A. We had a quick look
44 at it on Monday.

45 A. Okay.

46

47 Q. At page 0189, under the heading "Signals", in the

1 second paragraph, you say:

2

3

4

5

6

7

8

Do you remember we looked at this on Monday?

9

A. Yes, sure.

10

11

Q. You go on to say:

12

13

14

15

16

17

18

19

Captain, later to become Vice Admiral Sir John Collins', writings imply that he did not know and that no one had told him until four days after the battle of what was going on. This claim is in the realm of total fantasy and I submit, disingenuous.

20

A. Mmm-hmm.

21

22

Q. And for your opinion that you are prepared to offer about Sir John Collins, but apparently not about Mr Lane, you rely on the RN published vessel service history?

23

24

25

26

27

A. I'm not providing any opinion. I'm providing you reference to certain articles, certain facts for you to find out.

28

29

30

31

Q. The statement, "this claim is in the realm of total fantasy and I submit, disingenuous" is an opinion about Collins, isn't it?

32

33

34

A. Okay, let me start again. I said I'm not drawing many conclusions. I said that in the beginning.

35

36

Q. That is a conclusion, then, that you drew about Collins?

37

38

A. That is what I believe, yes.

39

40

Q. Can we again have a look at COI.006.0050. Do you remember we looked at this?

41

42

A. Mmm-hmm.

43

44

45

46

47

Q. I think you agree, this is not Royal Navy-published?
A. Yes, sure. One comment, I mixed up Royal Australian Navy and Royal Navy, not being used to the various terminology. So I decided to keep it Australian Navy as the main source of what I say.

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Q. This you have relied upon from LCDR Mason?

A. Mmm-hmm.

Q. At 0054 - and I know we went to this on Monday, if we can have a quick look --

A. Yes.

Q. In the highlighted passages:

17th After relief by HM Cruiser Durban returned independently.

18th Diverted to search for German raider Kormoran.

19th Intercepted Kormoran 300 miles of Western Australia and closed when identity given was known to be incorrect.

(Note: there have been a number of queries about these last two entries, but it has not been possible to identify the original source.)

A. Mmm-hmm.

Q. Did you check the other entries relating to *Sydney* in relation to their accuracy?

A. I told that to you on Monday, and I tell that to you now: my job is not, as I saw it, as I see it, to be an investigating detective; my job is or was, as I saw it, to get some information as to what happened and, to the extent that I found out, I submitted it to the Commission. I'm not a detective; I'm not a researcher. I am a literary agent.

Q. Do you think it is wise, then, to draw conclusions as to people being in a realm of total fantasy and disingenuous, if you have not done the research to back up such an assertion?

A. Well, again, we talked about living in the real world. CAPT --

Q. No.

A. No, I am answering it.

Q. I am going to have to insist that you answer the question: do you think it is wise to draw those conclusions if you haven't done the research?

1 A. I have done some research. It is a matter of
2 quantity. I mean, there is no "yes" and "no" answer,
3 Commander.

4
5 Q. Do you see the entry at 0054, Mr Karlov, for
6 September 4:

7
8 *Escorted convoy US12A from Australia to*
9 *Colombo and returned independently.*

10
11 A. It is not on the screen at the moment.

12
13 THE PRESIDENT: It is at the top of the page.

14
15 CMDR RUSH: Q. It says:

16
17 *September 4th escorted convoy US12A from*
18 *Australia to Colombo and returned*
19 *independently.*

20
21 A. Mmm-hmm.

22
23 Q. I would like to go to the log of *HMAS Sydney* for
24 September 1941, which is at NAA.013.0085?

25 A. That log didn't go down with the ship?

26
27 Q. The log for September?

28 A. That log, I take it, didn't go down with the ship?

29
30 Q. It is right in front of you.

31 A. Yes, I know.

32
33 Q. Sir, it is the entry for 4 September at page 0090.
34 You will see at the top of the page, Mr Karlov, that it is
35 the log of *Sydney*?

36 A. Mmm-hmm.

37
38 Q. *HMAS Sydney*?

39 A. Yes.

40
41 Q. On Thursday, 4 September 1941:

42
43 *Sydney to Melbourne.*

44
45 A. Yes.

46
47 Q. That is a very far thing, from her going from

1 Australia to Colombo and returning independently, isn't it?

2 A. Mmm-hmm.

3

4 Q. What do you make of that?

5 A. Obviously there is a discrepancy there somewhere.

6

7 Q. A discrepancy where?

8 A. If the two reports clash, there must be some kind of
9 discrepancy. It is either in Melbourne or Colombo.

10

11 Q. Do you accept that what you are looking at is the log
12 of *Sydney*?

13 A. I accept that it is a log of *Sydney*, yes, as far as I
14 can tell.

15

16 Q. It would seem that the source that you are relying
17 upon here is incorrect in relation to *Sydney* on
18 4 September?

19 A. I have no opinion about *Sydney* on 4 September. The
20 point that I was making, and am making, is what happened to
21 *Sydney* on 19 November. I am sorry, this may be relevant to
22 you, but it is outside of the ambit of what I was
23 searching, what I was studying.

24

25 Q. Isn't it relevant to you that the source that you rely
26 upon is showing itself to be incorrect?

27 A. I'm sorry, on 4 September, yes, it may be incorrect.
28 But that's not what I am studying.

29

30 Q. Let's look at the next entry on 22 September?

31 A. Okay.

32

33 Q. That says:

34

35 *Escorted convoy US12B from Melbourne to*
36 *Sunda Strait and returned independently.*

37

38 A. Mmm-hmm.

39

40 Q. Could we go to NAA.013.0108 and the entry for
41 22 September:

42

43 *HMAS Sydney Monday 22 September 1941:*
44 *Western Port to Fremantle.*

45

46 A. Mmm-hmm.

47

1 Q. So it is wrong again?

2 A. Well, Royal Navy records disagree with *Sydney's* log.
3 That's the only comment I can make.

4
5 Q. That's the comment you make?

6 A. Yes.

7
8 Q. You wouldn't say that the researcher hasn't gone to an
9 original source?

10 A. God, look, I have told you so many times, why do you
11 keep repeating that. I have told you the limits of my
12 research. I have told you what I am doing and what I am
13 not doing. You can go on until the cows come home making
14 smart comments, but I have told you the basis of my
15 research. If you can't accept that, don't accept it, but
16 don't keep on continually coming back at me.

17
18 Q. Forgive me if it is a smart comment, but let me ask
19 you a direct question: if the little research that you
20 have done comes from materials that are shown to have
21 substantial problems, where does that leave your research?

22 A. Well, if you work on the basis that the basis of all
23 the *Sydney* problems is the fact that something was lied
24 about and hidden for 66 years, that is a cornerstone, to
25 me, at least, of everything about *Sydney*. What was it that
26 was so horrible, so secret, that it had to be kept quiet
27 and lied about for 66 years?

28
29 That was my main point of my research. You can't tell
30 me that that is not true. Commissioner Cole said, "What if
31 it was a Board of Inquiry; what was if it was an Inquiry?"
32 There was no Court of Inquiry. That is the main point.
33 There are discrepancies, obviously, between the Royal Navy
34 and the *Sydney* log. I am not competent to say who is
35 right, who is wrong, any more than I am able to say is this
36 correct or is the Royal Navy correct?

37
38 The only thing I am able to say is that there were
39 four facts which are not in dispute, and these facts don't
40 seem to interest the Commission too much.

41
42 THE PRESIDENT: Q. That's why I asked you where they all
43 led?

44 A. I don't know where they all lead. That is the job for
45 the Commission to find out.

46
47 CMDR RUSH: Q. At page 0188, the page before, you

1 mentioned this to the Commissioner. At the top of the
2 page of your submission, COI.005.0188. You say:

3
4 *Australian Naval Aviation & Fleet Arm Air*
5 *Crew Memorial Roll of Honour in*
6 *Plymouth ...*
7

8 Is that what is in Plymouth?

9 A. Yes.

10
11 Q. An Australian Naval Aviation & Fleet Arm Memorial Roll
12 is in Plymouth?

13 A. Well, I know that you guys have a copy of it, so,
14 I mean, don't ask me that question. This is it here.

15
16 Q. I am talking about what is in Plymouth, not what's on
17 the website?

18 A. It is at the Plymouth Naval Memorial in England.
19 That's it.

20
21 Q. The Plymouth Naval Memorial?

22 A. Yes.

23
24 Q. And is it established for those who died in the Fleet
25 Air Arm in United Kingdom and Empire Navies?

26 A. Let me read the opening paragraph.

27
28 Q. No, no. Is that what you understand? Don't read
29 anything for a moment, please?

30 A. Yes, basically, yes.

31
32 Q. Just in relation to the title that you have used, it
33 is not an Australian one, is it?

34 A. "Australian Naval" --

35
36 Q. You say the entries on the memorial at Plymouth are
37 for the Australian members:

38
39 *... killed in action from HMAS Sydney when,*
40 *ship lost and sunk with all hands in action*
41 *against the Japanese forces ...*
42

43 A. That's what it says.

44
45 Q. That's what it says?

46 A. That's what it says.
47

1 Q. One of the persons, I think, who is on the material
2 that you have downloaded from the web is LCDR Bacon?
3 A. Bacon, did you say?
4
5 Q. Bacon?
6 A. Yes, that's right, yes.
7
8 Q. You say that the entry for LCDR Jack Bacon is:
9
10 *Killed in action HMAS Sydney when ship lost*
11 *and sunk with all hands in action against*
12 *Japanese forces.*
13
14 That's at Plymouth?
15 A. That's what it says.
16
17 Q. Would you look at this document, please. (Document
18 shown)
19 A. Mmm-hmm.
20
21 Q. That's a photograph of the Plymouth Memorial.
22 A. Mmm-hmm.
23
24 Q. Do you see the year "1940" in the third column?
25 A. Mmm-hmm.
26
27 Q. Then if you go down in that column there is 1941. Do
28 you see that?
29 A. Yes.
30
31 Q. It has "Royal Navy" underneath that?
32 A. Yes.
33
34 Q. You are aware that LCDR Bacon was a member of the RN
35 serving in the Royal Australian Navy?
36 A. No, I wasn't.
37
38 Q. You weren't aware of that?
39 A. No.
40
41 Q. But under "Lieutenant Commander" The first entry there
42 is "JC Bacon"?
43 A. Yes.
44
45 Q. It is a nonsense to say there is any entry about him
46 being killed by Japanese gunfire, isn't it?
47 A. Well, whether it is nonsense or not, it refers to six

1 other people - I don't know.

2

3 Q. You don't know? You have put it in your submission
4 that that's what it says?

5 A. Look, wait, can I finish my bloody sentence?

6

7 THE PRESIDENT: Q. Just keep calm, Mr Karlov.

8 A. Look, I have a right to comment. There are entries of
9 six members of Australian Naval Aviation - RAAF - purported
10 to come from Plymouth. All six are listed that they are
11 killed in action on 19 November fighting the Japanese.
12 Now, if they made one mistake about LCDR Bacon, I didn't
13 know about that. It still doesn't change the fact that
14 this information for that didn't come from the fevered
15 imagination of John Samuels; it came from RAAF sources.

16

17 Q. What you have written is that it lists the six RAAF
18 members who were on board *Sydney* that fateful day and that
19 each is remembered with similar words, which you then
20 quote?

21 A. Yes.

22

23 Q. Where do I find those words?

24 A. Here in this document, which the Navy has already.
25 (Indicating).

26

27 Q. It is not on the memorial?

28 A. No, no. Look, it is information that LCDR Kerr has.
29 We have emailed each other about it a couple of times.
30 I have it here. If you want to look at it you are welcome
31 to it.

32

33 Q. So if we read that as being on the memorial, as it
34 says, that is a mistake of yours, is it?

35 A. Oh, God, no. You prove that this document is wrong,
36 fine. If you can't prove the document is wrong in case of
37 each of the six fellows, then accept it.

38

39 Q. Would you look at this document, please (shown). Do
40 you see in the middle column, "1941"?

41 A. Yes.

42

43 Q. "Telegraphist"?

44 A. Yes.

45

46 Q. The first name, "Fibbens, WS"

47 A. Yes, yes.

1
2 Q. He was a telegraphist associated with the RAAF on
3 *Sydney*.

4 A. Mmm-hmm.

5
6 Q. Again, it is just his name?

7 A. Yes.

8
9 CMDR RUSH: Sir, I tender those two documents.

10
11 **EXHIBIT #142 TWO DOCUMENTS, BEING PHOTOGRAPHS OF ENTRIES ON**
12 **PLYMOUTH NAVAL MEMORIAL, SHOWN TO MR KARLOV**

13
14 THE WITNESS: I would also like to tender this document.

15
16 THE PRESIDENT: What is it?

17
18 THE WITNESS: That's the Australian Naval Aviation & Fleet
19 Air Arm Crew Memorial Roll of Honour. Could I tender that
20 document?

21
22 CMDR RUSH: Certainly.

23
24 THE PRESIDENT: Is it on the system?

25
26 **EXHIBIT #143 EMAIL FROM MR SAMUELS TO MR KARLOV DATED**
27 **18 APRIL 2006 CONTAINING MATERIAL COMMENCING "AUSTRALIAN**
28 **NAVAL AVIATION & FLEET AIR ARM CREW MEMORIAL ROLL OF**
29 **HONOUR"**

30
31 CMDR RUSH: Q. Mr Karlov, you suggest, do you not, that
32 the evidence suggests, or strongly suggests, that the
33 Japanese Imperial Navy, via its submarine, or a submarine,
34 played a part in the loss of *Sydney*?

