

1  
2 We're in the process of handing that site over to the  
3 Naval Association of Australia and with that we will  
4 provide them with funding to finish it and to keep it  
5 running.

6  
7 CMDR RUSH: Thank you. I have no further questions, sir.

8  
9 THE PRESIDENT: Thank you, Mr Graham. And congratulations  
10 on your recent AM.

11  
12 THE WITNESS: Thank you, sir.

13  
14 <THE WITNESS WITHDREW

15  
16 CMDR RUSH: Sir, I call Dr McCarthy.

17  
18 <MICHAEL McCARTHY, affirmed: [10.46am]

19  
20 <EXAMINATION BY CMDR RUSH:

21  
22 CMDR RUSH: Q. Dr McCarthy, could you state your full  
23 name and address to the Commissioner, please?

24 A. Michael McCarthy, [REDACTED]

25  
26 Q. And your occupation?

27 A. Maritime archaeologist.

28  
29 Q. In your occupation as a maritime archaeologist, have  
30 you been associated and employed by the Western Australian  
31 Maritime Museum?

32 A. I have.

33  
34 Q. In what capacity and for how long?

35 A. Thirty years. My first role was inspector of wrecks,  
36 which made me responsible for people finding ships. I was  
37 inspector of wrecks for the Museum, which made me  
38 responsible for handling reports of finding ships. The  
39 museum is responsible to the Federal Minister for historic  
40 shipwrecks. Then I branched off into a number of areas,  
41 including iron ships. Because of these two interests,  
42 Commander, I was responsible for managing the *Sydney* and  
43 the *Kormoran* issues for the Museum from around about 1980.

44  
45 Q. I should have asked you for your academic  
46 qualifications.

47 A. I hold teaching qualifications, diplomas, Bachelor of

1 Education, a Maritime Archaeological Diploma, a Masters in  
2 History and a Doctorate in Maritime Archaeology.

3  
4 Q. What was the doctorate involved with?

5 A. The doctorate was specifically related to iron, steel  
6 and steamship wrecks.

7  
8 Q. Has that been of assistance in relation to your  
9 overall responsibility for the searching for *Kormoran* and  
10 *Sydney*?

11 A. Yes, and also the way that I manage things, which is  
12 to bring a lot of people in support and to seek lots of  
13 assistance from all around the place. Those things have  
14 given me some expertise.

15  
16 Q. Dr McCarthy, you indicated your involvement over  
17 30 years. Has the Maritime Museum a collection of papers  
18 and correspondence and the like extending over at least  
19 that period of time concerning various issues involving the  
20 loss of *HMAS Sydney II*?

21 A. Yes. After the 1976 Shipwrecks Act was enacted, my  
22 predecessor, Scott Sledge, opened a file called Naval  
23 Wrecks No. 4 of 78, which contained information on all  
24 naval wrecks that we thought were lost in this region.  
25 Then in 1981, the materials from that file were subsumed  
26 into a specific *HMAS Sydney/HSK Kormoran* file. So from  
27 that time on, as is required of any Government group,  
28 anything that came across in written form, and occasionally  
29 telephone, transcripts and so on, were entered into the  
30 file.

31  
32 THE PRESIDENT: Q. Are you also responsible, under our  
33 legislation, for wrecks from foreign countries?

34 A. We have an interest in what we call the Maritime  
35 Heritage Abroad, things like William Dampier's ship,  
36 raising Louis de Freycinet's ship, Commissioner, but we  
37 also have assisted with things like the Japanese submarine  
38 I-124 in Darwin and other foreign wrecks still owned by  
39 foreign governments, like *Kormoran*, that are on our shores.  
40 We recognise the ownership of those foreign governments,  
41 but at the same time manage them for Australia.

42  
43 CMDR RUSH: Q. Dr McCarthy, at the request of Counsel  
44 Assisting, did you prepare a report for the Commission of  
45 Inquiry which you have entitled "An Insight into the  
46 Genesis and Evolution of the *HMAS Sydney* Controversy"?

47 A. That's correct. That report uses the words in the

1 first letter to me from LEUT Vesper to provide the genesis  
2 and evolution of the controversy.

3  
4 Q. In that report, did you go back over the full history  
5 since the loss of *Sydney* in an attempt to encapsulate all  
6 the various controversies and theories that have been put  
7 forward in relation to her loss?

8 A. In attending to the request, I then utilised the files  
9 to do exactly as requested.

10  
11 Q. When you say "the files", the matters that you refer  
12 to in your report are based on the files of material held  
13 by the Maritime Museum?

14 A. That's right, including daybooks and other  
15 reminiscences which have all been subpoenaed and copied.

16  
17 CMDR RUSH: Sir, I formally tender that report.

18  
19 **EXHIBIT #158 REPORT OF DR McCARTHY DATED 1/12/2008**

20  
21 CMDR RUSH: Q. If I can ask that we go to page 2 of that  
22 report, Dr McCarthy, did you initially bring together what  
23 you have referred to as "the wartime controversies" raised  
24 as a consequence of the loss of *Sydney*?

25 A. I had actually done the vast majority of that earlier  
26 for the Parliamentary Inquiry as a submission from the  
27 museum to help that Inquiry understand why the controversy  
28 had got to that stage, Commander, and also in the hope that  
29 that Parliamentary Inquiry would treat some of the strange  
30 things coming towards them with an element of concern and  
31 charity.

32  
33 Q. Without going through each one, if perhaps I can  
34 address your attention to a few of these entries, the first  
35 issue you note is that on 24 November 1941:

36  
37 *Rear Admiral Grace writes in his personal*  
38 *diary that the Naval Board thought that*  
39 *there was a possibility that a Vichy*  
40 *submarine was involved.*

41  
42 What did that mean in relation to controversy?

43 A. As I understand it, Commander, Rear Admiral Grace and  
44 others would have discussed these issues, and these issues  
45 then got into the public domain. I understand at one stage  
46 one parliamentarian referred to hearing of the loss of  
47 *Sydney* on a Melbourne tram. So what happens there - and in

1 my notes I write that this is the genesis of the submarine  
2 theories. Though he's keeping a diary against I think the  
3 requirements of the day, it shows clearly what was being  
4 thought of in that early period.  
5

6 Q. At the bottom of the page, you refer to 1 December  
7 1941:  
8

9 *Navy advise the PM that the Naval Board*  
10 *have "continuously under review the*  
11 *possibility of two raiders". They wish to*  
12 *delay announcing the loss in the hope that*  
13 *the other will break radio silence for an*  
14 *announcement may serve to deny "the*  
15 *opportunity of locating her by direction*  
16 *finding". Concerns were expressed that*  
17 *Sydney's crew "could have been taken off or*  
18 *picked up by these vessels".*  
19

20 A number of matters are referred to there: the delay in  
21 the announcement of the loss of *Sydney*, plus the two-raider  
22 theory. Where did that get to?

23 A. I expect that a lot of that will come from this  
24 Commission's findings, Commander, but it was clear at the  
25 time that in high places there was a concern that *Kormoran*  
26 could not have done what they thought it had done. The  
27 other issue of course is that direction finding matter.  
28 Direction finding does appear to have been working on the  
29 coast at that time and was capable, and you're just looking  
30 really at the sorts of arguments being put by folk at the  
31 time, and of course the inordinate silence, which makes  
32 things much worse.  
33

34 Q. I will not go to each one of the wartime matters, but  
35 if I could ask that we go to page 4, the second-last matter  
36 that you raise there is:  
37

38 *October 1945. Despite urgings from RAN*  
39 *staff in WA, CMDR Long, Director of Naval*  
40 *Intelligence, refuses to publish data*  
41 *compiled by Third Officer Westhoven...on*  
42 *the basis that the analysis would still not*  
43 *be accepted by some people as being*  
44 *absolute confirmation of the loss of all of*  
45 *the crew. He then stated that "it is*  
46 *intended not to publish anything further*  
47 *concerning this action, and its results,*

1                   *unless the Board is forced by Ministerial*  
2                   *pressure ..."*

3  
4       You note:

5  
6                   *The case is closed without satisfactory*  
7                   *explanation.*

8  
9       Has that been a continuing matter that has been raised in  
10       controversy?

11       A.    I think, Commander, that's why we're here today.  
12       I think that's why folk have gone off on all sorts of  
13       tangents, making surmise, and the materials in that list  
14       also give good reason why people have gone down various  
15       tracks which are vexing this Commission today.

16  
17               The decision in 1945 is really the cause of what has  
18       happened. Why the decision wasn't reversed in 1975 when  
19       the archives were opened and why it wasn't reversed with  
20       Michael Montgomery and Barbara Winter's unfortunate  
21       adversarial styles again is a mystery to me.

22  
23       Q.    Just to put that matter that you refer to with  
24       CMDR Long in context, I will go to a couple of matters  
25       outside the report, but I wonder, sir, if we could bring up  
26       NAA.026.0211.

27       A.    I wonder if I could make a point, Commander, as to how  
28       I came by this material. A lot of it was actually on my  
29       first lookings at the files in the archives in Melbourne,  
30       Sydney and Canberra, because I was presented with many  
31       people's comments that the files on *Sydney* and *Kormoran*  
32       were closed and not available. So naturally I went to have  
33       a look, on the basis that the Museum is responsible for the  
34       two wrecks and needed to be aware of what the issues were.  
35       A lot of the material in that list was there for those who  
36       wished to look at it, and I think that this goes back to  
37       1991 and 1993 and 1994.

38  
39       Q.    Was there any problem accessing that?

40       A.    None whatever. The staff were wonderful, actually,  
41       and there had been numerous people, like Michael and  
42       Barbara, before me and they were already aware of the  
43       growing interest in *Sydney* and had begun to start making  
44       the requests, because there were a number more easily  
45       available.

46  
47       Q.    The matter that you referred to that we've just spoken

1 about, the correspondence of LCDR Rycroft of 12 October  
2 1945 - it is this letter where he submitted the Westhoven  
3 report, as it has been called, to CMDR Long. He submitted  
4 it with the terms:

5  
6 *The enclosed cuttings indicate that there*  
7 *are still people holding out hope that some*  
8 *of the personnel from HMAS Sydney are*  
9 *alive. It is considered that such*  
10 *recurrent publicity can only cause distress*  
11 *to those who normally would have allowed*  
12 *the lapse of time to heal their sorrow.*

13  
14 Then he goes on, and I'm jumping down four lines of the  
15 next paragraph, to refer to Third Officer Westhoven of  
16 WRANS:

17  
18 *... gives a good publishable story of the*  
19 *action and search and should result in*  
20 *completely setting at rest any rumours or*  
21 *speculation concerning possible survivors*  
22 *from the Sydney. It is suggested that this*  
23 *information concerning the action and*  
24 *search should be in the form of an official*  
25 *release to the press in Australia.*

26  
27 That report was enclosed, and CMDR Long wrote back to  
28 LCDR Rycroft at NAA.026.0208 where he acknowledged the  
29 letters and stated:

30  
31 *2. Continuous investigation has been*  
32 *carried out into the facts relating to the*  
33 *action between HMAS "Sydney" and the German*  
34 *Raider "Kormoran". There has now been*  
35 *accumulated a mass of confirmatory*  
36 *information which leaves no doubt that*  
37 *there are no survivors from HMAS "Sydney".*

38  
39 *3. There are a number of reasons, however,*  
40 *why the full analysis should not be*  
41 *published, the principle that such an*  
42 *analysis would still not be accepted by*  
43 *some people as being absolute confirmation*  
44 *of the loss of all the "Sydney"'s*  
45 *complement. It is intended not to publish*  
46 *anything further concerning this action,*  
47 *and its results, unless the Board is forced*

1                    *by Ministerial pressure to write*  
2                    *a Ministerial statement.*

3  
4                    From your analysis, there has been continuing speculation  
5                    through that time to the writing of CMDR Long's letter as  
6                    to survivors from *Sydney*, to the extent of survivors  
7                    perhaps being held prisoner of war in Japan?

8                    A.    That's correct. One of the issues brought before  
9                    Collins, the former Commander of *Sydney*, when he was sent  
10                   to Japan to help with the occupation, was to look at this  
11                   issue. Collins wrote back quite categorically that there  
12                   was nothing of any substance whatever in that, though there  
13                   were numerous people, including former serving people on  
14                   ships, like *Perth* and so on, that had heard this rumour,  
15                   and it kept going. Despite what Collins and others did,  
16                   that Japanese rumour remained. You need to look at the  
17                   tragedy, Commander, I think that's inherent in Long's  
18                   letter as to what happened there.

19  
20                   The man was of great intelligence. He was headhunted  
21                   by the Americans after the War but decided to remain here.  
22                   The reasons for him doing that and realising what would  
23                   have happened as a result I don't think would have been  
24                   lost on him.

25  
26                   Q.    I suppose the other way of looking at it, Doctor, is  
27                   that he may have felt that it was an insoluble matter and  
28                   it was better just put to bed?

29                   A.    Of course, of course, and in society in those days we  
30                   did accept, in the pre-Vietnam period, what we were told as  
31                   being correct. Yes, it may have been his thoughts that  
32                   society would continue in that vein.

33  
34                   Q.    You go on to speak about Western Australia becoming  
35                   a bit of a hotbed for various theories and controversy,  
36                   primarily I think you say because of where the loss  
37                   occurred and the involvement of Western Australia.

38                   A.    Yes, Commander. There is a great deal of Western  
39                   Australians, like Third Officer Westhoven and Rycroft, and  
40                   so on, and I would expect that, not agreeing with the  
41                   bosses' edict, they would have gone off muttering, and as  
42                   you do with these things, you end up creating further  
43                   speculation.

44  
45                   Q.    At page 5 of your report, you then refer to the  
46                   controversies and conspiracies that commenced in the 1970s.

47                   A.    Yes, that's correct.

1

2 Q. Between the Long letter and the 1970s, from your  
3 research was there much going on in relation to the *Sydney*  
4 loss and the various theories and matters that were  
5 advanced concerning *Sydney*?

6 A. I don't know a great deal except some personal  
7 experiences with people, like Jack Sue, whose son I used to  
8 fly with, telling me that there was a general theory that  
9 *Sydney* had been seen in Tokyo Bay, and Doolittle's famous  
10 flight, for example. There was Jonathan Robotham, the  
11 famous hermit people talk about, who would produce to any  
12 who asked, including myself as a young 20-year-old, a diary  
13 saying that the ship had lowered its colours - meaning, of  
14 course, *Kormoran*. These people were mainly being listened  
15 to in places like Carnarvon. Jack Sue, of course, had  
16 a very wide range of friends and people - not that Jack was  
17 saying that he believed it, but he was saying what he had  
18 heard.

19

20 But it's when this Sydney Research Group formed - and  
21 I'm not sure exactly when they formed, but as they started  
22 to become more active in the 1970s, my predecessor, Scott  
23 Sledge, allowed them to meet a couple of times in the  
24 museum, for example, because they had a common interest  
25 with one of the members here, Malcolm Barker, with the  
26 *SS Koombana*, which Scott was very keen to find, a ship lost  
27 with all hands. We became aware of their interests, and of  
28 course through Vic Jeffrey, the public relations officer of  
29 the Navy, and of this group that was doing this work.

30

31 So from Carnarvon, I think the interest and the  
32 controversies morphed into this group of people that I list  
33 here as the Sydney Research Group.

34

35 Q. You refer to them in the first paragraph under that  
36 heading as people who generally were troubled by the  
37 official account.

38 A. Yes, that's correct.

39

40 Q. You put "official" in inverted commas.

41 A. Yes. I knew of some of them. I met some and had  
42 a lot to do with Vic, of course. We shared a lot of  
43 histories together. I met Gordon Laffer. I have met all  
44 of the group except for Dr Strahan. It was clear to me  
45 that they considered that there was an official account and  
46 there was an unofficial account, and because CMDR McDonald,  
47 who said he had heard signals, and because Gordon Laffer



1 said he had seen signals, and Malcolm Barker who said he  
2 was sworn to secrecy, and so on, and Vic Jeffrey, who would  
3 tell me what people were telling him, it was clear to me  
4 that they became the core of people firmly, and I think  
5 honestly, believing that there was something wrong with the  
6 Sydney story, that there had been signals from Sydney and  
7 so on, and then it started to develop further, to take the  
8 Japanese involvement line, and so on.

9  
10 THE PRESIDENT: Q. Was Mr Gordon Laffer related to the  
11 Able Seaman Laffer who was lost on Sydney?

12 A. I'm not sure, Commissioner. He served with the RAAF;  
13 I understand Gordon did. He at no stage indicated to me  
14 that he was a relative.

15  
16 Q. It is a very unusual name.

17 A. It would be, yes.

18  
19 CMDR RUSH: Q. In a number of accounts, the official  
20 story or version or history is referred to in inverted  
21 commas. What do you understand by the use of the term  
22 "official history"?

23 A. At the time, the official history was that appearing  
24 in things like Gill, "The History of the Royal Australian  
25 Navy"; in then I think Admiral Collins' work on Sydney.  
26 John Ross, "Stormy Petrel", though his early work refers to  
27 issues like the Norwegian flag and an inability to believe  
28 the Germans, but this was generally what was considered to  
29 be the official history. But I don't think really there  
30 was ever an official history as such.

31  
32 Q. You refer in the second paragraph under that heading:

33  
34 *While the thrust of their claims is visible*  
35 *in the wartime sequence, it is evident that*  
36 *in the main the SRG were following in the*  
37 *footsteps of lieutenant Jonathan Robotham.*

38  
39 You have given his background and perhaps the influence  
40 that he had, and you have referred to the diary that he  
41 used to produce on occasions. That had a name, or he would  
42 give it a name?

43 A. Later I learnt from Barbara Winter that this was the  
44 Kitsche diary. When Robotham produced it to me I suspect  
45 is only one example of people who went to the old hermit  
46 and said, "What's going on?" This is going back 40 years  
47 now. But I understand this is the Kitsche diary which

1 Barbara Winter deals with, and I comment on its background  
2 in the earlier work there, Commander. Winter,  
3 I understand, has traced it back to most possibly a hoax by  
4 a chap called RS Close, and this is one of the December  
5 1941 things that comes out in the English press and in  
6 other things and so on, which is partly based on these  
7 sorts of things, and Robotham appears to have acquired it  
8 from the Germans.

9  
10 Q. Sorry, from?

11 A. From the Germans. He was their minder at one stage,  
12 speaking German from his World War I experiences, and he  
13 then became really the carrier of, "Something's wrong here  
14 and something must be done", and then he took the next  
15 step, as sadly many folk have done, leading up to this  
16 Inquiry, of then being prepared to fabricate evidence to  
17 suit his take on things.

18  
19 Q. What was the nature of that fabrication?

20 A. He kept an archive in an old ute. I remember it under  
21 the tamarisks in Carnarvon. He kept an archive there and  
22 was writing a book called "Eagle in the Crow's Nest". It  
23 was historical fiction, but it was based on his belief that  
24 a Japanese submarine was involved. It appears that he was  
25 going to write this book and use it, as I think many others  
26 have since, to try to force Government action on looking at  
27 what his claims were. He was also seeking the German  
28 camera and other materials that we know were buried in the  
29 caves north of Carnarvon. Generally, it was an obsessive  
30 search that he would involve anybody in who was prepared to  
31 ask.

32  
33 Q. What you refer to there as the Kitsche diary, is that  
34 the same diary that is extracted and referred to in  
35 Montgomery's book, "Who sank the Sydney?"

36 A. After looking at it as a 20-year-old, I had never seen  
37 it again except to know that it was in blue and what he  
38 called old German. Michael's book has two pages from this,  
39 I understand.

40  
41 THE PRESIDENT: Q. Michael Montgomery?

42 A. Sorry, yes, Michael Montgomery's book. Barbara Winter  
43 then says, "This is the Kitsche diary", if I'm right. It  
44 seems on Barbara Winter's analysis - and, as you know, she  
45 is very thorough - this is that work. But where the diary  
46 is today I'm not sure.

1 Q. Are you able to distil from your researches what was  
2 the kernel of the dissatisfaction that this group had? Was  
3 it related to the fact that there hadn't been published  
4 a truly official account, or was it related to the fact  
5 that one shouldn't accept what the Germans said, or was it  
6 related to the fact that an Australian captain wouldn't  
7 make an error which would result in the loss of his ship?

8 A. I think all of those rolled into one, Commissioner -  
9 that it's impossible for an Australian Captain to have made  
10 such an error. Burnett was no fool. Even though she  
11 criticises him, he was an extremely careful man. All of  
12 them would have realised, including Montgomery, who lost  
13 his father, that you don't make a decision on a bridge on  
14 your own; you are told and people speak in your ears. The  
15 officers here would be able to tell whether that occurs or  
16 not when a decision has to be made.

17  
18 So folk were, number one, in disbelief and had an  
19 almost hatred of former foes on the basis that therefore  
20 they must have been lying from the start. That was part of  
21 it all. There was a whole range of things that caused them  
22 to say, "This has to be a lie," and I think, looking at the  
23 1970s, post-Vietnam, realisation we had been "sold down the  
24 river" by Government, and people saying, "Well, okay, we  
25 must have been sold down the river in this case, because  
26 every time I try to get answers, if I go to this person or  
27 that person, the door's shut or I get some letter filled  
28 with obfuscation," and all that sort of thing,  
29 Commissioner, and I think it built up and built up to the  
30 point where the hatred to officialdom, including, I have to  
31 tell you, my own office - because we are often suggested to  
32 be part of the "cover-up" - was very great.

33  
34 Q. It still exists today.