35 A. No, I'm not suggesting that. As I said, I don't know.

36
37 Q. Perhaps we could go to page 0186 of your submission
38 under the heading "Was Japan involved?"

39 A. Yes.

40
41 Q. The second paragraph states:

42
43 *Evidence presented strongly suggests that*
44 *Japanese Imperial Navy did play a part in*
45 *this tragedy.*

46
47 A. Yes.

1
2 Q. Your answer to my question when I put that directly to
3 you was that you don't know?

4 A. Well, the evidence suggests, I said. I didn't say
5 that the evidence proves. There is enough circumstantial
6 evidence to ask some questions.

7
8 Q. So the position is that you say there is enough
9 circumstantial evidence to ask questions?

10 A. Yes.

11
12 Q. You refer to Directive Number 1, which I think you
13 referred to the Commissioner earlier, of the Japanese Pearl
14 Harbor operations; is that right?

15 A. Yes.

16
17 Q. That's at COI.006.0071. This is monogram number 97.
18 If you like, it was put together by the Military History
19 Section of the US Army Forces Far East Command after the
20 war?

21 A. Mmm-hmm.

22
23 Q. Is that correct?

24 A. Yes.

25
26 Q. It concerns orders that relate to the Japanese
27 Imperial Navy concerning Pearl Harbor?

28 A. Mmm-hmm.

29
30 Q. You note, I think, in your submission what is written
31 on the first page of this document in the second paragraph,
32 that There was a paucity of original orders, plans and unit
33 journals normally essential for this type of record.

34 A. Mmm-hmm.

35
36 Q. But this was put together, and you, I think, quoted
37 the last two lines of that second paragraph, that it had
38 been "reconstructed from memory and therefore are not
39 textually identical with the originals, they are believed
40 to be generally accurate and reliable"?

41 A. Yes.

42
43 Q. You accept that?

44 A. Yes, I have no reason not to.

45
46 Q. Then you set out and rely on some orders that were
47 distributed and are recorded in this document, I think at

1 page 0187 of your submission. I don't want to go there at
2 the moment. You refer to Navy Directive Number 1 issued on
3 5 November 1941.

4 A. Mmm-hmm.

5
6 Q. That is contained in the Order Number 1 at page 0073.
7 You cite clause 3(a) of Navy Directive Number 1, which is
8 about half-way down the page on page 0073:

9
10 *(a) The Empire is expecting war to break*
11 *out with the United States, Great Britain*
12 *and The Netherlands ...*

13
14 A. That's what it says, yes.

15
16 Q. That's what you have referred to. It goes on:

17
18 *When the decision is made to complete all*
19 *operational preparations, orders will be*
20 *issued establishing the approximate date*
21 *(Y Day) for commencement of hostilities and*
22 *announcing "First preparations for War".*

23
24 What point do you want to make in relation to this?

25 A. If you read that together with Navy Order 5 you can
26 see the point I am making.

27
28 Q. So we go now to Navy Order number 5. You say that
29 clause 2 is the one that we should look at there?

30 A. Yes.

31
32 THE PRESIDENT: What is the date of Navy Order 5?

33
34 CMDR RUSH: 21 November 1941. Order number 1 was dated
35 5 November 1941.

36
37 THE PRESIDENT: Thank you.

38
39 CMDR RUSH: Q. This is the order on 21 November 1941
40 which reads:

41
42 *2. The Commander-In-Chief of the Combined*
43 *Fleet is empowered to use force in*
44 *self-defence in case his fleet is*
45 *challenged by American, British or Dutch*
46 *forces during the process of carrying out*
47 *military preparations.*

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What is the point?

A. A little bit further down, what it does say is that the exercise of military authority cited by the Imperial General Headquarters Naval Order Number 5 will be effected in the event --

Q. You want to read that as well as what we have gone to?

A. Yes.

Q. You are talking about Directive Number 5?

A. Mmm-hmm.

Q. That is 21 November 1941 at page 0074. I think it is in clause 2:

The Commander-in-Chief of the Combined Fleet is empowered to use force in self-defence in case his fleet is challenged by American, British or Dutch forces during the process of carrying out military preparations.

A. Mmm-hmm.

Q. So what is the point?

A. I don't know whether I am reading the right one:

2. The exercise of military authority cited by the Imperial General Headquarters Navy --

Q. Would you read it to yourself and then, if there is anything else you want to direct our attention to?

A. It basically said he could take an aggressive position even beyond its own - Japanese territorial waters. That is what the point is.

Q. You say that is what is said there?

A. That's what it says here.

THE PRESIDENT: Q. I am sorry, where does it say that?

A. That the Japanese Navy is authorised to take aggressive action, even beyond its own territorial waters.

Q. Where do I find that in the clause?

A. The Navy Directive Number 5.

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Q. Clause 2 says the Commander-in-Chief is empowered --
A. It is the continuation of point number 2, which is over the page. It says at point number 2, that the Japanese Navy is authorised to take action outside its own territorial waters. That's the point I am making. A little bit earlier, the Japanese Navy was divided into six battle groups or seven battle groups. One was called "Commerce Destruction Force", and it was sent to the Indian Ocean. Put two and two together and you have a picture which needs to be investigated.

CMDR RUSH: Q. That's your two and two.
A. Okay, what's your two and two?

Q. Just look at what you have referred the Commission to. You have gone to 2. Have a look at clause 1:

The Commander-in-Chief of the Combined Fleet will immediately assemble and call back the operational units if the Japanese-American negotiation is successful.

A. Yes, so what? It wasn't successful.

THE PRESIDENT: Q. If my recollection of history is right - and it may be wrong - there was a decision taken in early November that Japan would contemplate going to war but only after the end of negotiations with America; there was a period of 14 days which was given for those negotiations before Hirohito would agree to it. There was then an extension of seven days, as I recall it, which took it out to 28 November, which means, if that rough outline of history be right, this is a directive which was issued at a time when the negotiations were still taking place, and the orders would be withdrawn if the negotiation was successful.

A. Yes, but the negotiations weren't successful.

Q. But they didn't know that until 28 November.

A. Yes, but they didn't say "We withdraw the orders", "Withdraw the ship". To get the fleet ready for Pearl Harbor, it takes a little bit of time.

Q. You are right.

1 A. And to cancel it takes a little bit of time. What it
2 says here is quite obviously clear. It doesn't say, "We
3 withdraw the order". What it does say in the beginning of
4 the monogram is:

5
6 *Since all copies of these orders were*
7 *destroyed prior to the end of the War ...*
8

9 So everything was destroyed prior to the end of the war, so
10 it has to be reconstructed from the memory of those people
11 who were in the American side or were involved. There is
12 no evidence that they were ever withdrawn.
13

14 Q. I don't understand what the relevance of any of this
15 is?

16 A. The relevance --

17
18 Q. Because, firstly, Order Number 5, Directive Number 5,
19 was issued on 21 November, which is after the sinking of
20 *Sydney*?

21 A. Mmm-hmm.
22

23 Q. So it didn't exist at the relevant time.

24 A. Yes. But it could have also been like a paper trail
25 after the *Sydney*, to somehow give it some kind of
26 legitimacy. You see, the point is this --
27

28 Q. That's just speculation on your point?

29 A. No more speculation than what you have put to me.
30

31 Q. No, no, no.

32 A. Yes.
33

34 Q. Mr Karlov, you have referred to two orders. One is
35 dated 5 November?

36 A. Mmm-hmm.
37

38 Q. One is dated 21 November?

39 A. Mmm-hmm.
40

41 Q. *Sydney* was sunk on 19 November.

42 A. Mmm-hmm.
43

44 Q. You wish to draw some comfort from what was
45 promulgated on the 21st to suggest that the Japanese may
46 have taken part in an event which occurred before the order
47 was issued. There is simply no basis for you doing that.

1 A. Look, if you read your history - and obviously you
2 have - the Japanese Navy was playing havoc in South East
3 Asia before this. This order about Commerce Destruction
4 Force to Indian Ocean is one that, to some extent, had
5 already taken place, because there is evidence near
6 Malaysia that Japanese were involved in South East Asia.
7 Now, it wasn't, obviously, the Indian Ocean, but I think
8 the point you are drawing is very, very thin.

9
10 Q. My point is that you are seeking to rely on an order
11 which was not yet issued.

12 A. I am not relying on anything. I am pointing out that
13 this is what the records show. All the records were
14 destroyed at the end of World War II by the Japanese for
15 some reason. I'm suggesting this needs to be investigated.
16 That's the point I'm making.

17
18 Q. What needs to be investigated?

19 A. Japanese involvement, rather than closing your mind,
20 saying, "It didn't happen, therefore it's not true." If
21 you dismiss this as nothing --

22
23 Q. We have investigated it. We have reports so far from
24 three people, including the Japanese, that the submarines
25 were not involved - and the American investigations and two
26 researchers who spent a long time researching Japanese
27 whereabouts. You come up here and tell me we haven't
28 investigated it. That's just not true.

29 A. No, what I'm saying --

30
31 Q. When I ask you for some information, you refer me to
32 an order which was issued after the event?

33 A. You say that the Japanese said they didn't do it.
34 Mandy Rice-Davis in the Keeler defence - they would say
35 that, wouldn't they? I don't know. I know that there was
36 an order to flee, to go the Indian Ocean. I know from
37 other --

38
39 Q. When?

40 A. The official order was on 21 November.

41
42
43 Q. Which was after the event?

44 A. I know the Japanese sailed quite freely before that
45 date.

46
47 Q. How do you know that?

1 A. Take the example of, I think, March 1941 - the Prime
2 Minister's comment, based on --

3
4 Q. No, you said you knew that the Japanese sailed before
5 they received their orders.

6 A. The Japanese were sailing quite freely without any
7 problem for a long time. Let me read you the Advisory
8 Council Minutes of February 5, 1941. That was before the
9 Sydney tragedy:

10
11 *Mr Curtin stated that Japan's policy was*
12 *one of opportunism. If she thought the*
13 *situation favoured it she would make war*
14 *against us tomorrow when she would use the*
15 *Navy to demobilise Australia with*
16 *disastrous effects on our commercial and*
17 *economic life --*

18
19 commercial destruction force. Some comment there:

20
21 *He also could not overlook the possibility*
22 *of temporary occupation of the Japanese of*
23 *some portion of Australia.*

24
25 Now this is the point I want to make: he had been
26 impressed by the fact that Japanese vessels were cruising
27 the seas without their presence being known by the
28 authorities in Australia, before November 1941:

29
30 *This was evidenced by the unexpected*
31 *arrival recently of a Japanese whaler in*
32 *Fremantle.*

33
34 THE PRESIDENT: Q. He wasn't talking about warships at
35 all.

36 A. No, but he was talking --

37
38 Q. He was talking about pearling luggers in the north?

39 A. But he was talking about Japanese. He was talking
40 that Japanese would make war against us tomorrow if they
41 thought they could get away with it. That's the point he
42 was making. We can go all over the place --

43
44 Q. Do you use that to support your understanding that
45 Japanese warships left in advance of their orders?

46 A. No, I'm saying that there are enough questions there.
47 I'm not saying the Japanese did it. If you read my

1 submission, I didn't say that there was a Japanese
2 involvement. The strong evidence purports that it could
3 have been. That's all I'm saying. If you want to put a
4 meaning to my words which isn't there, go ahead and do it,
5 but still it is not there.

6
7 CMDR RUSH: Sir, I tender the Japanese monograph of Pearl
8 Harbor operations.

9
10 **EXHIBIT #144 JAPANESE MONOGRAPH OF PEARL HARBOR OPERATIONS**

11
12 CMDR RUSH: Q. Have you read Japanese monograph 102? It
13 is not referred to, I just wondered if you had?

14 A. No.

15
16 Q. It is done by the same people --

17 A. No, no, I haven't.

18
19 Q. -- on the same basis, in relation to Japanese
20 submarine operations.

21 A. No, I haven't.

22
23 Q. Mr Karlov, you have referred to Mr Julius Ingvarson?

24 A. Correct.

25
26 THE PRESIDENT: I think we might take a short break to
27 give the shorthand writer a little rest. We will adjourn
28 for 10 minutes.

29
30 **SHORT ADJOURNMENT**

31
32 THE PRESIDENT: Q. Mr Karlov, before we leave the
33 Japanese alleged involvement, I want to be sure that I am
34 clear about your position.

35 A. Mmm-hmm.

36
37 Q. In your submission at page COI.005.0186 you raise the
38 question, "Was Japan involved?"

39 A. Yes.

40
41 Q. What is your answer to that question?

42 A. I don't know.

43
44 Q. You don't know?

45 A. What I am saying is, enough information is there to
46 investigate that.

1 Q. Now, when you say you don't know, you then go on to
2 say, "Evidence presented strongly suggests that Japan's
3 Imperial Navy did play a part in this tragedy"; do you
4 withdraw that or not?

5 A. No.

6

7 Q. So your position is that, if one looks at the
8 evidence, it strongly suggests that the Japanese Navy
9 played a part?

10 A. Yes.

11

12 Q. What part was that?

13 A. I don't have an answer for that.

14

15 Q. You don't know that?

16 A. Let me finish, let me answer this.

17

18 Q. Do you know, or not?

19 A. Look, I tell you, I can't answer it "yes" or "no". If
20 you want me to do that, there is not much point asking the
21 question. You want to know what I know. I will tell you
22 what I know, but please give me the chance to explain it.

23

24 Q. What part, do you say, that the evidence strongly
25 suggests the Japanese played?

26 A. The Japanese Navy was sailing on the west coast of
27 Australia. The Japanese Merchant Navy. We have at one
28 point of evidence where the Prime Minister said that he was
29 surprised with the impunity with which the Japanese Navy
30 was able to sail freely.