35 A. It does still exist.

36  
37 CMDR RUSH: Q. Could we go to page 6. You then start to  
38 discuss events post 1981. I take it that is when the file  
39 started at the Maritime Museum?

40 A. That's right. It started when Michael Montgomery was  
41 around producing his book, and he suggested that *Sydney* -  
42 because he felt it might have limped towards the coast and  
43 was lost - should appear on all search records, and he and  
44 I went to the Department of Mines and there was a perfect  
45 magnetic anomaly which my experts tell me was the  
46 appropriate size for *Sydney*, and that was the reason we  
47 began that file, as a result of an official report under

1 the Shipwrecks Act from Michael, so the file, as a specific  
2 Sydney file, began.

3  
4 Q. Perhaps if we can deal with that particular magnetic  
5 anomaly, what happened?

6 A. The anomaly was of such significance, Commander, that  
7 I asked through Vic Jeffrey whether the Navy would provide  
8 a vessel, because it was out of our working parameters in  
9 the depth of about 400 feet, 100-plus metres. The Navy  
10 provided *HMAS Moresby* to us, which was not insubstantial.  
11 We spent a great deal of time - in fact, we were so  
12 convinced, I almost missed the birth of my first daughter.  
13 We really thought this was *Sydney*. And *Moresby* and its  
14 crew joined us over I think a week and we proved that it  
15 was a magnetic anomaly 300 feet below the seabed,  
16 a volcanic plug. But that was the first time that after  
17 the War there had been a special-purpose attempt to locate  
18 *Sydney*.

19  
20 Q. Approximately when was that?

21 A. October 1981.

22  
23 Q. Where was the anomaly?

24 A. Twenty nautical miles north off Kalbarri off the  
25 Zuytdorp Cliffs.

26  
27 Q. You refer in the second paragraph on page 6, in the  
28 middle of the page, after discussing the claims of Radio  
29 Tokyo, in the fourth line:

30  
31 *One was reference to the body of a Kormoran*  
32 *crewman that had been "located" in the*  
33 *Montebello Islands, but which had since*  
34 *proved to be that of a worker sent to*  
35 *establish the Post-War atomic testing*  
36 *facility there. From this first example,*  
37 *the location of bodies from the battle at*  
38 *sea and on land, has evolved to prove*  
39 *a common theme.*

40  
41 I want to ask you about that. Prior to that, was there any  
42 reference of which you were aware of bodies being washed up  
43 and buried on beaches?

44 A. I think the first time it came to my attention,  
45 Commander - and it is there somewhere - was in Michael  
46 Montgomery's book with the *Cape Otway*. It is Michael who  
47 first raises the *Cape Otway* issue. Michael's book was

1 1981. This is Barbara Winter writing in 1979. She  
2 obviously decided to write - as the archives opened in  
3 1976, Michael is in pursuit of his father, and Barbara, who  
4 had already written a book on the German aviators that went  
5 down in the Kimberley, "Flight into Hell", decided, from  
6 what I can see here, to write on this one, and there is  
7 this issue with the body in the Montebellos. That was  
8 scuttlebutt around the north, that he was a *Kormoran* man.

9  
10 Q. So the *Cape Otway* discovery of bodies, it is mentioned  
11 as far as Montgomery is concerned for the first time in his  
12 1983 edition of "Who Sank the *Sydney*?"

13 A. That's right, so he is researching in 1980/1981 and  
14 then he brings in the *Cape Otway* issue. He is writing to  
15 us, and his correspondence is going on file, and the *Cape*  
16 *Otway* issue appears on file then and within the book.

17  
18 Q. From the issue of bodies in the water from *Sydney*, are  
19 you aware prior to that time of that theory or that  
20 position being put?

21 A. No.

22  
23 Q. You next refer to a thesis by Mr RG Lamb, which raised  
24 a number of questions of significance that have been picked  
25 up by a number of people since that time.

26 A. I found this quite interesting. He seems to be doing  
27 what teachers did in those days to get a higher  
28 certificate. They did a thesis on West Australian history,  
29 and Mr Lamb posed a number of questions. What was  
30 significant here, he was not part of the Sydney Research  
31 Group. He was a teacher doing as required. He produced  
32 a thesis, I think he was a teacher, and in it he posed some  
33 of the questions vexing you today. Some of them are quite  
34 amazing, to see that these are out there in the minds of  
35 ordinary folk - not the committed folk like the Sydney  
36 Research Group or Michael Montgomery or Barbara Winter, but  
37 they're there in the ordinary population.

38  
39 Q. It goes over to page 7. So there are a number of  
40 questions that he put forward, 2, "Why didn't she ask Navy  
41 Board for information on whereabouts of the *Straat*  
42 *Malakka*?", to 7, "Why were there no survivors from  
43 *Sydney*?", to 15, "Did the Japanese help?", 17, "Did  
44 Doolittle see the *Sydney* in Tokyo Bay?", which is a matter  
45 that you have referred to. Those matters represented,  
46 I take it, a number of questions that were being asked by  
47 various persons?

1 A. In Western Australia primarily, Commander. Not that  
2 I'm fully aware of it, but I don't think there was a lot of  
3 activity on the east coast, and I see this as a West  
4 Australian phenomenon - Carnarvon, Sydney Research Group  
5 and the West Australian community.  
6

7 Q. You then refer to LCDR Gabbedy, who gave a lecture at  
8 the Australian Maritime History Association. As  
9 I understand it, he referenced the Germans firing under  
10 a neutral flag.

11 A. Yes. A transcript of the lecture was made, and in it  
12 he makes this reference, "Neutral flag", and other issues.  
13 I think if we scroll on we will see that he references the  
14 war crimes issue, firing, and all that sort of thing. We  
15 have this man, a former Lieutenant Commander, who  
16 interestingly said that he worked with CAPT Dechaineaux in  
17 the interrogation of the Germans, a man who was close to  
18 the action, as one would say, making claims of this nature  
19 in a lecture to a broader history association. Commander,  
20 in attending to the request of me to look at the  
21 development of the controversy, you can see it building,  
22 but you can also see numerous people making steps that you  
23 wonder how did they make that step? But then if you're in  
24 the audience listening, as Ean McDonald was, then this adds  
25 further to the beliefs that you already have.  
26

27 Q. You report Mr McDonald, during question time, as  
28 reporting that on *Perth* in Port Phillip Bay he saw a signal  
29 from *Sydney*?

30 A. That's correct. That's what Ean has said occurred  
31 and, as I understand it, that's also what caused Ean, who  
32 also served on *Sydney*, to begin his personal quest and also  
33 to develop the anger that he still feels towards  
34 officialdom.  
35

36 Q. But do you then refer to, if we can scroll down,  
37 Mr WP Evans of the Australian Army advising that he had  
38 found an *HMAS Sydney* kitbag "on the beach north of Kalbarri  
39 containing a wooden box, in which were authentic wartime  
40 memorabilia"?

41 A. Yes, this was quite extraordinary, and it came to our  
42 attention, as it had to do, but it was quickly taken over  
43 east and sent to the War Memorial. The materials inside  
44 were authentic World War II materials - razors, postcards,  
45 and so on. But in it most importantly was the typescript  
46 of SUB-LT Elder - supposedly the last officer on board  
47 *Sydney* alive - which although he was too badly damaged to

1 write, he types on the typewriter and says in the  
2 typescript that they saw a Japanese submarine, found  
3 *Kormoran* under a Norwegian flag, hoisted a Dutch flag, and  
4 so on, and then gives the whole story, amongst the process  
5 of *Sydney* sending out an anti-scuttling party across and  
6 were struck by *Kormoran* as that party went across.  
7

8 The thing was proved to be a hoax when they checked  
9 out the bag in which the box came as being washed in Omo,  
10 which had been invented in 1960. What was interesting to  
11 me as an independent observer, though with some legal  
12 responsibilities, was the amount of time, effort and money  
13 the War Memorial put into that, having a group arguing  
14 strongly for it and a group arguing strongly against it,  
15 and finally having the scientists prove that it was  
16 a nonsense.  
17

18 But Evans, if he was part of this - and I don't wish  
19 to take that step - this bag is a successor to the Robotham  
20 style, and there are those who believe Robotham may have  
21 been involved in that typescript, again to promote that  
22 desire for action.  
23

24 Q. So from the contents of the bag and the box and the  
25 type itself fraudulently alleged to be of SUB-LT Elder,  
26 somebody had put up a fairly sophisticated hoax?

27 A. It was extremely sophisticated - extremely  
28 sophisticated, very, very clever, and I think Barbara  
29 Winter goes into suggesting who may or may not have been  
30 involved. It's an extraordinary thing to try to fill  
31 a vacuum and force action. When you think about it, these  
32 are not people just angry; these are people driven.  
33

34 Q. If we can go over to page 8, Dr McCarthy, you there  
35 have set out two of the persons that you have referred to  
36 a number of times today - Mr Montgomery and Mrs Barbara  
37 Winter - and the debate that ensued between them, with  
38 their various publications and views. The significance of  
39 that debate initially at least you refer to in the  
40 Montgomery publication in 1981. If we can go down the  
41 page a bit, you set out a number of matters from the  
42 publication. I'm looking at the fourth-last line of the  
43 paragraph:  
44

45 *... Montgomery published in 1981 under*  
46 *a provocative title, "Who sank the Sydney?"*  
47 *adding further to the existing*

1           *controversies. Other than those appearing*  
2           *above, and/or not supported by the*  
3           *underwater evidence from the 2008 search*  
4           *and survey, these are in the main:*

5  
6           1) *an RAAF Plane had sighted Kormoran on*  
7           *11 November 1941 ...*

8  
9           Had that been raised at all prior to Montgomery?

10          A.    Not to my knowledge.

11  
12          Q.    Then *Kormoran* had flown a Norwegian flag. A question  
13          was raised I think about that in the higher school --

14          A.    Before that, I think, by John Ross, who was serving  
15          Paymaster Lieutenant on *Sydney*, who in his book raises that  
16          issue - not the opening fire under neutral flag, I think,  
17          because John at no stage ever believed in any of that, but  
18          he is the first I know to have raised the Norwegian  
19          disguise and his work was published in 1943.

20  
21          Q.    The third one you referred to is the Kitsche account  
22          that we have referred to.

23          A.    Yes.

24  
25          Q.    And 4:

26  
27                *Kormoran used a Norwegian (neutral)*  
28                *disguise and Detmers having told a Major*  
29                *Schrader one of his interrogators that*  
30                *Kormoran had heaved to and Sydney had*  
31                *lowered a boat.*

32  
33          A.    Yes, and I was speaking to Michael in November at  
34          Geraldton and he reminded me of the Schrader issue.  
35          Although I haven't read at all much in the last couple  
36          of months, I understand that he raised that with you.

37  
38          Q.    Then 5:

39  
40                *... a French magazine Sept Jours carried*  
41                *information Montgomery considered similar*  
42                *to ... the Kitsche notebook.*

43  
44          A.    Yes. Again, that's in the chronology I provide at the  
45          beginning.

46  
47          Q.    And 6:



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*Kormoran fired a torpedo from the underwater torpedo tube "before declaring herself".*

A. That's one of his central tenets. At the time, if I could make the point, nobody knew the tube actually existed. We actually first found plans of *Kormoran* when Vic Jeffrey sent to me some plans that had been sent to him showing the underwater torpedo tube, so Michael was making those sorts of comments without access to the plans that we have since had.

Q. And from the perspective of raising that as a controversy or an issue, had the use of the underwater torpedo theory, to your knowledge, been put forward prior to the publication of the book?

A. Not to mine, I think. I am hoping that what I've written there provides that analysis.

THE PRESIDENT: Q. Except that CAPT Detmers had published a book prior to that, a decade earlier, had he not, in which he had talked about underwater torpedos, so it was well known that the *Kormoran* had them.

A. Right. I would stand corrected there. It has been a bit of a blur, I think, Commissioner.

THE PRESIDENT: I think he wrote it in 1959.

CMDR RUSH: I think there is reference to it earlier than that in a couple of other accounts.

Q. But 7:

*Detmers' account of Kormoran's 80 plus injured perishing when their raft capsized is a fabrication designed to hide the extent of the damage wrought on Kormoran either before, or during the exchange of fire with Sydney.*

A. Yes.

Q. And 8:

*H Evans, Third mate of Koolinda reported that one German survivor brought on board*

1           *soon after the battle claimed Kormoran had*  
2           *surrendered.*

3  
4       A.    Yes.

5  
6       Q.    Was that something that had featured as far as an  
7           account is concerned?

8       A.    Yes, of course with Robotham.  If I read Robotham  
9           right, "the ship surrendered" means that *Kormoran*  
10          surrendered.

11  
12       Q.    And 9:

13  
14           *The Sydney crew were shot in the water by*  
15           *Kormoran men using motor powered boats*  
16           *which were either later scuttled or had*  
17           *their machinery removed and jettisoned*  
18           *while at sea or on the way to ...*  
19           *Red Bluff.*

20  
21       A.    Last year, for the Geraldton commemorations, he  
22           indicated to me that he was always unhappy that we hadn't  
23           done a full search of Red Bluff for these materials, and  
24           though we had very quickly in 1981 gone and had a look,  
25           Commander, it was clear to me that the conditions up there  
26           and so on were the sort that would have hidden materials  
27           like that.  But many people have suggested to me that we  
28           should do this and go out and look for all these things,  
29           but the proof that that occurred has never been enough to  
30           spend money on doing so.

31  
32       Q.    Then cryptograms by Dr List indicated assistance was  
33           received from Japan?

34       A.    This is very interesting.  Barbara is very critical of  
35           Michael for his referencing, but in fact Montgomery  
36           references quite well at times and the cryptograms produced  
37           by Dr List, which were in the possession of CAPT Hehir, and  
38           then his daughter, as read at the time indicate, though  
39           it's in shorthand and abbreviated, that there was a belief,  
40           a strong belief at the time, with assistance from Japan in  
41           the cryptograms.  Barbara very strongly denounces the  
42           identification of the cryptograms.  However, Michael, in  
43           search of his father, I think was quite at liberty to go  
44           down that track, given the evidence that was there before  
45           him that there were these cryptograms read by various  
46           people, SGT Caminer, and I forget the lady's name, and  
47           that's what they believed and that's what people thought at

1 the time.

2

3 CMDR RUSH: Is that a convenient time for a morning break?

4

5 THE PRESIDENT: Yes.

6

7 **SHORT ADJOURNMENT**

8

9 CMDR RUSH: Q. Dr McCarthy, we were coming to  
10 a conclusion on the Montgomery matters. I mentioned 10 on  
11 page 8, the cryptograms, and then 11:

12

13 *An entry in the diary of W Grun ...*  
14 *"sea-going liner must soon be met"*  
15 *indicates Kormoran was lying in wait for*  
16 *... Aquitania.*

17

18 A. That was Michael Montgomery's take on that,  
19 I understand.

20

21 Q. Again just putting it in some historical analysis of  
22 the theories, to your knowledge had the issue of *Aquitania*  
23 and the meeting of *Aquitania* been mentioned prior to this?

24

25 A. Not that I can recall. I'm sure it wasn't, actually.

26

27 Q. And then 12:

28

29 *The lighthouse tender Cape Otway found*  
30 *bodies and its log was later tampered with*  
31 *removing all entries after 8am on*  
32 *18 November from the record.*

33

34 A. That's correct.

35

36 Q. In relation to Otway bodies and tampering with the  
37 log, chronologically had those matters been raised before  
38 by other researchers, or was Montgomery the first to deal  
39 with that?

40

41 A. No, I don't think so.

42

43 THE PRESIDENT: Q. He was the first, I think.

44

45 A. Yes. May I make a point? Everything here is as came  
46 across my desk or as was recounted to me. Therefore, there  
47 would be holes in my knowledge and understanding.

48

49 CMDR RUSH: Q. I understand. Let me premise the  
50 questions by saying "on the West Australian Maritime Museum

1 materials".

2 A. Yes, thank you.

3

4 Q. And the other theory, 13:

5

6 *There was an official cover up.*

7

8 You make the point that we've just discussed, that it was  
9 the first reference on the Museum files of the conspiracy  
10 theory, including the *Cape Otway* story?

11 A. Yes.

12

13 Q. And *Aquitania*, and that the *Kormoran* injured had been  
14 deliberately abandoned.

15

16 THE PRESIDENT: Q. The notion of a cover-up over  
17 the years has encompassed a whole variety of different  
18 aspects, as I understand it.

19 A. Yes, Commissioner, it has.

20

21 Q. Was it Mr Montgomery who first raised that, do you  
22 know?

23 A. The cover-up?

24

25 Q. Yes.

26 A. Could we go to the date of Gabbedy? When was Gabbedy?  
27 I think Gabbedy was 1978, wasn't he?

28

29 CMDR RUSH: Q. It is at page 7. You have said around  
30 the same time as the Lamb thesis --

31 A. Oh, of course. I think Lamb says there is a cover-up,  
32 does he, Commander?

33

34 Q. Yes, he does. He puts the question.

35 A. And that is 1978, is it not? Actually, it's undated,  
36 but in the sequence on that file that Scott opened, the  
37 Naval wrecks file - and all this material is then taken off  
38 and put on to the new *Sydney* file - the sequence appears to  
39 indicate around about 1978, I think, or thereabouts for  
40 Gabbedy, but possibly even earlier.

41

42 THE PRESIDENT: Q. The cover-up of what?

43 A. Whatever.

44

45 Q. Anything?

46 A. Yes, does he use the words "cover-up" there in terms  
47 of your question, Commander, if we can go back to Gabbedy?

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CMDR RUSH: Q. Yes, page 7, sir.

A. Could we go to page 7 on the screen? Does he say it?

Q. I don't see the word "cover-up" in terms there.

A. No. Is there anything in the one above it, then? No, the words are not used there, from what I can see. I think the inference is there, Commissioner.

THE PRESIDENT: Q. Yes. The difficulty is to know what is said is being covered up. It is a very pejorative expression.

A. Agreed.

Q. And it rather suggests that there is something sinister that somebody knows which they are not telling.

A. Agreed. I think his questions there, "Did the Japanese help?" "Did Doolittle see?" "Why did the *Kormoran* not do this?" "Why did *Sydney* do that?" indicate the inability to accept what has been said in quotation marks "official accounts", which of course don't go into any of that.

Q. But there is no logic in saying - I can ask a lot of questions. Unless I get a satisfactory answer, that means that somebody - in this case let's call it Government or Navy - therefore knows material which they're not telling me. Therefore, that material must be adverse to their interests, and therefore they're covering it up.

A. Exactly.

Q. That's the way this thesis emerges, it seems.

A. That's a common thread. "I can't get an answer. Therefore, it's being withheld from me."

Q. "Therefore there is something bad or adverse that they won't tell me."

A. Agreed. I think you can look back to say the primary question, "Where was Third Officer Westhoven's report?" And though I did numerous searches - and I can't suggest for a minute they were exhaustive, and people like LEUT Frame, when he came to the Museum's seminar in 1991, was asked, because he had just done, for example, the *Voyager* thing, he had just done his doctorate on it and clearly was able to wander around and look anywhere - where was it? Could you find it? The fact that the Westhoven document, which was the basis for the Long thing,

1 Commander, I don't think has surfaced, or maybe it has  
2 now --

3

4 CMDR RUSH: Q. It has now.

5 A. But the fact that it didn't surface at the time  
6 I think was really, going on what the Commissioner has just  
7 said, why these people went the next step. "We can't get  
8 this. Therefore, you're withholding it. It must contain  
9 something odd."

10

11 THE PRESIDENT: Q. But the silly part of all that is  
12 that Westhoven was a very junior officer who knew  
13 absolutely nothing about *Sydney* and he was given a file  
14 four years after the event and asked to write something.

15 A. Well, exactly. But one of the comments made to me on  
16 that issue by various folk is, "Why was a junior given it?  
17 Why was this not done by a senior? Did they not want to do  
18 it?" These are the things that have been thrown at me as  
19 questions over the years, and these are the things that led  
20 people to say, "Well, they're hiding." And the question  
21 is, "Hiding what?" This is the tragedy of Long's decision.  
22 I think if you had read the Westhoven thing - and  
23 I actually I am remiss in not recalling it and having  
24 a look at it, but it is almost certainly going to be fairly  
25 innocuous, is it? Has somebody read it?

26

27 Q. It's completely innocuous.

28 A. Yes. I must confess, Commissioner, since *Sydney* was  
29 found, to not following too much, with other pressures and  
30 then going on leave, to see that.

31

32 Q. The problem that I am faced with at this point of  
33 time, no doubt with the assistance of Counsel Assisting, is  
34 that we have to take each one of these theories or concepts  
35 or speculations - whatever you like to call them - and  
36 deconstruct them and find if in fact there is any element  
37 of truth in them; and if there is, accept that truth; and  
38 if there is not, say that they have no substance  
39 whatsoever.

40 A. In the role that I have had, that is what I have tried  
41 to do right along with folk, those that have come to me and  
42 said, "I want to research *Sydney*," or, "I am researching  
43 *Sydney*. What do you know?" I say, "Whatever you do,  
44 please provide chapter and verse, and if you have an idea  
45 or theory, follow it through to the best of your ability,  
46 but provide chapter and verse." I must say, this is what  
47 I've said to folk like John Doohan continuously, "John,

1 you're very vocal. Please provide chapter and verse  
2 because what you're saying is fundamental to the future of  
3 this, and you have in fact an obligation to." I've said it  
4 to all of them.

5  
6 But the failure to provide chapter and verse has been  
7 across the board. It has been there with many, many folk  
8 on both sides of the fence, I'm afraid.

9  
10 Q. My concern is not with the internal debates amongst  
11 people about who is right and who is wrong, but, rather,  
12 what is the truth of the matter.