31

32 Q. A whaler?

33 A. I know we are talking about a whaler. Is that the
34 only example? If you read the Bulletin article, which you
35 don't want to read, it implies that there was a lot more
36 going on than that. You can call Peter Toohey, I suppose,
37 and he will give you the evidence.

38

39 The Japanese Navy had a form of destroying people in
40 waters - actually, the English and American Navies did it
41 as well, but the Japanese did it with a certain kind of
42 relish.

43

44 Q. What makes you say that, about British, Australian and
45 American --

46 A. Not Australian. The British and American Navies also
47 have records of shooting opposite sailors in water. There

1 are plenty of records there, if you want to research it,
2 I will give you the title of some of the research. But
3 there is evidence there. Except the Japanese tended to do
4 it with more enthusiasm than the rest, I would submit.
5

6 Q. What makes you say that?

7 A. Because the Japanese have a long record of torture and
8 destruction, and in a ship that went down, that they shot
9 down, they may capture one or two people to tell them what
10 they needed to know; the rest they wouldn't take on board;
11 they were machine-gunned in the water. There is enough
12 evidence there, Commissioner Cole.
13

14 Q. What evidence is that?

15 A. Read a couple of books. There is enough there.
16

17 Q. Tell me the books I should read that suggest that?

18 A. I can't quote that.
19

20 Q. You are just making this up as you go along.

21 A. No, I'm not. No, I'm not.
22

23 Q. Let me remind you of what you have said. You asked
24 the question whether Japan was involved. You then said the
25 evidence strongly suggests that they were.

26 A. No, they may have been.
27

28 Q. That's what you said. Then you raise, as I noted,
29 nine points. The first relates to the orders, which we
30 have already gone over. The basis of Japanese involvement
31 in that respect relates to an order which hadn't yet
32 issued. You then address what is on a memorial in the UK,
33 plus a website note. You then refer to the articles by
34 Mr Toohey. You then refer to an Advisory War Council,
35 where the Prime Minister discussed the fact that a Japanese
36 whaler had arrived in Fremantle. You then say Mr Stinnett
37 said that Japanese oil tankers had been refuelling German
38 raiders. You then say there is evidence that the *Kormoran*
39 was supplied by a Japanese freighter. The source for that,
40 apparently, is --

41 A. No, overnight I got the source for that.
42

43 Q. We will come back to that. You then say:
44

45 *There is evidence that Japanese,*
46 *Australian, Dutch and British reports were*
47 *destroyed at the end of the war ...*

1 *Robert Stinnett cannot find one reference*
2 *to HMAS Sydney ... Undoubtedly*
3 *incriminating records did exist --*

4
5 I am going to ask you what is the basis for that --

6
7 *but the combatants on both sides decided --*

8
9 and I would like to know what the basis for that is --

10
11 *that these records should not see the light*
12 *of day.*

13
14 That's the seventh point. The eighth is Pastor Wittwer and
15 the ninth, over the page, says:

16
17 *Let's however assume that our Government*
18 *did admit to the Japanese atrocity --*

19
20 That suggests you held a view that the Japanese committed
21 one.

22 A. No, it doesn't at all --

23
24 Q. But that Australia couldn't agree to that for
25 deleterious consequences which might flow. They are the
26 nine points which you make in support of what you say is
27 evidence which strongly suggests that the Japanese Imperial
28 Navy did play a part in this tragedy.

29 A. On 16 December 1941 the Admiralty signal said,
30 following three recent actions between *HMA* Ships and German
31 raiders, it should be suspected that a U-boat may be in
32 company and that the attempt will be made to lead the
33 intercepting ship towards it. There were, I think, two
34 other references saying that the raiders may be accompanied
35 by U-boats.

36
37 Q. I thought you were talking about Japanese involvement?

38 A. They were accompanied by submarines. Look --

39
40 Q. No, no. You read that Admiralty signal as relating to
41 German raiders being accompanied by Japanese U-boats, do
42 you?

43 A. Well, if there was a German sub, a German U-boat there
44 involved in sinking *Sydney*, there is no reason to keep that
45 quiet or keep that secret. The Brits denied the Japanese
46 were involved for the same reason I told you before, that
47 if they admitted the Japanese were involved they would have

1 to declare war on Japan, they would be beaten without
2 American support. We have this kind of fiction going
3 throughout. But the fact was that Admiralty thought the
4 raiders were accompanied by - okay - U-boats, submarines --
5

6 Q. Of different nations?

7 A. Look, if Britain wasn't going to admit that the
8 Japanese subs were there, they are not going to make the
9 mistake of saying that they are accompanied by an I-boat.
10 The thing was that submarines accompanied - whether it was
11 a U-boat or I-boat or a Vichy submarine that the Navy first
12 thought sunk *Sydney*. The first comment Admiral Grace said
13 was that a Vichy submarine was involved in sinking *Sydney*.
14 That didn't come from me; that didn't come from Samuels;
15 that came from Admiral Grace.
16

17 My understanding is that the closest Vichy submarine
18 was somewhere near Mauritius, but the Navy brought up the
19 fact that the submarines played a part, or they thought
20 they played a part, to be exact.
21

22 Q. What I put to you is correct: you interpret that
23 notation of 16 December as relating to Japanese submarines
24 accompanying German raiders. Because you are dealing with
25 the involvement of Japan.

26 A. I cannot prove that Japanese submarines were there.
27 The Navy has said that submarines did play a part. They
28 thought submarines did play a part. Whether it was a Vichy
29 submarine, a Japanese submarine, an American submarine, a
30 German submarine - whatever. The basic understanding is,
31 be careful for subs.
32

33 Now, I think it is more likely than not - because 15
34 submarines, I-class submarines, were not accounted for,
35 contrary to all the evidence that has been presented.
36 Fifteen I-boat submarines were not accounted for. They
37 could have been anywhere. They weren't in the Pacific
38 ocean, we know that much, according to Robert Stinnett.
39 They were in South East Asia and could have been as far as
40 the Indian Ocean. I don't know. Just the fact that the
41 Japanese say, "We didn't do it", that doesn't mean
42 anything.
43

44 Q. The Japanese didn't say they didn't do it; they
45 indicated where their submarines were.

46 A. Yes, sure, obviously. It may be true, it may not be
47 true. I know originally, the Navy put out another war

1 minute saying that three torpedoes were fired at *Sydney*.
2 Now, Detmers said only two torpedoes. But the reference
3 was --

4
5 Q. Let's just stay with Japanese involvement.

6 A. Yes, look --

7
8 Q. That's what we are talking about. Do you wish to
9 maintain that the evidence presented strongly suggests that
10 the Japanese Imperial Navy did play a part in this tragedy?

11 A. Yes.

12
13 Q. You do?

14 A. Yes.

15
16 Q. What part was that?

17 A. I don't know that.

18
19 Q. Was it the provision of a Japanese submarine or not?

20 A. That certainly was one thing. Not provision of a
21 submarine, provisioning of *Kormoran* by Japanese.

22
23 Q. Provisioning of *Kormoran*?

24 A. Yes.

25
26 Q. Not a Japanese submarine involvement? Or do you say
27 both?

28 A. I say both. I mean --

29
30 Q. The basis for you saying both is set out in the pages
31 that I have just indicated to you?

32 A. Well, I have a reference to the Japanese supplying the
33 *Kormoran*. That's part of the Senate Inquiry notes. I have
34 a reference here somewhere if you want me to get it.

35
36 Q. Are you sure that that is the correct reference? Was
37 it not that *Kormoran* was supplied by German supply ships
38 which had provisioned in Japan?

39 A. We have evidence from Stinnett saying that Japan
40 supplied German raiders. We have evidence here that
41 Japan's ship, row boat, submarine, whatever, supplied
42 *Kormoran* as well.

43
44 Q. What you said is "evidence exists that *Kormoran* was
45 also resupplied by a Japanese freighter"?

46 A. That's right, yes.

47

1 Q. Is that right or wrong?

2 A. That's my understanding, yes.

3

4 Q. What's the basis for that? The previous reference you
5 gave was an email from Mr Montgomery?

6 A. Hang on --

7

8 Q. You see, we actually happen to have the *Kormoran's*
9 log?

10 A. Mmm-hmm.

11

12 Q. We know that she was not resupplied by a Japanese
13 freighter; she was supplied by German ships who, in turn,
14 were provisioned in Japan.

15 A. Yes. I am sorry, that's just not information I have.
16 I mean, the Australian Navy has - and I am still looking
17 for this - accepted *Kormoran's* evidence from *Kormoran's*
18 sailors without too many questions.

19

20 Q. I'm talking about her log?

21 A. And I'm talking about the log too. Just let me come
22 to it.

23

24 Q. Have you read the *Kormoran* log?

25 A. No, I haven't, but let me come to it. I mean, I don't
26 necessarily accept, if I cut this to the chase, that
27 whatever the *Kormoran* log said is the truth, the whole
28 truth and nothing but the truth, because there are enough
29 contrary stories that the *Kormoran* sailors said that, all
30 of a sudden, a log to presented or given to the Australians
31 or found in a hollow tree or whatever, given to the
32 Australians, all of a sudden happens to be the truth, the
33 whole truth and nothing but the truth.

34

35 Q. Mr Karlov, the log was sent back by *Kormoran* with the
36 ships which resupplied her to Germany throughout 1941. It
37 wasn't found in a hollow log; it was found in the German
38 archives.

39 A. Look, my evidence is that the Japanese, like Robert
40 Stinnett said, supplied the German raiders in the Pacific.
41 That's not questioned by CMDR Rush. It is not difficult to
42 accept that the same thing happened in the Indian Ocean.

43

44 Q. So that's speculation?

45 A. No. I am still searching. This came through this
46 morning.

47

1 Q. No, I am reading from your statement.

2 A. Yes, but, look, new information comes through all the
3 time - to you, to me, to CMDR Rush.

4
5 Q. If you get the information - you might perhaps have
6 it - which suggests that *Kormoran* was resupplied by
7 Japanese freighter. You then go on, COI.005.0188 --

8 A. I have the reference to it finally here.

9
10 Q. What is it?

11 A. It came from an interview by Montgomery with
12 Colin Wekes in 1989, which is in the Senate submission,
13 volume 3, pages 653 to 657.

14
15 Q. I will look at that over the lunch hour.

16 A. Sure.

17
18 Q. You go on towards the bottom of that page, in the
19 second-last paragraph, to make some very serious
20 allegations.

21 A. Mmm-hmm.

22
23 Q.

24 *There is evidence that Japanese,*
25 *Australian, Dutch and British reports were*
26 *destroyed at the end of the war or after*
27 *30 years time lapse. Robert Stinnett*
28 *cannot find one reference to HMAS Sydney in*
29 *the thousands of messages studied by him*
30 *over 17 years, which surprises him ...*
31 *Undoubtedly incriminating records did exist*
32 *but the combatants on both sides --*

33
34 that's the Japanese, the Australian, the Dutch and British
35 combatants --

36
37 *decided that these records should not see*
38 *the light of day.*

39
40 Could you tell me the source of that information?

41 A. Logic.

42
43 Q. Logic?

44 A. Yes. Let me explain it. We have evidence from the
45 Dutch Ministry of Defence that all of the records of the
46 Carnarvon listening post are gone. We have evidence from
47 the Japanese monogram that we read before that all the

1 Japanese records were destroyed; they had to be
2 reconstructed from memory. I mean, if I was afraid that
3 I would be charged with committing a war crime, I would
4 destroy the records too, and so would everyone else.
5

6 The British - Mr Mason - says that there was a big
7 bonfire for the records in 1976. If you look at
8 Brian Toohey's Bulletin article, he said the Australian
9 military destroyed so many records so that they wouldn't
10 fall into the hands of the Government. That's the basis of
11 that statement?
12

13 Q. You regard the records which were destroyed as
14 incriminating.

15 A. Could well be. I don't know, because they were
16 destroyed.
17

18 Q. You say so. You say "undoubtedly incriminating"?

19 A. I have no doubt in my mind that if there was nothing
20 incriminating, why destroy them.
21

22 Q. I want to be clear, because I will be dealing with
23 this, that you make an allegation that the Japanese, the
24 Australian, the Dutch and the British all destroyed
25 incriminating records.

26 A. I don't mean to say there was some kind of conspiracy
27 to destroy.
28

29 Q. What are you saying?

30 A. That each nation destroyed their own records which
31 they thought shouldn't see the light of day.
32

33 Q. What's your basis for saying that?

34 A. I just told you.
35

36 Q. As long as I understand clearly that that is the basis
37 on which you put it. Over the page, you say in the third
38 paragraph:

39 *Let's however, assume that our Government*
40 *did admit to the Japanese atrocity.*
41
42

43 Would you please tell me what is the "Japanese atrocity"
44 that you are speaking of?

45 A. Let me put in one word - the "possible" Japanese
46 atrocity. That might clarify the position.
47

1 Q. Tell me what the possible Japanese atrocity is?

2 A. Of sailors from *Sydney* being shot in the water.

3

4 Q. You support the view, do you, that sailors of *Sydney*
5 who were survivors were shot in the water by Japanese?

6 A. There is no evidence that they weren't. The
7 implication --

8

9 Q. There is no evidence that they were.

10 A. That's right. You can't say and I can't say, it is
11 your guess - it is your opinion and my opinion.

12

13 Q. No, no. I don't make guesses. What is the basis on
14 which you say that the Government couldn't admit to a
15 Japanese atrocity?

16

17 Q. A possible Japanese atrocity, because if they did, the
18 British Government would have to declare war on Japan and
19 without the American support there would be a great tragedy
20 with Britain losing.

21

22 Q. You accept that you have no evidence at all to support
23 even the possibility of such a Japanese atrocity, being the
24 shooting of survivors of *Sydney* who were in the water by
25 Japanese military forces?

26 A. I have evidence that that was Japan's common practice.

27

28 Q. Do you?

29 A. Yes, of course. I told you I have. There is enough
30 written about it. Even this book here, "Slaughter at sea:
31 the story of Japan's Naval war crimes". Also there are
32 records showing that both British and Americans have a
33 record of machine-gunning opposite sailors in water.

34

35 Q. Right.

36 A. The Japanese seemed to do it with more zest than
37 anyone else. As I said:

38

39 *We have not found a Japanese captain to put*
40 *his hand up and plead "mea culpa" for*
41 *committing a huge war crime when our two*
42 *nations were not at war. Nor do we expect*
43 *anyone to do so and thus put his head into*
44 *the hangman's noose. War crimes do not*
45 *have a Statute of Limitations as Charles*
46 *Zentai recently found out in Perth.*

47

1 Let's assume that the Government did admit to, let's say, a
2 "possible" - I should have put in the word "possible".
3 English is not my first language, so I may make a few
4 mistakes.

5
6 Q. You were very well educated at Fort Street, so you
7 shouldn't say things like that.

8 A. In between my chess record.

9
10 Q. You make an allegation that there is a possibility
11 that Japanese military forces machine-gunned Australian
12 survivors from *Sydney* in the water on the basis that you
13 say that there are instances where Japanese forces did that
14 elsewhere.

15 A. Mmm-hmm.

16
17 Q. That necessarily involves a presence of Japanese
18 military forces?

19 A. That would mean that, yes.

20
21 Q. Does that mean that you then say that, therefore,
22 there must have been a submarine there?

23 A. There could have been, I said.

24
25 Q. No, no.

26 A. I didn't say there must. All of this is supposition.

27
28 Q. You can't have the possibility of an atrocity if there
29 are no Japanese forces there. How do they get there?

30 A. Look, it is very simple, I don't know what your
31 difficulty is in not understanding. There is evidence,
32 widespread evidence, I would suggest, that that is the
33 common practice of the Imperial Japanese Navy.

34
35 Q. But you understand that that must carry with it that
36 the Japanese were there.

37 A. Yes, I understand.

38
39 Q. I want to know what you say is the evidence to support
40 the Japanese were there?

41 A. Circumstantial evidence of all that the Japanese had
42 done; the fact that the CAPT Snook autopsy had not been
43 examined; the fact that Julius Ingvarson said what he
44 heard, "Hit by torpedoes" plural "and sinking", and Detmers
45 only admitted to two torpedoes yet earlier the Navy came up
46 with three torpedoes. There are enough questions to be
47 raised. Why the discrepancy? Why did Ingvarson hear, "Hit

1 by torpedoes and sinking"? Why was CAPT Snook's autopsy of
2 the *Sydney* sailor sent to England, as far as my
3 understanding goes? There are all these questions. They
4 don't neatly fit into any kind of a "yes" and "no" answer.
5

6 Q. That's the great advantage that people who do not
7 investigate what they are saying have.

8 A. I don't plan to investigate - propose to investigate.
9

10 THE PRESIDENT: Go on, CMDR Rush.
11

12 CMDR RUSH: Q. You received two letters from the
13 Ministry of Defence in the Netherlands; is that correct?

14 A. Yes, I did.
15

16 Q. You say that the letters said that all documents were
17 destroyed?

18 A. That's what the letters said.
19

20 Q. Is the first one dated 3 March 2008, which is found at
21 COI.005.0105?

22 A. Mmm-hmm.
23

24 Q. This is in response, apparently, to a letter sent by
25 you, Mr Karlov --

26 A. Yes.
27

28 Q. -- to the Minister of Defence, Dr AP van Vliet:
29

30 *Dear Mr Karlov,*

31
32 *Concerning your question on HMAS Sydney*
33 *I herewith inform you that this ship is*
34 *mentioned only one time in our documents on*
35 *history of the Royal Netherlands Navy in*
36 *the Second World War.*
37

38 A. Mmm-hmm, yes.
39

40 CMDR RUSH: I tender that document, sir.
41

42 THE WITNESS: Do you also want to tender --
43

44 THE PRESIDENT: One at a time.
45

46 **EXHIBIT #145 LETTER FROM MINISTER OF DEFENCE, NETHERLANDS,**
47 **DR A P VAN VLIET TO MR KARLOV DATED 3 MARCH 2008,**

1 **BARCODED COI.005.0105**

2
3 CMDR RUSH: Q. Then you apparently wrote another letter
4 and received a reply on 24 April 2008, COI.005.0109.

5 A. Yes.

6
7 Q.

8
9 *Dear Mr Karlov,*
10 *Due to unaccountable circumstances there is*
11 *no more material on HMAS Sydney than the*
12 *Institute has sent to you.*

13
14 A. Yes.

15
16 CMDR RUSH: I tender that letter also.

17
18 **EXHIBIT #145A LETTER TO MR KARLOV DATED 24 APRIL 2008**
19 **BARCODED COI.005.0109**

20
21 CMDR RUSH: Q. The Commission of Inquiry is also in
22 possession of details from the Dutch to say that all their
23 records were destroyed as a consequence of the occupation
24 of their territories by Japan. Would that be reasonable,
25 do you think?

26 A. Not really. I want to submit the report from the
27 Dutch Navy about the only reference they had of *Sydney*.

28
29 THE PRESIDENT: Just a moment. Would you pass that
30 document to CMDR Rush.

31
32 CMDR RUSH: Q. I am sorry, Mr Karlov, I wasn't paying
33 attention. This document is what?

34 A. The Dutch reference. It is written in Dutch, of
35 course, but it is easy to pick up what reference is made to
36 *Sydney*, of the only reference that they have of
37 *HMAS Sydney*.

38
39 CMDR RUSH: Thank you. I tender that, sir.

40
41 **EXHIBIT #145B DOCUMENT IN DUTCH WHICH APPEARS TO BE A**
42 **CHRONOLOGY BETWEEN 1 OCTOBER AND 10 DECEMBER 1941,**
43 **DATED FEBRUARY 1957 AND REFERRING TO *HMAS SYDNEY*.**

44
45 CMDR RUSH: Q. You referred to the Admiralty signal at
46 page 0189 of your submission.

1 THE PRESIDENT: While that is coming up. This appears to
2 be some form of war history.

3
4 CMDR RUSH: That's what the letter refers to, too, sir.

5
6 THE PRESIDENT: Yes.

7
8 CMDR RUSH: Q. You refer to the Admiralty signal of
9 16 December 1941 at page 0189 in the third paragraph. You
10 quote it in part about the U-boats?

11 A. Mmm-hmm.

12
13 Q. You say that no names were mentioned, but the three
14 could only be *Cornwall/Penguin*, *Devonshire/Atlantis* and
15 *Sydney/Kormoran*. Have you read the signal?

16 A. No I haven't.

17
18 Q. How do you know that no names were mentioned?

19 A. Well, look, this information came from the Admiralty
20 via Michael Montgomery. I believe LEUT Hore had also
21 written about it, saying that the only possible three ships
22 would have been the *Cornwall/Penguin*, *Devonshire/Atlantis*
23 and *Sydney/Kormoran*. I make no other statement except
24 that's my understanding.

25
26 Q. That's your understanding?

27 A. Yes.

28
29 Q. Could we have the signal, please, UKAA.002.0056. Do
30 you see the signal of 16 December 1941?

31 A. Mmm-hmm.

32
33 Q. It has the persons to whom it is directed, the last
34 being Australian Commonwealth Naval Board?

35 A. Mmm-hmm.

36
37 Q. Then:

38
39 *From Admiralty.*

40
41 Then it goes through an analysis of the encounters with
42 enemy merchant raiders by *Cornwall*, 8 May 1941 in the
43 Indian Ocean; *Sydney* off the Western Australia, coast
44 19 November 1941; and *HMS Devonshire* in the South Atlantic
45 on 22 November 1941. Do you think it would have been a
46 good idea to read it before you say that the names of the
47 ships aren't mentioned?

1 A. That was my information. If that was the information
2 and it was wrong, it was wrong.

3
4 Q. Then it sets out "Recognition":

5
6 *(1) Cornwall's raider reported herself as*
7 *SS Tamerlane, who was not on the station.*

8
9 *(2) Sydney's raider replied to a challenge*
10 *that she was SS Straad Malakka, who had*
11 *that day left Beira.*

12
13 *(3) Devonshire's raider reported herself as*
14 *SS Polyphemus then in New York.*

15
16 *Comment -*

17 *(4) Enemy raiders will always disguise*
18 *themselves and use the appropriate name in*
19 *any signal whether by an RRRR message on*
20 *500 kc/s or the reply to a challenge.*

21
22 *(5) In no case so far has the disguise*
23 *adopted been such as should have deceived*
24 *Commanding Officers had they trusted the*
25 *negative intelligence that information of*
26 *the ship's movements had not been reported*
27 *to them.*

28
29 *(6) Positive information of British, Allied*
30 *and US merchant men from Admiralty or SOI's*
31 *is sufficiently accurate and positive*
32 *information ...*

33
34 Then they go on. Then it refers to:

35
36
37 *(B) Challenge procedure.*
38 *Merchant Ship recognition procedure laid*
39 *down in Recognition Manual and NCSI 371*
40 *does not appear to have been used.*

41
42 Do you understand what that is?

43 A. Sorry.

44
45 Q. Do you understand what the merchant ship recognition
46 procedure was?

47 A. Very loosely.

1
2 Q.

3
4 *This is now only applicable to Red Ensign*
5 *and some Dutch ships but arrangements are*
6 *in hand for its extension to US and all*
7 *Allied shipping.*

8
9 (C) *Tactics.*

10 *There is a possibility that Commanding*
11 *Officers underestimate the offensive power*
12 *of raider. They should be warned that*
13 *enemy raiders are often powerfully armed*
14 *with guns and torpedoes and if fitted with*
15 *modern RDF may be able to open fire even at*
16 *long ranges with great accuracy.*

17
18 (D) *U-Boats.*

19 *Commanding Officers should be warned that*
20 *all enemy vessels throughout the world may*
21 *be accompanied by U-Boats and that the*
22 *merchant vessel's tactics will be designed*
23 *to lead the British ship towards the*
24 *U-Boat.*

25
26 Putting that in its context now, Mr Karlov, what do you
27 want to make of it?

28 A. Well, it reads what it reads, but would the British
29 say that the submarines were I-boats or Vichy submarines?
30 I mean, they wouldn't, after denying that the Japanese were
31 involved, all of a sudden say, "Well, it was the Japanese."
32 A submarine is a submarine is a submarine. If it is going
33 to fire torpedoes at you it doesn't matter what is listed
34 on its record.

35
36 Q. So you read into this the potential of it really being
37 written with some cognisance that it should apply to
38 Japanese submarines?

39 A. Look --

40
41 Q. That's a simple question, isn't it?

42 A. It is a simple question, but you want an answer, let
43 me give my answer as I want to give an answer, not what you
44 want me to say. There is strong evidence, as I mentioned
45 in the beginning with the Australian Cabinet document, that
46 the Navy lied to the Prime Minister because of whatever
47 reason.

1
2 Let's assume that this big secret that the Navy had,
3 was that a German U-boat was there. That's not the basis
4 of a secret because we're fighting with Germany. That's
5 logical. So what was the secret? What was the secret that
6 Britain had to hide before the Americans came to war?
7 I suggest that whoever wrote this in December 1941 had that
8 in mind, saying that if Britain admitted that it was a
9 Japanese boat, there would be a hell of a lot to pay by
10 having to declare war on Japan.

11
12 THE PRESIDENT: Q. That's all very well, except they
13 were at war with Japan by then, by the time this was
14 written.

15 A. When was this written?

16
17 Q. On 16 December.

18 A. Okay, yes, they were, by a couple of days.

19
20 Q. So that explanation doesn't run.

21 A. Well, after denying it for two or three weeks, if they
22 are saying, "Oh, now we will tell the truth, it was the
23 Japanese" - you don't expect that to happen. I mean, come
24 on.

25
26 CMDR RUSH: Q. That's the logic of your association, at
27 least?

28 A. No, I think it is a possibility.

29
30 Q. Mr Karlov, I want to move on to a couple of other
31 matters.

32 A. Yes.

33
34 Q. You obtained an affidavit from Mr Ingvarson, which is
35 at COI.005.0143. Just while we're waiting, Mr Ingvarson is
36 a person who claims to have heard voices from *Sydney*?

37 A. Being a radio operator, yes, he heard.

38
39 Q. The message that he heard from the voices from *Sydney*
40 was different to that allegedly heard by Mr Arthur Lane in
41 Singapore?

42 A. It could have been a different message. I don't know.

43
44 Q. I am just asking.

45 A. Well, this is what Julius Ingvarson said, "Hit by
46 torpedoes and sinking", and Arthur Lane said something
47 else. It is not necessarily one or the other.

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Q. Again, it comes back to the basic proposition that if Sydney could not transmit by voice, it must cause you to question the propositions or the account that Mr Ingvarson was putting to you?

A. Yes, but, you know, if it could, then it doesn't. That's why I offered it to you guys to talk to Ingvarson before he died, and you wouldn't.