13 A. Yes, and this Inquiry really, I think, is the  
14 culmination of all sorts of other things which had  
15 failings. The Museum's seminar was just, could we find  
16 *Sydney*? The answer was, possibly not, but we could  
17 certainly find *Kormoran*. If you recall, one of the first  
18 things I wrote in the chronology is that the Navy itself  
19 thought that *Sydney* could have been going to Sourabaya, the  
20 nearest drydock, which is a very logical thing for anybody  
21 to do. The problem with *Sydney* and Kim Kirsner's work  
22 showed Sam Hughes and everybody that, although *Kormoran* was  
23 certainly where the Germans said it was - back in 1991 that  
24 was proved - *Sydney* could have been anywhere within 7,000  
25 square kilometres. The search for *Kormoran* was always  
26 going to happen, and it was from that time on we have been  
27 trying to say to people, "Look, if you have something to  
28 say, say it, but give us chapter and verse." John first  
29 presented then and didn't provide chapter and verse then.  
30 What I'm desperately hoping is that he will provide chapter  
31 and verse, as any other person making claims would do, this  
32 time to allow us all to walk away, having done our job, the  
33 Australian job, to look after the men lost and their  
34 relatives who have been damaged by this loss in service -  
35 do our job and then have listened to everybody.

36  
37 I did urge the Parliament to listen to people  
38 sympathetically, because quite clearly, to receptive minds,  
39 the seeds are there way back in November and December  
40 1941 - listen sympathetically but, at the end of the day,  
41 let's have chapter and verse.

42  
43 CMDR RUSH: Q. Doctor, at the top of page 9, you refer  
44 to Mr Doohan and note that the early notions evolved and  
45 morphed into claims from Mr Doohan and the Sydney Research  
46 Group, making first contact with the Museum in 1991:

1           ... that the *Kormoran* wounded had been  
2           taken onboard HMAS *Sydney* to be housed in  
3           the sick bay.

4  
5           He claimed that they subsequently died when it sank, and  
6           then the thread, as you say, developed. Four lines from  
7           the bottom of that first paragraph:

8  
9           ... even further when he was advised ...  
10          that the Museum would not countenance entry  
11          into the two "war graves" (as they were  
12          then loosely called) if they were ever to  
13          be found.

14  
15          He perceived that as evidence that the Museum was part of  
16          the "official cover-up".

17          A. Yes, I think John has always seen me in that respect.  
18          When the November 1991 forum showed that the *Kormoran* could  
19          be found and Woods Hole agreed to join the Museum and do so  
20          and hoped *Sydney* might also be found, John asked me what  
21          our intentions were and I made it quite clear that there  
22          would be no entry. At the time, John responded exactly as  
23          that, that he saw that as proof that I was part of the  
24          conspiracy, because we wouldn't see the bodies from  
25          *Kormoran* in the *Sydney* sick bay.

26  
27          Q. You then referred to the awareness of CAPT Burnett of  
28          the raider, referring in particular to two pieces of  
29          correspondence from sailors.

30          A. Yes.

31  
32          Q. From I think it is Steward Dave Rolley and  
33          Aircraftsman Keith Homard --

34          A. That's correct.

35  
36          Q. -- both writing letters as to the words attributed to  
37          CAPT Burnett at Divisions on the ship?

38          A. That is correct. These are reasonably new to me.  
39          The Homard letter I think I learnt from Wes Olson, who has  
40          done much work on *Sydney*, and the Rolley letter was  
41          received in the Museum in 2007 from the east. The Homard  
42          letter is dated, whereas the Rolley letter, which indicates  
43          they were looking for a ship and hoping to sink it, and  
44          tragically he's saying that he hopes it to stay above the  
45          seas, is undated and Wes advises me that it is most likely  
46          when *Sydney* had a number of scares on the East Coast to  
47          attend to, because of the lack of dating.



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Q. Then, Doctor, you refer to the book of Michael Montgomery promoting debate from the first Australian institution on the Museum's record from LCDR Roberts, the General Secretary of the Royal Australian Historical Society?

A. Yes, Roberts is the first official, as the Secretary, to say that as much as Montgomery's book seemed to be in error in many cases, he expressed concerns that if any of it is correct, then it certainly needs to be looked into further. Could we call that up, please, Commander?

Q. Page 9.

A. As I say, a lot has happened since I wrote this. Roberts comments on both Winter's and Montgomery's book, if I recall, and they're very interesting comments, because to me this is the movement of the awareness of *Sydney* across to the east through this very influential man, and again a former Navy person.

Q. Then, after referring to that, you refer to file entries lodged after a search of archives concerning CAPT Young and others who were part of the interrogation team at the PoW camp.

A. That's right. Relatives of this SGT McLymont here, the Andersons, gave us a model of *Sydney* that had been built for him by Italian PoWs, and that is on exhibition in my Museum now. Jim and his wife are telling me that he used to tell them of lying underneath the floorboards listening to the Germans to see if they would divulge any secrets. So that's extraordinary. These were the lengths they went to. In fact, I think I record in there that they plied them with liquor, got them drunk.

Q. And early listening devices, microphones, being placed in the walls to see what could be picked up?

A. That's right.

Q. You make the comment at the top of page 10 that this form of surveillance led the interrogators to accept the German account.

A. As I've read this, this was the turning point, I think, in those early days - the interrogations provided nothing different, and therefore the officials said, "Right, this account is real."

Q. Then again reference, Dr McCarthy, in the next

1 paragraph to the List cryptographs and Montgomery and  
2 Winter having a clash in relation to what could be read  
3 into them?

4 A. Yes, that's right. I saw Maria Hehir, and we have  
5 been in correspondence or contact since --

6  
7 Q. Just to explain, she is the daughter of CAPT Hehir,  
8 who was engaged in the interrogation at the PoW camp?

9 A. That's right. So on the one hand, CAPT Hehir says  
10 there's nothing being heard of any difference, but at the  
11 same time he keeps in his possession these sketches and  
12 shorthands and cryptograms, which were the basis of Michael  
13 Montgomery's going down the Japanese assistance line.

14  
15 It amazes me that CAPT Hehir kept them, and Maria has  
16 advised me that my chronology there is actually wrong, but  
17 the sense is correct, that these cryptograms were in his  
18 possession; he did provide them to various researchers, and  
19 so on, but the originals went to the archives where  
20 I remember seeing some of them.

21  
22 So we have Hehir on the one hand saying this, but on  
23 the other hand keeping the documents that Mrs Kevin  
24 I recall and SGT Caminer, both used to suggest there was  
25 assistance and did bring in the Japanese issue.

26  
27 Q. I think there is reference in those documents to  
28 Mrs Kevin, who was brought up to the POW camp from  
29 Melbourne to interpret them?

30 A. That's right. And Barbara states in her work that  
31 those identifying it as a particular form of German  
32 shorthand are wrong. She is pretty expert in these things.  
33 That's something that I'm totally unable to comment on.

34  
35 Q. Then you refer to Mrs Winter's book, "*HMAS Sydney -*  
36 *Fact, Fantasy and Fraud*" as being equally polemic in its  
37 title. She challenged much of Montgomery's book in her  
38 text.

39 A. Yes, she certainly did.

40  
41 Q. And a middle ground article that appeared in the  
42 Australian Sea Heritage Journal again is Roberts' writing?

43 A. Yes, it's Roberts again, and he's saying, "Bravo,  
44 Winter, or Poniewierski. You've done a wonderful job  
45 destroying all this", but his interesting point is if the  
46 wrecks are found in a different position - he thought the  
47 wrecks must be found on the Sunda-Fremantle line. He

1 thought that finding the wrecks would put it all to bed.  
2 So he has this recurring seed of doubt. Again, this to my  
3 mind is the transference of knowledge and concern across to  
4 the East Coast, because this journal is the Australian  
5 National Maritime Museum's journal.  
6

7 Q. Dr McCarthy, you then turn to the various claims that  
8 have been made of the finding of *HMAS Sydney* and that many  
9 of the controversies and claims concerning *Sydney* have  
10 evolved around where the wrecks have supposedly been.

11 A. Yes. A lot of what was said, Commander, once the  
12 wrecks were shown to be where the Germans said they were -  
13 and, interestingly, though it appears in my analysis at the  
14 beginning, it only really came to my attention in the last  
15 year, where the Australian Navy said that *Sydney* had sunk,  
16 which is 26 degrees 111, where both the German and the  
17 Australian Navy said - once they were found there, an awful  
18 lot of the surmise and all that sort of thing suddenly  
19 disappeared.  
20

21 THE PRESIDENT: Q. That has not deterred those who  
22 initially said, "If it's found elsewhere, then we'll know  
23 the Germans were lying."

24 A. Well, we had this extraordinary circumstance,  
25 Commissioner, with Jim Eagles suggesting that this is  
26 a Kubrik-esque reconstruction of the moon landing type of  
27 thing underwater to try to continue that thread, but I  
28 don't think that anybody could ever believe that.  
29

30 Sadly - and I do finish this work with it - there are  
31 a number of relatives who asked my opinion on whether what  
32 Jim is saying has any legs. I saw a bit of the Inquiry on  
33 it, and he is not going to let go on the fact that it is  
34 absolutely impossible to reconstruct shipwrecks of that  
35 nature on the seabed and to have the sea life that went  
36 past in front of my eyes.  
37

38 As much as I tried to suggest to Jim and those in his  
39 circle - who, interestingly, should never be misconstrued  
40 as his supporters. This is an error I made a long time  
41 ago. When you see a list of 50 people in an email circle,  
42 your assumption is that they are supporters. I do notice  
43 a number of them saying to Jim to pull his head in, but to  
44 do what he has suggested is absolutely impossible. We've  
45 tried to reconstruct --  
46

47 THE PRESIDENT: Q. But you can say, as a marine

1 archaeologist, that the concept of somebody reconstructing  
2 wreckage to appear to be the *Sydney* from various parts of  
3 other wrecks is an impossibility?

4 A. A vessel of that size in that depth of water, to be  
5 above whatever the depth was, 2,460, to be able to get  
6 another ship of similar sort - and I think someone  
7 suggested to me that it was *Hobart* at one stage - just to  
8 give an idea of what we do, I asked of the Navy, "What were  
9 the decommissioning details, please, of *Hobart*?" I was  
10 told what happened and when it arrived at the breakers in  
11 such and such, and so on, mainly to be able to say to  
12 someone who I knew was barking up a completely wrong tree,  
13 "Look, this is what happened. It's entirely impossible to  
14 go 2,000 metres, break something up and allow it to fall on  
15 to the seabed in the order that we've seen, and so on, then  
16 have it filmed in the way that we did and then to concoct  
17 the sea life that you see down there.

18  
19 I can tell you, there are very few people in the  
20 world, bar people like Ian Macleod, Vicky Richards, Mearns,  
21 Ballard and so on, who have seen these things and know what  
22 sort of marine growth you have there and what you don't get  
23 in terms of molluscs, and so on, on these wrecks and to  
24 then concoct this whole thing from the beginning.