Q. I beg your pardon? When did you offer it to us?

A. To Bruce Billson, saying "Please investigate".

Q. No, you said you offered it to "you guys", meaning --

A. Sorry, to the Navy.

Q. Just be a bit careful.

A. Well, offered it to the Navy to investigate what Julius Ingvarson said, and nothing happened; they wouldn't.

Q. You came into receipt of an extensive interview that was conducted with Mr Ingvarson?

A. Correct.

Q. Did you supply that to the Minister?

A. Probably not. I don't remember.

Q. If we can have a look at that, it is COI.005.0115. While that is coming up, could you tell us how you came into possession of it and for what reason?

A. It was done by the Subiaco Post. We suggested to the Subiaco Post that they go out to investigate Julius Ingvarson's claim and see what they make of it.

Q. Who is "we"?

A. Basically, me and John Samuels.

Q. Who from the Subiaco Post went out to interview him?

A. The publisher, Bret Christian.

THE PRESIDENT: Q. He is a man who goes looking for bodies in the beach, is he not?

A. He is a man who publishes the Subiaco Post, whatever he does in his spare time, you have to ask him.

Q. No, no, you know that, don't you - that he has been out with others looking for bodies in the beach?

A. I believe he went there once. He doesn't spend his

1 time looking at the bodies; he spends his time by
2 publishing and putting to bed a very successful newspaper.

3

4 CMDR RUSH: Q. Do you claim some form of copyright over
5 this interview?

6 A. I have never quite thought of that. Technically,
7 I suppose, it belongs to Subiaco Post, but I know that
8 I claim copyright for Pastor Wittwer's questioning.

9

10 Q. Could we scroll down to the bottom of the first page.
11 It reads:

12

13 *Copyright 2007 Karlov Marketing Services*
14 *Pty Limited.*

15

16 A. That might have been put together by the Subiaco Post.
17 I forgot about that.

18

19 Q. How and why would Subiaco Post write "copyright to
20 Karlov Marketing Services"?

21 A. I suppose you had better ask them when you are in
22 Perth.

23

24 Q. I am sorry?

25 A. I suppose you had better ask them when you are in
26 Perth.

27

28 Q. That would be you putting it on?

29 A. No.

30

31 Q. No?

32 A. I don't think so. I wouldn't think so.

33

34 Q. What, so Mr Christian at the Subiaco Post has just
35 decided to claim copyright on your behalf without you
36 asking?

37 A. We asked Mr Christian to interview Julius Ingvarson,
38 to find out the basis of what he had to say, not to prove
39 one thing or another but just to investigate, to find out.

40

41 Q. Was this meant to be part of the sensation in relation
42 to "The Secrets of the Sands"?

43 A. You have to ask John Samuels that.

44

45 Q. You have look at this, which also has a claim of
46 "Karlov Marketing" 2008?

47 A. That's wrong. There is a bit taken off that, it is

1 totally wrong. I know that one, yes.

2

3 Q. I just ask you to look at it (shown)?

4 A. Yes.

5

6 Q. This was to be part of a new book, was it?

7 A. I don't know what Mr Samuels has in the book. It
8 hasn't been written. I don't know what you have in it.
9 Karlov Marketing Services - I told him to take it off
10 because it is nothing to do with me. I am his agent. I'm
11 not his publisher. I am not part of the copyright deal on
12 this book.

13

14 Q. So it is coincidental that it occurs on what appears
15 to be the title of a new book and coincidental that it
16 appears on Mr Ingvarson's record of interview?

17 A. I don't know. Mr Ingvarson is dead, of course, you
18 can't ask him.

19

20 CMDR RUSH: I tender the photocopy, sir, of "The Secret of
21 the Sands".

22

23 THE PRESIDENT: Not as evidence of fact, I trust?

24

25 CMDR RUSH: No, sir.

26

27 **EXHIBIT #146 PHOTOCOPY OF "THE SECRET OF THE SANDS"**

28

29 CMDR RUSH: Q. Could I ask you to go to page 5,
30 page 0119, of this interview. Perhaps if I ask you,
31 Mr Karlov, to go to page 4 at the bottom of page 0118.
32 We need to put it in context by looking at the previous
33 page, page 0118, at the top of the page. This is
34 Mr Bret Christian, is it?

35 A. Yes.

36

37 THE PRESIDENT: Q. Does the previous page say that this
38 gentleman did remember a voice signal? The first question
39 on the top of the page says, "So you remember that you
40 did?"

41

42 CMDR RUSH: "What did you do"? I think, sir, it needs to
43 be looked at from the page before. At the top of the
44 page he was asked this question, sir, page 118:

45

46 *I: Now you remember the particular day*
47 *when you heard this voice signal. Do you*

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know the date?

JI: It was on the 19th November.

I: How do you know that?

THE PRESIDENT: That's it: "this voice signal", where do we get that from?

CMDR RUSH: I am sorry, sir. I don't think we get it from the interview at all, sir.

THE WITNESS: Maybe I can help. I need a photocopy for myself, but the article in the Subiaco Post does go into some detail about various things. If you want it, you are welcome to it.

THE PRESIDENT: Very well, thank you.

THE WITNESS: But I would like a photocopy.

THE PRESIDENT: I will have a photocopy made for you. What is the date of the interview?

CMDR RUSH: It doesn't appear to be dated, except the copyright claimed is 2007. Apart from that, sir, it is, I believe, undated.

THE PRESIDENT: The article in the paper is dated 12 May 2007, apparently.

THE WITNESS: The interview would have been a few days before that, I suspect.

CMDR RUSH: The affidavit, sir, is dated 9 May 2007.

THE PRESIDENT: Thank you.

CMDR RUSH: Q:

JI: It was on the 19th November.

I: How do you know that?

JI: I wrote it down.

I: You wrote it down on the signal?

JI: Yeah.

I: Do you remember what time it was?

JI: It was a bit late-ish in the afternoon. Sometime around 4 or 5, might be quarter past 5. I don't know. We

1 *didn't take particular notice of the time.*
2 *So in a panic situation with a ship*
3 *sinking, you just scratch (your head).*
4 *Time never comes near you.*
5 *I: So how did you intercept this signal?*
6 *JI: (Laughs) I was browsing.*
7 *I: You were browsing?*
8 *JI: Yeah.*
9 *I: On the receiver?*
10 *JI: Yes.*
11 *I: On the voice receiver?*
12 *JI: Yes.*
13 *I: What does that involve? Twiddling a*
14 *knob?*
15 *JI: Yes.*
16 *I: And that's the condensor, is it?*
17 *JI: It actually changes the frequency.*
18 *I: On the condensor?*
19 *JI: Yes.*
20 *I: Does it take much movement?*
21 *A. No.*
22 *Q. Just a tiny bit of movement?*
23 *A. Yes. You remember the old radiola?*
24 *Probably you wasn't around when we had*
25 *wireless in the early days, in the 40s and*
26 *50s.*

27
28 So the comparison there, as I understand it, Mr Karlov, is
29 with a household radio?

30 A. Mmm-hmm, yes:

31
32 *I: Can you tell us exactly what you heard*
33 *on this voice radio?*

34 *JI: All I heard is: "We've been hit by*
35 *torpedoes and sinking."*

36 *I: And it was definitely "torpedoes"*
37 *plural?*

38 *JI: Yes, plural. "Torpedoes".*

39 *I: "And sinking"?*

40 *JI: Yes, "and sinking".*

41 *I: So what did you do with that message?*

42 *JI: Wrote it down, and I handed it over to*
43 *Corporal Grogan, who in turn passed it on*
44 *to Jimmy Marshall, who was the CO.*

45 *I: So you handed it personally to*

46 *Corporal Grogan?*

47 *JI: Yeah. And that was after I left the*

1 *office. Probably between 5 and 10 next*
2 *morning.*

3
4 On that answer, the message was handed over the next
5 morning, if I'm reading it correctly:

6
7 I: *So did he say anything when he gave it*
8 *to you? Nothing? He just looked at it?*

9 JI: *Yes.*

10 I: *Going back to time ... you say knocked*
11 *off at 5 but you sometimes worked later.*

12 JI: *When you're receiving messages and*
13 *it's not completed you finish it till it's*
14 *completed, write it down, and then you*
15 *knock off.*

16 I: *Right. So that could have been*
17 *anytime up until about a quarter past five?*

18 JI: *Yeah.*

19 I: *But round about 5. Very late in your*
20 *shift.*

21 JI: *Very late in the shift. Just after*
22 *five, or something.*

23 I: *So this voice on the radio, tell us*
24 *again what it said.*

25 JI: *The voice on the radio said: "Hit by*
26 *torpedoes and sinking."*

27 I: *Sinking.*

28 JI: *To this day I don't know whether it*
29 *was Sydney or sinking.*

30 I: *Right, but you thought it was*
31 *"sinking" at the time?*

32 JI: *Yes.*

33 I: *And did you say anything back?*

34 JI: *I tried to get into their frequency*
35 *but no response.*

36 I: *What did you say?*

37 JI. *I said: "Name your ship".*

38
39 and you understand that to be Mr Ingvarson saying that he
40 spoke into the radio and said "Name your ship"?

41 A. Yes, I understand that, yes.

42
43 Q.

44
45 I: *Name your ship. Right. Was that*
46 *coming over the headphones, or was that a*
47 *speaker?*

1 JI: In this case, it was a speaker. You
2 can put headphones on, but when you put
3 your plug in it cuts the speaker out.

4 I: Do you remember if you had the
5 headphones on or if it was the speaker?

6 JI: I had the headphones on, because
7 I didn't want anyone to know what I was
8 doing.

9

10 Then it was put to him:

11

12 I: Because you weren't supposed to be
13 browsing.

14 JI: No.

15 I: So did you then say anything to the
16 other three people in the room about this?

17 JI: No. In that situation you immediately
18 hold your receiver on that frequency and
19 try to transmit to that frequency. Then
20 broadcast.

21 I: And that's what you did.

22 JI: That's what I did and I got no
23 response.

24 I: You said: Name your ship?

25 JI: Yes, name your ship. Got no response.

26 I: Did you keep trying?

27 JI: Yes, of course. It was only a matter
28 of switching from the receiver to the
29 transmitter. There's not a lot of knobs
30 around the place. There's just one switch.
31 One way "transmit", the other way
32 "receive".

33

34 That's the description of the device that was provided by
35 Mr Ingvarson; correct?

36 A. I think so.

37

38 Q. Perhaps if we then go to page 0121, approximately
39 seven lines from the bottom of the page, Mr Christian says:

40

41 I: Right. So you were approached by who?

42 Two people?

43 JI: Two people.

44 I: And who were they?

45 JI: Grogan and Tomlinson.

46 I: Right. So by Sergeant Major
47 Tomlinson ...

1 JI: Yeah. And the other one was Corporal
2 Grogan.
3 I: They said what?
4 JI: The information you got yesterday's
5 classified. In other words secret. You
6 tell no one.
7 I: And did they say anything about the
8 message, what it was about?
9 JI: No.
10 I: They didn't say to you ... no.
11 JI: Nup. They didn't know until 60 years
12 later it was the Sydney.
13 I: Right. So you followed orders.
14 JI: Yes. Just followed orders. In those
15 days, you did.
16 I. Yeah. You didn't speak about it then?
17 JI: No. I didn't speak about it for
18 60 odd years.

19
20 So then Mr Ingvarson is saying that the persons who told
21 him to not saying anything were Sergeant Major Tomlinson,
22 who he refers to as I think "Thompson" in his affidavit,
23 and a Corporal Grogan; is that correct?

24 A. That's what it says.

25
26 Q. Have you read this?

27 A. A long time ago, but, yes, I have read it.

28
29 Q. Mr Ingvarson went on to make another extraordinary
30 assertion, didn't he?

31 A. What was that?

32
33 Q. That there were bodies burned on the beach where the
34 German invasion of the United Kingdom took place?

35 A. I'm not aware of that, sorry, where does he say that.

36
37 Q. You don't remember that?

38 A. No.

39
40 Q. Could we go to page 0125. Perhaps, sir, at the bottom
41 of page 0124. He explained that he had been doing some
42 patrol work, at the bottom of the page:

43
44 JI: March coming into winter.

45 I: And what did that job involve?

46 JI: What's that?

47 I: The courier job?

1 JI: Pick up the mail at headquarters at
2 North Fremantle. Travel on the Zephyr, out
3 to Rottnest Island, pick up all these
4 secret documents, up to (??) and come back
5 again, meantime ride a horse around there
6 patrolling the line and see whether there's
7 any recipient faults.
8 I: Did you ever read the documents?
9 JI: Not when anyone was looking.
10 I: What did they say?
11 JI: some of them a bit vague. A bit (???)
12 intelligence. They didn't write too well.
13 I: Right.
14 JI: I didn't bother trying to read them.
15 A lot of it was all code. You wouldn't
16 have a clue.
17 I. Was there something there about
18 disposing of bodies:
19 JI: Where?
20 I: In England. In the invasion of
21 England.
22 JI: That come to my knowledge by ... by
23 accident or by what I ... it went through
24 all the Army personnel, the defence used
25 was fire on water. You must remember that
26 Germany had the Channel Islands, and they
27 were ready to make an invasion in 1941 and
28 that's what happened. They made the
29 attempt but they set the whole sea on fire.
30 And all the results of it was bodies on the
31 Cornish coast. Hundreds of them.
32 I: And they burnt them?
33 JI: They were burnt.
34 I: Were they German or British bodies?
35 JI: I think they were German bodies.
36 They'd have hardly been British. Too many
37 to be British.
38 I: Had they washed up on the Cornwall
39 Coast, is that right? And this was in the
40 documents you read on the ferry?
41 JI: Yeah. On one of the documents I read.
42 I didn't want to say anything to anybody.
43 A lot of people were saying: "Oh it's
44 horrificing. Why set the sea on fire?" But
45 when you're defending an invasion, what
46 would you do? A lot of people don't know a
47 lot of things.

1
2 That's a secret signal that Mr Ingvarson claimed to have
3 read.

4 A. That's what he says, yes.

5
6 THE PRESIDENT: Q. Taking it back from Rottneest Island
7 to Fremantle, apparently?

8 A. Does that disprove what he said that he heard the
9 voice, "Hit by torpedoes and sinking"? I mean, you are
10 bringing in something else. Maybe he sneaked a peek at
11 whatever papers he was carrying and read all of it or part
12 of it, but that in no way negates what he heard. It was
13 reported and he was told to be quiet and not to report to
14 anyone else because it was *HMAS Sydney*, the ship where they
15 said, "Hit by torpedoes and sinking", and if there is some
16 question about any outrageous understanding that Ingvarson
17 had, that could have been sorted out when I offered him to
18 be interviewed by Minister Billson and through him the
19 Navy, which was refused, or at least was not taken up.

20
21 CMDR RUSH: I tender the interview, sir.

22
23 THE PRESIDENT: Yes. That will be exhibit 147.

24
25 **EXHIBIT #147 NOTES OF INTERVIEW BETWEEN SUBIACO POST AND**
26 **JULIUS INGVARSON, BARCODED COI.005.0115**

27
28 CMDR RUSH: Q. One of the matters that you also put
29 forward I think in relation to cover-up is a quotation from
30 CMDR Long from a letter?

31 A. Yes.

32
33 Q. Have you read that letter?

34 A. I have read that paragraph. I haven't read the whole
35 letter. Whatever I submitted is what I have read.

36
37 THE PRESIDENT: Q. I should have thought you would have
38 to read the whole of the letter to find the paragraph?

39 A. Well, whatever amount there is.

40
41 CMDR RUSH: Q. Sorry, it is at page 0185 of the
42 submission.

43 A. Yes, I have read that one.

44
45 Q. In the second paragraph you say:

46
47 *On October 23, 1945, RBM Long, Director of*

1 *Naval Intelligence wrote an amazing letter*
2 *which said in part: ...*

3

4 A. Mmm-hmm.

5

6 Q. Have you read the amazing letter?

7 A. Yes, I have it in front of me now.

8

9 Q. The whole letter?

10 A. Yes.

11

12 Q. We'll go to NAA.026.0208. Do you have the original
13 letter or just what you have recorded in your submissions?

14 A. I have the actual letter here.

15

16 THE PRESIDENT: Where is it in the submission?

17

18 CMDR RUSH: It is the second paragraph, sir, at page 0185.

19

20 Q. The part that you have recorded in your submission is
21 paragraph 3, isn't it, Mr Karlov?

22 A. Yes. Although I made reference to the entire letter.

23

24 Q. Paragraph 3 reads:

25

26 *There are a number of reasons, however, why*
27 *a full analysis should not be published,*
28 *the principle that such an analysis would*
29 *still not be accepted by some people as*
30 *being absolute confirmation of the loss of*
31 *all the "Sydney's" complement. It is*
32 *intended not to publish anything further*
33 *concerning this action, and its results,*
34 *unless the Board is forced by Ministerial*
35 *pressure to write a Ministerial Statement.*

36

37 A. Yes.

38

39 Q. You have cited that as relating to being an amazing
40 letter?

41 A. It is.

42

43 Q. A bit of context, not the complete context, is given
44 by paragraph 2, isn't it?

45

46 *Continuous investigation has been carried*
47 *out into the facts relating to the action*

1 *between HMAS "Sydney" and the German Raider*
2 *"Kormoran". There has now been accumulated*
3 *a mass of confirmatory information which*
4 *leaves no doubt that there are no survivors*
5 *from HMAS "Sydney".*
6

7 A. I mean, the widows and orphans of *Sydney* were put on a
8 Government pension I believe within a fortnight of the
9 *Sydney* being sunk. Paragraph 2 doesn't in any way diminish
10 the meaning and the importance of paragraph 3, "There are a
11 number of reasons, however", that they would not publish or
12 not tell, because someone might not believe them.

13
14 Q. Do you think one of the reasons may have been, after
15 the mass of research, that continued speculation as to
16 whether survivors of *Sydney* were still alive might of
17 exercised CMDR Long's mind?

18 A. I don't know what exercised his mind but if you want
19 to get people on side, if you want to stop anxiety, you
20 don't hide from them; you tell them - open up and tell
21 them. That's basically human contact. Within the first
22 two weeks, the Navy fought tooth and nail not to reveal
23 anything. The whole thing is that same kind of attitude,
24 "We're not going to tell anything."

25
26 Q. The Navy fought tooth and nail not to reveal anything
27 because there was some thought that there may be another
28 raider in the Indian Ocean and it wanted to engage it,
29 isn't that right? Isn't that reasonable?

30 A. It is reasonable, as opposed to other reasons as well.

31
32 Q. Just dealing with the letter, if we can just
33 concentrate on the letter.

34 A. Yes. Okay.

35
36 Q. Would it not be reasonable for one thing to exercise
37 CMDR Long's mind being to try to prevent further distress
38 to the families of *Sydney* by continued speculation as to
39 survivors?

40 A. He did it the wrong way, in my submission.

41
42 Q. Well, that's Karlov Marketing talking, is it?

43 A. That is anyone who has seen --

44
45 Q. Did you read the letter that Mr Long was relying on or
46 replying to?

47 A. No, I did not. But that's --

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Q. Perhaps we had better look at that?

A. Long's letter is dated 23 October 1945, and I don't know how many Japanese ships were still prowling then.

Q. He was written to by LCDR Rycroft, Staff Officer, Intelligence from Fremantle, on 12 October 1945, NAA.026.0211. Do you see the letter there, Mr Karlov, to the Director, Navy Intelligence:

Submitted: -

The enclosed cuttings indicate that there are still people holding out hope that some of the personnel from HMAS "Sydney" are alive. It is considered that such recurrent publicity can only cause distress to those who normally would have allowed the lapse of time to heal their sorrow.

A. Yes.

Q. Was CMDR Long allowed to take that opinion into account?

A. He can take whatever he wants.

Q. Was he entitled to take that opinion into account?

A. He is entitled to take, yes, and there are a number of reasons, not just one reason. Yes. He is entitled to take that into account.

Q. Tell me, do you think your speculation as to bodies on the beach is a reasonable thing to be talking about and publishing books about when you have no evidence?

A. Do you think --

Q. No, no, you can answer that question, can't you?

A. The whole lot of the *Sydney* story is based on speculation. As I said, there are only four facts on which everyone agrees. If you want to say that John Samuels speculates in one area and the Navy speculates another areas, everybody speculates. If there are bodies in the beach, isn't the best way to do it to go and find out, rather than sit in your office in Canberra or Melbourne or Sydney and say, "We're not going to do it." Isn't the simplest solution to go out and find them and prove it one way or another?

1 CMDR RUSH: Sir, I tender the letter of CMDR Long of
2 23 October 1945 to Staff Officer Intelligence, Fremantle.

3
4 THE PRESIDENT: And the earlier letter as well?

5
6 CMDR RUSH: Yes, I do. Perhaps of 12 October 1945 from
7 LCDR Rycroft to Director Naval Intelligence. The reply, if
8 I can, sir, also has an attachment. That is the reply of
9 CMDR Long of 23 October 1945.

10
11 THE PRESIDENT: Yes. They will both be exhibit 148.

12
13 **EXHIBIT #148 TWO LETTERS BARCODED NAA.026.0211 AND**
14 **NAA.026.0105**

15
16 CMDR RUSH: Q. One of the propositions that you didn't
17 refer the Commissioner to, but which it seems you attach
18 great importance to, is the assertion that an autopsy was
19 performed on a body of a sailor of *HMAS Sydney*?

20 A. Yes.

21
22 Q. To support that, you say that it has been supported by
23 John McArthur in Perth?

24 A. There is an email, I think, supporting that. There is
25 an email somewhere there where John McArthur said it is
26 very important.

27
28 Q. This is at page 0195 of your submission. Let's deal
29 with a couple of things that you know. You have
30 investigated this, haven't you?

31 A. I have spoken to Mrs Richardson, who is the wife of
32 Professor Jack Richardson and sister of CAPT Snook.

33
34 Q. The Commission has also spoken to Mrs Richardson. But
35 you have done more than that, haven't you?

36 A. I have tried to find the file at the Australian
37 archives.

38
39 Q. You obtained the Army record of CAPT Snook and
40 ascertained that there was an envelope containing material
41 which wasn't available to you?

42 A. Yes.

43
44 Q. Did you examine the record of CAPT Snook when you got
45 that material?

46 A. I didn't ask for his military records, sorry. I asked
47 for what was in the envelope.

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Q. But didn't you also examine the military record?

A. On a cursory basis.

Q. Didn't you think that would be important?

A. Well, I couldn't see anything there that caught my attention that I should investigate further.

Q. You have spent a page talking about the curious case of CAPT Snook?

A. Yes.

Q. You say you that haven't examined his military record?

A. That's not the point. I haven't examined a lot of things. What I have examined - and I was there when Mrs Richardson made the statement; I was in her presence. There is no doubt in her mind, and also her twin sister - her other sister was there as well, two now mature ladies, then young girls, heard their brother saying that they had an autopsy on a person from *HMAS Sydney*.

Q. No, not that they had an autopsy, that he --

A. Sorry, that he had conducted an autopsy.

Q. She was 10 years old at the time?

A. Probably. I don't know.

Q. Did you look at when CAPT Snook was in Australia and out of Australia?

A. Yes, but that's - I saw the evidence; I read the evidence yesterday. But that's really not the point.

Q. No, no, just take one thing at a time?

A. Okay.

Q. Perhaps we might come to your point. Did you read when he was in and out of Australia?

A. Yes. I noticed it, yes.

Q. Do you accept the record as being correct as to his whereabouts?

A. I have no question about that, that it is not correct.

Q. Sorry?

A. I have no doubt that that's --

Q. So he left Australia in 1940?

1 A. Mmm-hmm.
2
3 Q. Correct?
4 A. I understand that. I don't have his record in front
5 of me.
6
7 Q. And he returned in late May of 1941, I think it is?
8 A. Mmm-hmm.
9
10 Q. Is that right?
11 A. If you say so.
12
13 Q. And you have referred to the email that you have in
14 support of this from John McArthur.
15 A. Yes.
16
17 Q. Mr Samuels prognosticates that he thinks the autopsy
18 was held in the second or third week of December of 1941?
19 A. I can't comment on it. That's Mr Samuels'
20 prognostication, not mine.
21
22 Q. Then, of course, you understand that CAPT Snook wasn't
23 in Australia at that time?
24 A. I understand, yes.
25
26 THE PRESIDENT: Q. That couldn't be right.
27 A. What?
28
29 Q. That he conducted an autopsy on a body found in
30 Australia in December?
31 A. I didn't say he did. Samuels did.
32
33 CMDR RUSH: Q. You also would have ascertained that
34 CAPT Snook was an agriculturalist before he entered the
35 Army?
36 A. Yes. I know that.
37
38 Q. There is no suggestion from his Army record that he
39 had any experience in conducting autopsies?
40 A. Mmm-hmm.
41
42 Q. Is that right?
43 A. I don't believe there is any record in his Army
44 record, but why don't you call Mrs Richardson?
45
46 Q. No, you are putting it forward. I am just asking you.
47 We've spoken with his sister, so just put that to one side.

1 A. What did you say to his sister? Regarding her
2 evidence that you don't believe what she has said?

3

4 Q. Just put it to one side. I'm just asking you. The
5 other piece of material that is relied upon is that this
6 body still had a lifebelt on it --

7 A. That's what Mrs Richardson said.

8

9 Q. -- with the stencilled marks "*HMAS Sydney*"?

10 A. Yes.

11

12 Q. You say you have read the transcript, so you are aware
13 that the evidence is that lifebelts were not so
14 stencil-marked?

15 A. There is a suggestion, not evidence.

16

17 Q. Sorry? No, that's evidence.

18 A. You can't --

19

20 Q. That's evidence from sailors from *Sydney*.

21 A. Can you say that there was no lifebelt with
22 "*HMAS Sydney*" on it? Of the 645 men, none of them had
23 that? You can't say that?

24

25 Q. We have the evidence of the sailors who were on
26 *Sydney*. What do you have?

27 A. I have the evidence from Mrs Richardson.

28

29 THE PRESIDENT: Q. Aged 10 at the time?

30 A. That's beside the point. I have a 10-year-old
31 grandson, or I did have, I know what they remember, what
32 they say. The fact that she was 10 makes absolutely no
33 difference.

34

35 Q. I see. What is the basis of this theory, that
36 Mrs Richardson, the sister, recalls hearing CAPT Snook say
37 something about conducting an autopsy? When did
38 Mrs Richardson first recall this? Was it in 1940s, 50s,
39 60s, 70s, 80s?

40 A. I don't know. You have to ask her.

41

42 CMDR RUSH: I think the evidence from Mr Samuels is, sir,
43 that it came to him in about 2005 as a consequence of a
44 relationship between Halstead Publishing and the family of
45 Mrs Richardson.

46

47 THE PRESIDENT: Q. So the basis of all this theory is

1 that we have the recollection of somebody, from when they
2 were 10, recalling for the first time some 60 years later -
3 is that it?

4 A. Sorry, are you asking me?

5
6 THE PRESIDENT: I am just asking generally.

7
8 CMDR RUSH: That's it, sir.