25  
26 The millions and millions and millions of dollars  
27 required to do that is just extraordinary. But the tragedy  
28 is that, number one, Jim has brought honest people who  
29 believe there is a cover-up with him, and, number two,  
30 someone who has shown quite a great deal of intelligence in  
31 examining radio and HF in *Sydney* - and that's how I first  
32 met him or knew of him - has gone down this track because  
33 his hatred is so great.

34  
35 CMDR RUSH: Q. May I expand on this area. Were you on  
36 *Geosounder* --

37 A. Yes, I was.

38  
39 Q. -- at the time both wrecks were located?

40 A. Yes - well, no, not when they were located. That was  
41 by remote sensing.

42  
43 Q. I'm sorry, when they were visually found?

44 A. Yes.

45  
46 Q. Can you describe to the Commission just what you see,  
47 where you are and what occurs?

1 A. I would first make the point, I think, for conspiracy  
2 theorists like Jim that it all almost went completely  
3 wrong. It almost got to point where we weren't going to  
4 leave the dock, where gear failure, and so on, was not even  
5 going to allow us to see the wreck.  
6

7 The first image of *Sydney* was in a process whereby  
8 because the remotely operated vehicle would not fly out of  
9 its cage - the cage is lowered by a shot line and normally  
10 sits away from the wreck and then leaves its cage and goes  
11 up to the wreck, keeping 2 metres away, as per the  
12 Commonwealth agreement, but photographing it - it wouldn't  
13 leave the cage, so a decision was made to come alongside  
14 and bounce the ROV in its cage alongside the ship.  
15

16 Now, this is quite extraordinary navigation. Nigel  
17 Meikle, who was the navigator down below, and Mearns and  
18 company did an extraordinary thing and a dangerous thing to  
19 bounce this thing up and down alongside *Sydney* within the  
20 range of its cameras to get those first images of the guns.  
21

22 Everything could have gone wrong before and everything  
23 could have gone wrong then, but there you were seeing this  
24 ship, and it was an extraordinary thing, because we were  
25 concerned that we would be leaving there without those  
26 images which would have told Australia that this is *Sydney*  
27 or this is *Kormoran*. Well, we knew we were on *Sydney*,  
28 because the side scan sonar images are unequivocal that  
29 that's a warship - well, that's a ship of a wartime-type  
30 profile and that's not a ship of a warship profile. So  
31 there it was, and that was the first time. It was really  
32 band-aid stuff and a credit to all who saved the day.  
33

34 Then the ROV people really got going and flew the  
35 thing out and did wonderful work. I was actually able to  
36 follow it on my mud maps. I'm not very good at these  
37 things, but I followed the ROV around the wreck, above the  
38 wreck and across the wreck. I recorded every instance  
39 where there was accidental contact, which is contrary to  
40 the agreement, where, say, the umbilical might have touched  
41 something. It's all there.  
42

43 Again, to come back to the *Eagles* scene and those who  
44 believe him, it is impossible to have done what he said,  
45 and the nonsense of another *Leander*-type vessel which he  
46 has put forward - he did not see the two funnels, for  
47 example, which would have stopped him in his tracks in his

1 very early phases of it being a single-funnel ship.

2  
3 It was a most extraordinary thing. To me, Commander,  
4 seeing the bow was one of the most extraordinary things,  
5 because, strangely, everyone had left the room, and there  
6 I was as the ROV is coming up to this strong object and  
7 there was the bow in front of me. In my study, I have  
8 a huge picture of *Sydney* with the whole ship there, and  
9 fore and aft of the anchors is the brig, and they have bars  
10 there, because that's where the recalcitrants go. Those  
11 bars are there down below, and, I might add, Commander,  
12 that they're there on *Kormoran*, too. So if we look for  
13 commonalities, the bad boys get in the brigs whatever side  
14 you're on.

15  
16 Q. Doctor, were you on *Geosounder* in your position as  
17 Curator of Wrecks on the West Australian coast?

18 A. I was asked to go because of my long involvement with  
19 *Sydney* and also to represent my director, Diana Jones, as  
20 the delegate to the Federal Minister, to ensure that things  
21 were done correctly and also with a view to keeping the  
22 record and reporting.

23  
24 Q. May we come back to page 11. At the top of the page,  
25 you there refer, I think, to what we've spoken about - the  
26 magnetic anomaly that *Moresby* went out to examine. Then  
27 over the 1980s and 1990s, you refer to the RAN examining  
28 equally promising seabed anomalies.

29 A. That's correct.

30  
31 Q. You refer to the diver, Wayne Sampey, as having  
32 discovered *Sydney* in a kelp bed not far from the top end of  
33 Dirk Hartog Island in Shark Bay.

34 A. Yes. It was interesting that the Navy didn't tell us,  
35 because of our legal position. Though they still own the  
36 wreck, obviously we were the managers for the Federal  
37 Government. I found this actually in the archives, and  
38 I was not impressed to find that they had gone looking on  
39 the basis of a clearly idiotic report.

40  
41 The nearest kelp bed - I don't want to offend my  
42 biological colleagues, but I don't think it's anywhere near  
43 Western Australia. Also as to his claims to have found  
44 skeletal materials and I think he referred to even seeing  
45 the ship's wheel - again, we could have suggested that this  
46 wasn't the case; this just doesn't happen. They even put  
47 an Orion with a magnetometer over the top of this area. It

1 was stunning.  
2

3 Sampey had also said that a chap, Williams or  
4 Williamson, had come ashore and was buried there, and again  
5 we were finding in the archives that *HMAS Geraldton* had  
6 been sent to look for this grave site, had found it but  
7 didn't dig it and then off they went. I remember saying to  
8 Vic Jeffrey, "Vic, I'm not very happy about this, to be  
9 finding information about *Sydney*, which we're partly  
10 responsible for, in the archives. Do we have an agreement  
11 or don't we?"  
12

13 However, in the cold, hard future, looking back on it,  
14 what was interesting to me was that it was a clear  
15 indicator of the present Navy's desire to solve this  
16 mystery. We were just civilians, and civilians are not to  
17 be trusted, as you know. It was a very interesting  
18 statement in itself. But whenever I asked them to go, on  
19 the basis of what I was told by people, they always went.  
20 Again, I think that's a statement in itself.  
21

22 THE PRESIDENT: Q. It doesn't sit very well with  
23 cover-up theories.

24 A. I would say it doesn't. But I wonder - and this is  
25 the question that those holding conspiracy theories would  
26 ask - "Well, what would have happened if they had found the  
27 grave? Would you have been told then?" As it turns out,  
28 we excavated the grave with an archaeologist recently, and  
29 I know it was not in any way disturbed, and there was  
30 nothing there. But, sadly, this sort of behaviour added to  
31 the problem. The way it had been managed added to the  
32 problem, Commander, without doubt.  
33

34 CMDR RUSH: Q. You refer to there being, in all, some  
35 25 shallow-water reports of finding of wrecks or relics of  
36 *Sydney* and those finding their way into the press and the  
37 media, and you say in the fourth line of that bottom  
38 paragraph:  
39

40 *The last example appearing after the two*  
41 *wrecks were found in 2008 was an oar found*  
42 *much earlier on the Zuytdorp Cliffs. It*  
43 *was headlined in the Geraldton press as*  
44 *being from HMAS Sydney despite the*  
45 *proponents having received unequivocal*  
46 *advice from historical officers in the RAN*  
47 *it could not have been so.*

1  
2 You then go on to analyse the role of the press and the  
3 media in the claims.

4 A. Yes, I was once at a conference when a representative  
5 of the sceptics association spoke, and he said, "Whatever  
6 you do, don't treat theorists, like Whittaker-Knight",  
7 which was the case that I raised with him, "as liars and  
8 charlatans." He said, "They are honest people who have  
9 come to firmly believe what they are saying, despite there  
10 being no skerrick of evidence for it."  
11

12 In this case, it is interesting that the modern press  
13 has taken a role which has caused the *Sydney* thing to be  
14 much, much worse. They have been prepared on numerous  
15 occasions, with this the last that I know of, to report  
16 *Sydney* in a fashion that really has led to a great deal of  
17 hurt amongst relatives, amongst the Navy people who  
18 honestly have been looking for the ship and amongst all  
19 sorts of people. This particular case here was very  
20 interesting, because the people said it was Tasmanian oak  
21 and they were told by Navy Historical that this could not  
22 have come from *Sydney*.  
23

24 Again, I think sometimes the press take sides. Well,  
25 I know they do. The press did not pick up the phone and  
26 say to me or to the Museum or to the Navy, "Is this  
27 possible?" They went with what they were told, and it was  
28 front page. There has been so much front page, where the  
29 press says, "Oh, this is great. Let's go with it." It has  
30 been very, very sad.  
31

32 Q. You refer to other examples, and if we can turn to  
33 page 12, four lines from the top of the page:  
34

35 *Another claim to have found the two wrecks,*  
36 *near the "Detmers" position, this time by*  
37 *satellite imagery, was received in 2007.*  
38 *While the science was considered*  
39 *questionable at best, and while specialists*  
40 *advised it was impossible, the report*  
41 *received considerable press, here and*  
42 *overseas - exciting the public, remote*  
43 *sensing companies and Navies across the*  
44 *globe. Inquiry totally ceased in all bar*  
45 *a few isolated pockets of the media when*  
46 *proponent also claimed to have found*  
47 *a "Japanese aircraft carrier" in the*



1           *vicinity.*

2  
3           A.   That's correct. That's the Timothy Akers report.

4  
5           Q.   Then you refer to what you describe as regional  
6           jealousies developing in relation to the finding of the  
7           wrecks.

8           A.   That's correct. Carnarvon always saw itself as the  
9           place, because that's where the Germans came ashore and  
10          that's where the battle took place. The Carnarvon people  
11          got extremely angry when it was claimed that the wrecks and  
12          the battle took place down at Geraldton. As that  
13          developed, there was a great jealousy developing mainly  
14          from the Carnarvon people. Geraldton has gone on to  
15          produce the most magnificent and much-praised memorial.  
16          But that raised the sorts of jealousies, and I refer there  
17          to Shark Bay as a third group, who are halfway between, in  
18          some ways. Even when a wreck thought to be related to  
19          Sydney was found, instead of being reported to us, as  
20          required under the Act - if you believe it's an historic  
21          wreck, you have to report it - it was kept in the local  
22          safe.

23  
24                  It then led to the Shepherd group, who honestly  
25          believed this was part of Sydney - it led to this being  
26          front-page news and it also led to Phil and others claiming  
27          that we hadn't acted and hadn't done that, and so on, but  
28          they weren't aware of all the work that we had put into  
29          this thing. It's a clear indicator that people were  
30          prepared to claim that this was their story and this was  
31          not going to be grabbed by those fools down there, up there  
32          or over here.

33  
34          Q.   Down the bottom of the page, if we can scroll down,  
35          Dr McCarthy, in the third line you refer firstly to:

36  
37                         *Firstly, most honestly believed what they*  
38                         *had been told or had read of the claim and,*  
39                         *secondly, to some, any Government or*  
40                         *semi-Government institution that questioned*  
41                         *the claims that Sydney or objects from it*  
42                         *had been found was "proof" of an*  
43                         *all-of-Government involvement in the*  
44                         *cover-up. Again these deliberations often*  
45                         *found their way to the media.*

46  
47          You conclude that discussion by saying that what you

1 describe as the most damaging of these until recently were  
2 the claims of the late Lindsay Knight and his associate,  
3 Warren Whittaker, using the KDLS, claiming to have found  
4 *HMAS Sydney*, a Japanese ship, Samurai swords and human  
5 bones, and they held that right up until *Geosounder* set  
6 out?

7 A. Yes. This is quite extraordinary. After Michael  
8 Montgomery's book, he sent me a letter one day relating to  
9 the Knight business. He, of course, at the time was  
10 talking about a Japanese ship and he also believed that the  
11 battle didn't take place where it was said to have  
12 happened, and Whittaker-Knight very neatly fitted what he  
13 had to say, but he was concerned.

14  
15 We then went to study Whittaker-Knight and the  
16 circumstances of it. Warren Whittaker is one of those  
17 extraordinary people with lots of charisma, who speaks  
18 beautifully, dresses beautifully and has a wonderful  
19 history. Between the two of them, they took enormous  
20 numbers of people down a track believing that, in a Cessna  
21 aircraft, you can fly at 1,000 feet with a black box on  
22 your lap and not only find shipwrecks, but you can divine,  
23 or whatever, swords and human bones. Warren came to me one  
24 day and I said to him, "Warren, what you have there is  
25 a mixture of science and intuition, is it not?", and he  
26 said that it was.

27  
28 What appears to have happened is that when Lindsay  
29 died, Warren just mentally took this on and firmly believed  
30 in the whole thing. They took on board numerous people,  
31 like Ean McDonald and very many other folk, who then  
32 believed that this worked. I recall having to counter  
33 a front-page claim to have found *Sydney* I think in 2002 and  
34 having then to answer Ministerials as to why I was being so  
35 nasty to these people and claiming that it wasn't so.

36  
37 The effect of Whittaker-Knight in swinging the whole  
38 thing to a southern battle position totally derailed the  
39 search for *Sydney*, totally derailed any attempts to recover  
40 from Woods Hole's decision not to join us on the basis that  
41 there was too much doubt, and led to delays in finding  
42 *Sydney* that caused the Sea Power Centre also in 2001 to  
43 say, "If they can't all agree down there in Western  
44 Australia, then why should we recommend to Government that  
45 you search?" The effect of Whittaker-Knight has been  
46 quite extraordinary.

47

1 Q. Dr McCarthy, you refer to the 1991 *HMAS Sydney* seminar  
2 in some detail. What was the nature of it and what came  
3 out of it?

4 A. Kim Kirsner came to me one time. He didn't know me.  
5 I didn't know him. He said, "Who's in charge of *Sydney*?  
6 I think you should run a seminar to see if *Sydney* could be  
7 found", as the 50th anniversary was coming up. John Ross,  
8 former serving, was a mentor of mine at the time. We  
9 talked about it and we ran a seminar and an exhibition,  
10 using John's materials, to see whether *Sydney* could be  
11 located, because Bismarck and Titanic had just been  
12 located.

13  
14 Everyone was invited to come. The list of people who  
15 came was quite extraordinary - oceanographers and all sorts  
16 of folk. The seminar listened to everybody, had no powers  
17 of, "Where's your evidence?", and concluded that Detmers'  
18 position was correct and we should, if possible, go there.  
19 It then also made a number of recommendations, one of which  
20 was that LEUT Frame, who had just done his doctorate on  
21 *Voyager* and obviously had freedom amongst the halls of  
22 power, would research *Sydney*, and all sorts of other things  
23 were suggested at the time.

24  
25 Q. Halfway down page 13, Dr McCarthy, you refer to  
26 Dr Frame's book and you make some comment on its impact  
27 both from his perspective but also in relation to the  
28 theories that he propounded.

29 A. Yes. The book was not the result of what I and others  
30 thought would happen, which was an exhaustive search. It  
31 was produced in 18 months, which is a very short lead-up  
32 time, I think, if I recall rightly. At the end of the day,  
33 Tom raises the flag up front, which I really applaud. He  
34 saw that, having basically been very critical I think of  
35 the Navy and the *Voyager*, he would like to look at *Sydney*  
36 and try to see what was nonsense and what was not there.

37  
38 It's not a particularly conclusive book. For example,  
39 he concludes that the Christmas Island float could not have  
40 been from *Sydney*, whereas folk like Olson categorically  
41 proved later that it was, and Winter clearly indicated that  
42 it was. Sadly, he used almost an adversarial style to do  
43 so. But it was a very important work, in that it raised  
44 many, many issues and it really looked into the whole  
45 genesis of the controversy, also. He has a chapter there,  
46 too, which in my work I suggest folk should look at.  
47 Frame's was an extraordinary work, but it was not what the

1 1991 forum hoped for. It was hoped that it would do, in  
2 many ways, what this Commission is going to do.

3  
4 Q. Then if we could scroll over to page 14, you there  
5 refer to the End of Secrecy on *Sydney* group, Mr Doohan  
6 making contact with Senator Chamarette and matters arising  
7 relating to archives and the like.

8 A. Yes. John left the Sydney Research Group and formed  
9 his own group, End of Secrecy on *Sydney*, and this was the  
10 first manifestation of the bringing of bereaved widows and  
11 relatives to the cause of a particular agitator.

12  
13 John became well known to me. He told me his history,  
14 and so on, and basically he saw *Sydney* - and I suspect  
15 he'll tell you this - as an example of Government's  
16 corruption or whatever. He saw *Sydney* as one of these  
17 examples and pursued it.

18  
19 Independently of anybody, he approached Senator  
20 Chamarette. I knew of this because he had told me so. One  
21 of the recommendations of the 1991 Inquiry was the issue of  
22 doing an archival search but also to free people from the  
23 feeling that they were under the Official Secrets Act, if  
24 there was any such thing. I'm not sure. John then  
25 followed that with Senator Chamarette of the Greens, and  
26 the exchange in the Senate was quite interesting and quite  
27 revealing in some ways. In some ways, that was something  
28 that John then pursued quite strongly.

29  
30 Q. What was the nub of the exchange that you are  
31 referring to?

32 A. The nub of it was that the request whether the people  
33 were under the Official Secrets Act was covered in what  
34 I can only suggest is glorious politico-speak, in effect,  
35 saying, yes, they still are, as I read it.

36  
37 Then as to the other elements, the questions without  
38 notice, and so on, the tragedy for me was that I walked  
39 into the office of one of the junior Naval people in that  
40 period. I was doing my archival search, and the adviser  
41 was writing this reply. I refer to this issue down the  
42 track, Commander. When I saw the reply again - he didn't  
43 show it to me, but he told me what he was doing - it was  
44 just stunning. Again, if I could say, it added much, much  
45 further to it. To Doohan, this became clear proof, and the  
46 passion that he holds is there, but whether he can provide  
47 chapter and verse is going to be another thing.

1  
2 Q. At page 15, a quarter of the way down the page, you  
3 say:

4  
5 *... one of the questions directed to the*  
6 *author at the Geraldton commemorations in*  
7 *November 2008 was related to the belief*  
8 *that the Government still bound its*  
9 *military and Government servants to secrecy*  
10 *reminds of the unsatisfactory treatment of*  
11 *this issue post Chamarette.*  
12

13 A. Yes, it was a relative. I was lecturing there. We  
14 were presenting in November a series of lectures, and this  
15 person came up to me and said, "I believe that they're  
16 still under the Official Secrets Act." I recall that in  
17 the submission I made in 2001, I requested that that be  
18 attended to.  
19

20 THE PRESIDENT: Q. What is the notion? The notion is  
21 that people who are members of the Services or the public  
22 service were, in 1941 and following years, subject to the  
23 Official Secrets Act. That may be accepted. It's the next  
24 step that troubles me. Therefore what? Therefore they're  
25 not allowed to tell you something which it is assumed that  
26 they must know?

27 A. The first time this came to my notice was with Malcolm  
28 Barker, a member of the research group, who said that he is  
29 a Telecom engineer; he knows things about Sydney and stuff  
30 that he is not allowed to say, because he's under the  
31 Official Secrets Act. One thing that has occurred very  
32 often to me is that people would say things of that ilk and  
33 know that you could never ask them to provide chapter and  
34 verse.  
35

36 Q. Quite.

37 A. It's reasonably convenient. However, when you read  
38 the reply given by Senator Chamarette, when it says that it  
39 requires them to observe secrecy in relation to matters  
40 that come to their attention or knowledge in the course of  
41 their duty, it would have been so easy to say that they are  
42 no longer covered, regardless of whether there is anything  
43 relevant or not. That matter, I would say, should have  
44 been so easily developed.  
45

46 I refer to this later as what I call the "junior  
47 adviser effect". Another adviser might have written,

1 "Well, of course they're not", and the Minister would have  
2 regurgitated it back in Parliament, as they do, with a few  
3 changes from the minders. But, in this case, that  
4 particular junior servant was not keen to be worried  
5 further about issues of this nature and wanted to get it  
6 out of the way.

7  
8 CMDR RUSH: Q. Hence you get the reply from Senator Tate  
9 that you have set out?

10 A. Yes. It's actually produced about 30 people down the  
11 line and goes up and across and gets a few edits. I've had  
12 to do a few myself. When you see them pop out the other  
13 end, you think, "Yes, okay, I wrote that, but it didn't  
14 sound like that." But you don't often get too many  
15 changes, I've found.

16  
17 Q. As to the significance, Dr McCarthy, of the Summerell  
18 report, you are bringing together, as best you could, the  
19 archival material and you there refer to Mr Laffer and  
20 other matters relating to signals purporting to come from  
21 *Sydney*.

22 A. Yes. The Australian Archives people came to the forum  
23 in 1991 with a bundle of documents. Richard Summerell then  
24 produced this work, which is an extraordinary work. He  
25 pulled no punches and left plenty there for those,  
26 whichever side you wanted to be on, to feed on.

27  
28 One of the key issues, as you've alluded to, is the  
29 "signals from *Sydney*" issue, the Cooper signals, which the  
30 Hon. Kim Beazley caused to enter the public domain in  
31 response to an RAAF briefing. I make the point that  
32 Mr Beazley did that. His father, back in 1945, had been  
33 a supporter of trying to resolve the *Sydney* issue, and  
34 I saw the Hon. Mr Beazley trying to get everything out as  
35 honestly as he could that may have been related. He makes  
36 no comment on it. He says, "This might be related to it.  
37 Have a look at it." That goes to Laffer, and subsequently  
38 it appears, of course, in Summerell, and I think Summerell  
39 has to be congratulated on that work.