9
10 THE PRESIDENT: An autopsy conducted by a person, it has
11 been suggested, in December 1945 when he was overseas.

12
13 CMDR RUSH: At WIT.026.0001 there is a copy of the
14 statement of Mrs Richardson as provided to the Commission,
15 sir. It is at paragraph 12.

16
17 THE WITNESS: I haven't seen that one before.

18
19 CMDR RUSH: It says:

20
21 *After Lawrence told us about the autopsy,*
22 *I did not mention it to anyone until about*
23 *2005, when I spoke to my son Matthew about*
24 *it.*

25
26 THE PRESIDENT: Could we just go back, when does she say
27 Lawrence told her about it?

28
29 CMDR RUSH: Paragraphs 9 and 10, sir.

30
31 THE WITNESS: Their ages were 11 and 13.

32
33 THE PRESIDENT: It was Mr Samuels, was it, who said that
34 it was carried out at the Hollywood Repat Hospital.

35
36 CMDR RUSH: That's correct.

37
38 THE PRESIDENT: I gather there are no records of it there.

39
40 CMDR RUSH: There are no records. He also referred to
41 Mr Adey as being the superior officer at the time with
42 CAPT Snook, and he was in the Middle East until a later
43 time than CAPT Snook.

44
45 THE WITNESS: Commissioner Cole, you used the word
46 "theory" about CAPT Snook. This is evidence from his
47 sister. It is not theory. You may not believe the

1 evidence, but it is in fact a statutory declaration. So
2 you can't keep calling it a meaningless theory because a
3 child is 10 or 11 or 13. It is part of the evidence
4 submitted to the Inquiry and has to be treated as such.

5
6 THE PRESIDENT: I am fully aware of what evidence is.

7
8 THE WITNESS: Okay, but it is not a theory.

9
10 THE PRESIDENT: One has to bear in mind, when you are
11 considering evidence, as you like to call it, the
12 probability of the evidence being accurate.

13
14 THE WITNESS: Then why doesn't the Commission call
15 Mrs Richardson and go through the whole lot and ask her
16 everything you want to ask her and she will give that to
17 you quite freely.

18
19 CMDR RUSH: Q. Sir, you say there is something sinister
20 in the envelope that you couldn't get hold of?

21 A. I don't know what was in the envelope.

22
23 Q. But you read the transcript of the proceedings with
24 Mr Samuels, you say?

25 A. Yes.

26
27 Q. You would have read what was in the envelope?

28 A. Yes. But that's not my evidence. That's his
29 evidence. You asked me.

30
31 Q. No, no, you see, the Commission has copies of the two
32 letters that were in the envelope.

33 A. Okay.

34
35 Q. Copies of the letters are a request from CAPT Snook,
36 I think, in 1997, for his file, and a response from the
37 Directorate providing his file. Do you have a problem with
38 that?

39 A. I have a problem inasmuch as the envelope disappeared
40 without any notation on his file. The National Archives
41 said, "This envelope should not be opened, should not be
42 removed, should not be lent", without any kind of
43 reference. There is absolutely no reference in the file.
44 Now you tell me that this is it. How did you know, because
45 there is no reference on it?

46
47 Q. I know that's the conclusion that you jump to but the

1 email traffic between you and the National Library is about
2 a digitalised file, isn't it?

3 A. Yes. Mmm-hmm.

4
5 Q. They are not going to digitalise on the file
6 correspondence that is covered by the Archives Act for
7 30 years, are they?

8 A. Well, I spoke to the gentleman in the National
9 Archives and I asked, "Is there any way for you to find out
10 what was in the envelope or background to the file", and he
11 said, "No, there isn't". Now, I'm not a researcher.

12
13 Q. So this is a cover-up?

14 A. Don't be like that.

15
16 Q. Are you saying it is?

17 A. No, I'm saying this envelope has disappeared without
18 any information as to where it disappeared. That's the
19 only thing I'm saying.

20
21 Q. Another matter that you have raised with the
22 Commissioner is the minute of then CDRE Collins to the
23 Secretary of the Naval Board concerning the Carley float?

24 A. Yes.

25
26 Q. This is a person, on your summation, who has been
27 disingenuous in relation to what he knows about the
28 direction of Sydney to engage with *Kormoran*?

29 A. Look, that's a stupid question to put to me. If he
30 was disingenuous in one area, that doesn't mean that he was
31 disingenuous in every area. Drawing these together makes
32 no sense.

33
34 Q. Sir, could we have on the screen NAA.073.0226. This
35 is a copy of the correspondence that you are referring to,
36 Mr Karlov?

37 A. Let me look at it. I suspect it is, yes.

38
39 Q. You refer to the fact that CDRE Collins has underlined
40 in green, it appears, "having received machine gun and
41 shellfire"?

42 A. I didn't say "in green".

43
44 Q. Well, it is in green, isn't it?

45 A. It is in green, but my submission didn't say green.

46
47 Q. Well, if you had looked at the letter you would have

1 seen that it is in green?

2 A. That is true, I would have seen that, but that's not
3 the point, whether green, pink or yellow.

4
5 Q. Well, it is the point in essence, because green pen,
6 throughout the history of the Royal Australian Navy, is
7 only used by the Chief of Naval Staff.

8 A. I didn't know that.

9

10 Q. So the green, if you accept that, means that it has
11 been read by Sir Guy Royal and he has underlined that.

12 A. Well, yes, I think you can.

13

14 Q. The Commissioner asked you, "There's no other material
15 that would suggest that Collins saw the Carley float"?

16 A. No, well, the only evidence I have is this letter,
17 which I thought came from Collins.

18

19 Q. You are aware that the Carley float was examined by
20 Ashton, Challenor and Courtney in 1993 at the Australian
21 War Memorial?

22 A. Yes, I am. I have the report here.

23

24 Q. Perhaps we could bring up COI.002.0030. The
25 conclusion states:

26

27 *The investigation of the Carley float has*
28 *revealed a considerable amount of*
29 *information about the float, but has*
30 *unfortunately cast little light on the*
31 *question alluded to in section 6.*

32

33 *The evidence provided by the float is*
34 *entirely consistent with it having come*
35 *from HMAS Sydney. Nevertheless, that still*
36 *has not been proven.*

37

38 *The extensive damage to the float appears*
39 *to have been caused by particles of*
40 *shrapnel from at least one high-explosive*
41 *shell detonating on or near the main*
42 *structure of the ship and ricocheting into*
43 *the float. There is no evidence of damage*
44 *by small arms fire. Nor does the exterior*
45 *structure of the float have any heat or*
46 *burn marks to indicate that it was exposed*
47 *to the fires reported to have broken out on*

1 *Sydney.*

2

3 Do you say that's a cover-up?

4 A. I'm saying for 50 years the Australian War Memorial
5 had the words "A bullet-riddled Carley float" based on an
6 understanding of CAPT Collins' description. I assume
7 CAPT Collins knew his bullets and what he was about, and
8 I basically accept that.

9

10 Now, if you look at the conclusion, they say, "There
11 is no evidence of small arms fire". You have to choose
12 either one: was CAPT Collins correct or was the inquiry by
13 the Australian War Memorial correct? You can take and pick
14 whatever you want to. The interesting part of it is that
15 these holes, which are supposed to be done by curious
16 fingers, were at a 15 degree angle, which, on my
17 understanding all were within 15 degrees, which is quite an
18 interesting proposition to have. But I accept what
19 CAPT Collins said, and it has lasted for 50 years.

20

21 THE PRESIDENT: Q. And you reject the analytical study
22 which measured and examined the metallurgy --

23 A. I understand that the Australian War Memorial was
24 asked for another independent examination, by people not
25 connected with the Navy, and the War Memorial said no.

26

27 CMDR RUSH: Q. I beg your pardon?

28 A. I understand that there was a request made to the War
29 Memorial people to have an independent analysis of the
30 Carley float - independent of any Navy involvement.

31

32 THE PRESIDENT: Q. But the Australian War Memorial is
33 not Navy.

34 A. I didn't say that.

35

36 Q. They are independent.

37 A. Not to do with anyone military. To have a scientific
38 investigation by people, by scientists not involved in any
39 way with armed services, let me make it clear.

40

41 Q. And who made that request?

42 A. Mr Samuels.

43

44 CMDR RUSH: Could we go to page 0047, sir, under
45 "Discussion".

46

47 THE PRESIDENT: Q. Did you read the evidence that

1 Mr Samuels gave to this Inquiry?

2 A. I glanced at it, yes. I didn't read it word for word,
3 and didn't mull over, spend any time over it. I had a
4 quick look at it.

5
6 Q. Were you surprised by the fact that he had no basis
7 for most of his theories?

8 A. I was very surprised. I put that down to CMDR Rush's
9 ability to bamboozle someone. Yes. I was very surprised
10 at his answers. They are totally contradictory to what he
11 said and believes.

12
13 Q. Yes. The problem is, you see, that for the first time
14 he has been obliged to indicate if there was any basis in
15 fact at all for most of his assertions, and there isn't
16 any?

17 A. Well, I would submit that the basis of his assertion
18 was the Cabinet minute saying that the Court of Inquiry had
19 been held and wasn't. Therefore, as a journalist - again,
20 I assume he started researching what was behind it; what
21 was the secret that was there that had had to be kept; and
22 then he went on from there. I have never questioned,
23 cross-examined him. As I mentioned in my statement,
24 I looked at what he said. Most of it was quite reasonable
25 but I didn't accept what he said unless and until I could
26 have some other basis of coming to a belief, rather than
27 what John Samuels said.

28
29 At the same time, *HMAS Sydney* is not my life's work.
30 I am a company director, literary agent. I have other
31 responsibilities. So I didn't spend all the time, nor
32 would I expect to spend all the time searching every point.

33
34 I came to certain facts which I passed on to the
35 Commission for the Commission to consider. I have no
36 comments about John Samuels, except that I was surprised at
37 some of the things he said.

38
39 CMDR RUSH: Q. Could we flick back to page 0046 where
40 there is a diagram or a figure of a Carley float?

41 A. Yes.

42
43 Q. Under that it states as follows:

44
45 *The projectiles hit mainly from one side*
46 *(the Port side as we have named it), with*
47 *the angles of trajectory ranging from*

1 5 degrees to 33 degrees above horizontal.

2

3 You referred to 15 degrees. Did you not read the report?

4 A. Let me look at it. On paragraph 3 of page 8:

5

6 *It was noted that there were many entry and*
7 *exit holes in line and the paths of the*
8 *projectiles were tracked with rods. From*
9 *this analysis it was apparent that the*
10 *float was hit mainly from one side, with*
11 *the projectiles travelling downwards at an*
12 *angle of about 15 degrees from the*
13 *horizontal axis of the float.*

14

15 I read that.

16

17 Q. You read that?

18 A. Yes.

19

20 Q. Did you read also page 0046 in relation to the results
21 of the investigation?

22 A. Yes.

23

24 Q. Which would tell you 5 to 33 above the horizontal?

25 A. Yes.

26

27 THE PRESIDENT: Q. Didn't that lead you, when you were
28 reading their conclusions, to appreciate that they had in
29 fact taken into account all of these different angles of
30 projectiles?

31 A. It gave me the conclusion - it wasn't a conclusion.
32 It made me wonder why CAPT Collins had made such a stupid
33 basic mistake which lasted for 50 years, that it was
34 riddled with bullets. That conflict between the two did
35 play on my mind and still does play on my mind.

36

37 CMDR RUSH: Q. CAPT Collins didn't say it was riddled
38 with bullets, did he?

39 A. Well, I am sorry.

40

41 Q. He said it was hit, in his opinion, in his writing, by
42 machine gunfire?

43 A. "The World War II bullet-riddled Carley float." Maybe
44 these weren't CAPT Collins' words; I assume they were.

45

46 Q. You have just seen what he has written?

47 A. Yes, but if not, they were views of someone who saw

1 the Carley float, felt strongly enough to know what they
2 were saying, and said "bullet-riddled".
3

4 Q. Page 0047 under "Discussion":
5

6 *Our investigation indicates that the*
7 *composition and morphology of the*
8 *projectiles which struck the Carley float*
9 *is consistent with pieces of exploded*
10 *munitions similar to other pieces of*
11 *munitions in the AWM collection. The*
12 *projectiles are assumed to be from*
13 *"incoming" munitions from the Kormoran as*
14 *it is highly improbable that the Sydney's*
15 *ammunition fired at Kormoran would have*
16 *exploded so close to the Sydney.*
17

18 *According to Hogg and Weeks, by the*
19 *beginning of 20th Century the "jacketed"*
20 *bullet was the standard military ammunition*
21 *for rifles and machine-guns; lead bullets*
22 *only survived in revolver cartridges.*
23 *Germany introduced the pointed bullet in*
24 *1905. The "boat-tailed" or streamlined*
25 *bullet required for machine-gun accuracy*
26 *and maximum range was developed in the*
27 *1920s. In the 1930s the Germans produced*
28 *the 7.92mm calibre ammunition system, for*
29 *rifles and machine-guns. The standard*
30 *ammunition for use with German machine-guns*
31 *right through the Second World War was the*
32 *copper alloy jacketed, lead filled,*
33 *178 gram weight bullet with a muzzle*
34 *velocity of 676 m/s. If, as proposed, the*
35 *float was shot at by machine-guns, any*
36 *projectiles from the German weapons then in*
37 *use would be expected to have penetrated*
38 *the relatively soft body of the float with*
39 *clean entry and exit holes. No such holes*
40 *were found and nothing discovered and*
41 *removed from the Carley float has any*
42 *morphological or metallurgical resemblance*
43 *to the type of machine-gun bullets that*
44 *could have been used during the Naval*
45 *action in November 1941.*
46

47 That discussion, I suggest, comes after a pretty exhaustive

1 analysis of that Carley float, but you reject it, do you?
2 A. I am looking at the "World War II bullet-riddled
3 Carley float".

4
5 THE PRESIDENT: Q. Just tell us where that came from?
6 A. Australian War Memorial - from them. It didn't come
7 from my imagination or John Samuels'.

8
9 Q. That's before they did the metallurgical analysis,
10 before they did the examination of the Carley float?

11 A. Yes, it lasted for 50 years.

12
13 Q. They have now done a study and determined that that
14 was wrong?

15 A. I think --

16
17 Q. Why don't you accept their later study?

18 A. Because it does not explain or answer the status quo
19 that had been in existence for 50 years.

20
21 Q. Of course it does?

22 A. It, like the bullet, shrapnel or whatever was in the
23 Christmas Island man's skull - Minister Billson asked
24 certain questions from experts and he got certain answers.
25 He didn't ask - you know, he didn't do a proper analysis of
26 questions. I do not know whether the analysis that
27 CMDR Rush just referred to is correct or not. I have some
28 questions about it, questions that nothing that he has said
29 so far have been able to answer.

30
31 CMDR RUSH: Sir, I am going to go to one or two more
32 matters, and we can finish by lunch time.

33
34 Q. You have referred to Colin Wekes' material provided to
35 you by Mr Montgomery concerning an association between or
36 refuelling of raider and submarine?

37 A. Yes.

38
39 Q. Have you read Mr Montgomery's book?

40 A. Yes.

41
42 Q. Have you read what he said about what Wekes told him?

43 A. Probably, it was a long, long time ago. Refresh my
44 memory.

45
46 Q. Rather than saying that there was any refuelling, he
47 said that there was a stopping and the Japanese sailors

1 came on board and then left.

2 A. Mmm-hmm. Where did the Japanese sailors come from?

3

4 Q. From what Wekes alleges was a submarine.

5 A. Mmm-hmm.

6

7 Q. What is the point that you want to make?

8 A. The point that I want to make is that according to
9 Robert Stinnett, a Japanese freighter was refuelling German
10 raiders. If the Japanese sailors came on board the
11 *Kormoran* just to wave the flag and say "Hello" and then
12 leave, that doesn't seem to make too much sense.

13

14 THE PRESIDENT: Q. No, the point is a different one. It
15 arose when I was discussing with you was Japan involved.
16 You have written, "Evidence exists (footnote 16) that
17 *Kormoran* was also resupplied by a Japanese freighter"?

18 A. Yes.

19

20 Q. I put that to you and said "What was the evidence?",
21 because you evidence you had given was footnote 16, an
22 email from Michael Montgomery dated 25 June 2008. You then
23 said to me, "I have found further evidence" and you said it
24 was the evidence of Mr Wekes, to be found a submission put
25 by Mr Montgomery to the Parliamentary Inquiry found in
26 volume 3 at 653 to 657.

27 A. That's what Mr Montgomery told me.

28

29 Q. If what just has been read out from Mr Montgomery's
30 book is the information that you rely on, it says nothing
31 about being resupplied by a Japanese freighter.

32 A. Mr Montgomery did say this in "Prisoner of the
33 *Kormoran*", where the Australian sailor indicated --

34

35 Q. Mr Jones?

36 A. Yes - that *Kormoran* was resupplied --

37

38 Q. I don't think that's right. I have read that book.
39 I doubt that.

40 A. You can doubt it if you want to. This is what I have.
41 Whether it was a submarine, freighter, battle ship,
42 whatever, I don't know, but the evidence is that somehow
43 *Kormoran* was supplied by someone from Japan.

44

45 CMDR RUSH: I don't want to take it any further, sir.

46

47 Q. Another matter that you state is that a bullet taken

1 from the Carley float that arrived at Christmas Island was
2 handed to Navy?

3 A. Mr Smith, the Harbour Master, said that this happened.

4
5 Q. He said that?

6 A. His wife said that, I believe.

7
8 Q. His wife said that, is that what you said?

9 A. Well, I said it was handed to the Navy. I'm not
10 certain at the moment whether his wife, son or he himself.

11
12 Q. You are quoting from WAM.002.0401. That is a paper
13 that was put together by Mr Bryan Clark of the Western
14 Australian Maritime Forum. If we could go to the bottom of
15 the page, there is a quotation beginning in the second-last
16 quotation line. This purports to be Mrs Smith, the wife of
17 the Harbour Master, CAPT Smith:

18
19 *... I am sure my husband would have*
20 *attended the funeral. I am also sure my*
21 *husband would have taken the piece of*
22 *bullet found in the Carley float. To him,*
23 *that would have been evidence.*

24
25 Is that the material you rely on?

26 A. Yes.

27
28 Q. CAPT Smith made a full report in relation to what he
29 found at Christmas Island, didn't he?

30 A. I have the intelligence report.

31
32 Q. He does not refer to a piece of bullet being taken by
33 him to Fremantle in those reports, does he?

34 A. No, he refers to a machine gun bullet found in the
35 Carley float.

36
37 Q. Sorry?

38 A. He refers to a machine gun bullet found in the sides
39 of the Carley float. He refers to that.

40
41 Q. Does he?

42 A. He does.

43
44 Q. Could we look at WAM.020.0019?

45 A. I am trying to dig up my copy of it. Here it is, yes.

46
47 Q. We're looking at the third paragraph?

1 A. Mmm-hmm.

2

3

Q.

4

5

6

7

8

9

10

11 Is that what you are referring to?

12 A. Yes. The next paragraph as well.

13

14

Q.

15

16

17

18

19

20

21

22

A. Yes.

23

24

25

Q.

26

27

28

That's the evidence that you are referring to?

29

30

Q. If we can turn to WAM.020.0021. This is Mr Baker, who provided this story. If you look where it has the number 3:

31

32

33

34

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47

On this decking was a corpse and a canvas shoe. On investigation ashore, the following was ascertained: -

1 (a) the corpse was clothed in a white
2 boiler suit, the pockets were empty and
3 there was nothing to establish identity.
4 The Shore doctor established that the body
5 was that of a white man. All the flesh was
6 gone from the right arm, also the eyes and
7 nose were missing. Otherwise, the corpse
8 was decomposed in parts.

9
10 (b) The shoe was not on the foot of the
11 corpse, but was found beside the body. It
12 was probably branded "Crown Brand Pty 4"
13 but Baker was not quite certain regarding
14 "Crown" or "4".

15
16 (c) The Carley float had been damaged in
17 places, apparently by shrapnel or machine
18 gun fire. One piece of the metal,
19 obviously not a bullet, was found embedded
20 in the kapok filling. Another piece of
21 metal, strongly resembling a machine gun
22 bullet, was found in the kapok, the outer
23 covering of the float being perforated by a
24 small round hole.

25
26 The float was marked by No. 2 on the
27 outside covering, and, when the covering
28 and kapok were stripped from the inner
29 metal framework, the following brand was
30 found in two places, "Made in NSW annealed
31 zinc inside".

32
33 That's the information you rely on in relation to that?

34 A. Correct.

35
36 CMDR RUSH: I tender those two documents, sir. They are
37 shipping intelligence report, 137/1942 of *SS Islander*; and
38 a shipping intelligence report number 137/1942 concerning
39 *MV Hermion*.

40
41 **EXHIBIT #149 SHIPPING INTELLIGENCE REPORT 137/1942 RELATING**
42 **TO SS ISLANDER BARCODED WAM.020.0019**

43
44 **EXHIBIT #149A SHIPPING INTELLIGENCE REPORT, 137/1942**
45 **RELATING TO MV HERMION BARCODED WAM.020.0021**

46
47 CMDR RUSH: Q. You have provided us with two telegrams,

1 I think - one from the Japanese Ambassador and one from the
2 Honourable John Curtin.

3 A. Refresh my memory of the Curtin telegram?
4

5 Q. The Japanese telegram of 1 December 1941 says:
6

7 *My colleagues and I are deeply grateful to*
8 *you for your kind message of sympathy on*
9 *the loss of HMAS Sydney.*
10

11 A. I haven't seen that. I don't think that was supplied
12 by me.
13

14 Q. That wasn't supplied by you?

15 A. No, the telegram from the Japanese ambassador was.
16 I haven't seen the reply before.
17

18 Q. There was a telegram to the Honourable John Curtin -
19 is that what you are referring to?

20 A. Where the Japanese Ambassador expresses his
21 condolences?
22

23 Q.
24

25 *May I extend to you my sincere sympathy --*
26

27 A. That's the one I sent, yes.
28

29 Q.
30

31 *-- for the loss of HMAS Sydney?*
32

33 A. Mmm-hmm.
34

35 Q. I will ask that you be shown NAA.023.0253. Is this
36 the one?

37 A. Yes, that's the one.
38

39 Q. What is the point that you want to make in relation to
40 this?

41 A. I don't know. I thought I would send you some
42 information that I had, I didn't know if you had it or not.
43 Just to be helpful.
44

45 Q. I see. So apart from it being a telegram from the
46 Japanese Ambassador, is there any point to it?

47 A. Well, basically, no, but there is evidence, again,

1 that Japanese Ambassador - that Mr Evatt, who was then the
2 Foreign Affairs Minister, allowed Tatsuo Kawai to remain in
3 Australia and continue spying activities. Again, I can
4 spend some time, I can find it in the report - that his
5 sincere sympathy may not have been all that genuine, but
6 that's by the by.

7
8 Q. I understood you were, in one of your earlier pieces
9 of correspondence, attempting to say that this was sent on
10 27 November?

11 A. I don't know - sorry, you have me at a disadvantage.
12

13 Q. You are not claiming, are you, that this was sent on
14 27 November?

15 A. No.
16

17 Q. Because what we're looking at there is, if we go
18 across the top of the telegram, "Origin of office:
19 Sydney", "Words: 27" and "Time lodged: 11.57"?

20 A. Yes.
21

22 Q. The date stamp, when it is blown up, is 1 December?

23 A. The date stamp I can't read but, anyway, I take your
24 word for it.
25

26 Q. Finally, Mr Karlov, a point that you have made a
27 number of times is to the reference in the War Council
28 minute, to "Court of Inquiry"?

29 A. Yes.
30

31 Q. Have you made any examination of the inquiries that
32 were under taken by Army and Navy in relation to the loss
33 of *Sydney*?

34 A. No.
35

36 CMDR RUSH: Sir, could we have SPC.002.0232, please.
37

38 Q. Whilst that is coming up, you understand that the
39 direction that you have referred to in relation to the loss
40 of a Capital ship - that it was a requirement to forward to
41 Admiralty two copies of Inquiry reports in relation to the
42 loss of the ship?

43 A. I thought it was - it is a very formal procedure.
44 I don't know exactly at the moment what the procedure is.
45

46 Q. At SPC.002.0232, do you see a "Report on loss of
47 *HMAS Sydney*"?

1 A. Yes.

2

3

Q.

4

*Introduction. Information already
communicated to the Admiralty.*

5

6

Interpretation of prisoners.

7

*Events leading to the institution of a
search.*

8

9

Results of Interrogation.

10

1. The Raider and its equipment.

11

Then items are set out from (a) to (h). Then:

12

13

Report on loss of HMAS Sydney:

14

15

16

*I am directed by the Australian Naval Board
to forward herewith (in duplicate) report
on the loss (presumed) of HMAS "Sydney" as
a result of her encounter with the German
Raider "Kormoran" off the coast of Western
Australia on 19th November 1941.*

17

18

19

20

21

22

*2. The report has been compiled from a
mass of material containing the results of
interrogation of Prisoners of war ex
"Kormoran".*

23

24

25

26

Have you read the report?

27

28

A. No.

29

30

Q. Did you know of its existence?

31

32

CMDR RUSH: Sir, I tender the letter of 12 February 1942
to Admiralty containing the report on the loss of *Sydney*.

33

34

35

36

EXHIBIT #150 LETTER DATED 12/2/1942 BARCODED SPC.002.0232

37

38

CMDR RUSH: I tender the report contained at NAA.010.3008.

39

40

EXHIBIT #151 REPORT BARCODED NAA.010.3008

41

42

CMDR RUSH: Q. Do you think it might have been an idea
to read the available information before you made the
assertion that you have made?

43

44

A. Well, Mr Angus Houston --

45

46

47

Q. No, no.

1 A. No, no, look, I have read what evidence was available
2 to me. I didn't --

3

4 Q. This was readily available.

5 A. Well, I just answered "what was available to me".

6

7 Q. So you didn't look for this?

8 A. No. I read Mr Angus Houston's remarks that, strange
9 as it may seem, no Board of Inquiry was conducted.

10

11 Q. Were you aware that the PoW camp and the Officers'
12 camp at Tatura in Victoria, from the time in late December
13 through January, was bugged?

14 A. What, by the Australian Navy?

15

16 Q. No, by the Australian Army?

17 A. No, I didn't know that. I know there is something in
18 the back of my memory that something was bugged, but I'm
19 not aware what it was.

20

21 Q. Are you aware of the intelligence that came from that?

22 A. No.

23

24 CMDR RUSH: I have no further questions.

25

26 THE PRESIDENT: Yes. Thank you, Mr Karlov.

27

28 THE WITNESS: Good.

29

30 <THE WITNESS WITHDREW

31

32 CMDR RUSH: If that is a convenient time, sir, Dr Donlon
33 will be called, if I can say, at 2.15.

34

35 THE PRESIDENT: Very well. I will adjourn until 2.15.

36

37 **LUNCHEON ADJOURNMENT**

38

39

40

41

42

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