40  
41 THE PRESIDENT: Q. The problem is that if Mr Summerell  
42 didn't refer to it, the omission is then taken up as part  
43 of some conspiracy by Government to hide things.

44 A. In this case, no, Commissioner, because I felt that by  
45 Summerell producing it exactly as it had been found, even  
46 with things in there which would lead you to say, yes,  
47 there were more signals from *Sydney*, and passing the

1 signals on to COIC, which you don't do in other cases,  
2 I expect, Summerell actually added fuel to the conspiracy  
3 fire, but he had got out what was in front of him without  
4 fear or favour.  
5

6 Q. It's a remarkable work.

7 A. It's a remarkable thing to do. Sorry, it's not  
8 a remarkable thing to do. From what I can gather, he did  
9 honestly what he was required to do.  
10

11 Q. The dimension of the task was very large.

12 A. Oh, huge, huge.  
13

14 CMDR RUSH: Q. At the bottom of page 15, you refer to  
15 Mrs Winter and make reference to the Mason signal, the  
16 signal that Mr Mason says he overheard at *Harman*.

17 A. Yes, that was interesting. I first came across that  
18 in Barbara's book on CMDR Long. She wrote a fine work on  
19 CMDR Long. In one of the footnotes, there are references  
20 to Mr Mason having heard signals from *Sydney* while at  
21 *HMAS Harman*. While I was on one of my fact-finding  
22 missions, I went over to look at this document and found  
23 what Mr Mason had written down and had lodged in the  
24 Mitchell Library.  
25

26 Barbara then looked at this. In the Long book, she  
27 said that if it was true that there had been signals, then  
28 there was a conspiracy maybe on the part of a particular  
29 officer to hide a stuff-up. I think someone in a corridor,  
30 one of the lieutenants, said to me, "Something I learned a  
31 long time ago is that if you want to choose between  
32 conspiracy and stuff-up in any big institution, go for  
33 stuff-up straightaway." Pardon the words. Barbara said  
34 this in her work, and that of course required me to go and  
35 look at it.  
36

37 Then I alerted David Kennedy, who was busy at the time  
38 videoing people, because he had become very interested in  
39 it. After I had rung Mr Mason while I was in Sydney and  
40 spoke to him on the phone and recorded what he said to me  
41 by hand, David Kennedy went and filmed him.  
42

43 Barbara Winter subsequently says that, no, this is not  
44 true, that nobody supports what he has to say and that he,  
45 in his own way, was a malcontent, and so on, and therefore  
46 is not to be trusted. So it's one of those things that,  
47 you know, is even-handed, I would say.

1  
2 Q. If we can go over the page to page 16, you refer to  
3 the Christmas Island body and the signals being, from your  
4 perspective, the two issues that perhaps generate  
5 documentary or other support to be looked at.

6 A. Yes. Commander, after Wes Olson proved unequivocally  
7 that the Christmas Island body not only came from Sydney  
8 but showed where it came from on the ship, but even before  
9 then, I saw that there was enough evidence 50/50 to say you  
10 have to follow this through, and Wes did that. Barbara  
11 Winter always believed that Wes proved chapter and verse  
12 where it came from, and it was a remarkable piece of work.  
13 That was one thing.

14  
15 The signals issue, to my mind, was basically based  
16 upon the Cooper signals, as produced by Summerell. If you  
17 look at them, you will see that the ones in Australian  
18 Archives are undated. One on the left says "morse" and  
19 someone has put ahead of "AS" "HM", and then they're  
20 referring to "men on board", "all men on board" and all  
21 that sort of stuff, and it goes into technical things about  
22 wavelengths and stuff, and then they pass it across to  
23 COIC. I think that "COIC" is commanding officer of  
24 whatever.

25  
26 Subsequently, those signals appear in the South-West  
27 Area Command log and are dated 5 December, I think, if I'm  
28 right. To me, one could put a case - and that's where the  
29 Commission comes in, I expect, with the training - that on  
30 the one hand, yes, it is dated 5 December, but on the other  
31 hand, how can you possibly suggest that PMG Darwin is  
32 calling PMG Sydney and telling them all men are on board,  
33 or why would you put "HM" in front of "AS", or why would  
34 you pass a signal between two telephonic institutes across  
35 to the commander of whatever?

36  
37 Forgetting the R/T issue, there are a number of things  
38 there that say to me that I'm hoping that this Commission  
39 and the experts brought to it will put to bed the doubts  
40 that I have in my mind and that lots of people have in  
41 their minds that this one has to remain 50/50 until proved  
42 otherwise.

43  
44 THE PRESIDENT: Q. I doubt if it will remain 50/50 after  
45 this Inquiry.

46 A. It doesn't seem to be going that way. Yes, it seems  
47 that there is no doubt that the radio issue is not there.



1 It's the question of whether the morse ability is there and  
2 whether anything came of the morse. The Cooper signals,  
3 I think, are the key thing on which all else hangs. If  
4 those signals are proved wrong and the others who suggest  
5 that they heard the signals are proved wrong, then I think  
6 after the finding of the wrecks where they were, the whole  
7 case will collapse.

8  
9 Q. Did anyone read the log of the following day?

10 A. No - well, I couldn't bring it to you now. Could we  
11 talk about that - the log of the following day?

12  
13 CMDR RUSH: Q. We can.

14 A. This is in the SWACH log, South-West Area Command  
15 Headquarters?

16  
17 Q. Yes. It's at NAA.016.0070.

18 A. This appears in Summerell, if I recall, after the two  
19 pages.

20  
21 THE PRESIDENT: Q. Yes, two portions of the log.

22 A. Yes, he has the two signals on pages 1 and 2, and then  
23 on the back he has the SWACH subsequent, yes.

24  
25 While it is coming up on the screen, Commissioner, one  
26 of the things that I have done all the time is that if  
27 anything has been produced after 1981 when Michael wrote  
28 his book, one has to say, "Have they been influenced by the  
29 book?" What I have to do is to say, "What do we have?  
30 This is all interesting and important, but what do we have  
31 before 1981 to be of any real validity as a primary  
32 source?" And this is where we're going now, by the look of  
33 it.

34  
35 THE PRESIDENT: The primary source.

36  
37 CMDR RUSH: Q. If we can scroll in, at 0054, this is the  
38 SWACH log of Saturday, 6 December, and this is an entry  
39 made at 0054 --

40  
41 THE PRESIDENT: Could we go back to the previous one?

42  
43 CMDR RUSH: The previous page, sir?

44  
45 THE PRESIDENT: The initial entry I think is 4 December.

46  
47 CMDR RUSH: Q. 4 December at 15:20.

1 A. There is a "GOIC" that I see at the centre of the  
2 page, which, on the Summerell thing, is "COIC", and that  
3 could be part of an explanation. Did you notice that? It  
4 is the first time I've seen this, by the way.

5  
6 Q. I think, sir, 15:20 is the first relevant entry.

7  
8 *W/A phoned message received from*  
9 *Geraldton - Geraldton heard a call on*  
10 *24.50 metres possibly from HMAS Sydney and*  
11 *requested Pearce to call Darwin for*  
12 *bearing.*

13  
14 Then I think at 15:43 is the next relevant entry:

15  
16 *Received following by telephone from*  
17 *western area (W/A): Squadron Leader Cooper*  
18 *at Geraldton reports one of his operators*  
19 *listening on 24.5 heard R/T telephone*  
20 *signal calling Darwin or technical*  
21 *telegraph operator. Signals weak and*  
22 *operator thought it may be from HMAS*  
23 *Sydney. Later Geraldton reports strength*  
24 *of signal increasing.*

25  
26 Then at 15:45:

27  
28 *On instructions from LCDR Morris, Naval*  
29 *duty staff officer signalled Darwin.*  
30 *Immediate - establish watch on 24.5 metres*  
31 *immediately Geraldton heard R/T signal*  
32 *calling Darwin or technical telegraph*  
33 *operator and thinks call possibly from*  
34 *Sydney - 15:00 Z/4.*

35  
36 At 15:55:

37  
38 *Western area phoned following receive from*  
39 *Squadron Leader Cooper at Geraldton:*  
40 *Geraldton Aeradio opinion call coming from*  
41 *Sydney Aeradio on 25 metres. Following*  
42 *heard, "Calling Darwin or technical*  
43 *telegraph operator from sea. Sydney*  
44 *calling send carrier men on board calling*  
45 *Fraser D/F Darwin cannot detect you*  
46 *Singapore call Darwin. This MSS Sydney*  
47 *calling message received frequency*

1                   *satisfactory will put through one more.*  
2                   *Heard at 15:10Z.*

3

4                   So they're the signals on the 4th, and if we can go over  
5                   the page to the 5th --

6

7                   THE PRESIDENT:    Q.    Just before you do, that great number  
8                   of entries and signals going between at least three  
9                   different institutions makes it entirely clear, I should  
10                  have thought, that there can be no question of it being  
11                  misdated for 19 November?

12                 A.    That's not for me.  That's for this Commission.

13

14                 Q.    I appreciate that.  But on the face of it, you can  
15                 have one misdaded entry.  It is improbable in the extreme  
16                 that you could have four, particularly when they are  
17                 inter-related and consecutive in time.

18                 A.    Yes, and Barbara attended to this, if I recall, in  
19                 1984 in her book.

20

21                 THE PRESIDENT:    Anyway, we'll go to the next one.

22

23                 CMDR RUSH:    Q.    Then if we can go over the page, sir, to  
24                 149 at 00:54.

25

26                   *Signalled CWR [central war room]:*  
27                   *information received from Darwin that short*  
28                   *wave broadcast overheard on 4th of December*  
29                   *was from PMG Sydney to PMG Darwin.  In view*  
30                   *of confusion caused request information*  
31                   *whether this a regular and authorised*  
32                   *channel:  00:54Z/6.*

33

34                 A.    Yes, I can see here why Barbara is so strong in her  
35                 refusal - well, not "refusal", but in her conclusion that  
36                 the signals were not sent from Sydney.  The only thing  
37                 I would suggest, if I can, Commander, is the question, as  
38                 appears in the Summerell version, which I'm not sure was  
39                 sent to Mr Laffer or not, on the top-left corner, where you  
40                 will see that it was morse, and it would be interesting to  
41                 see how you are able, with technical folk, to look at that  
42                 issue.

43

44                   My role has been to listen to what people have to say  
45                   sympathetically, to request them to provide the information  
46                   with chapter and verse and then to try to get what is  
47                   brought to my attention properly analysed.  The attempts

1 that I have made go back a long way. This is what I see as  
2 the ultimate forum, a properly legally developed forum  
3 where arguments for and against can be put. With luck, the  
4 majority of what still vexes and worries the relatives, to  
5 whom we owe the obligation to do this properly, will be  
6 resolved. My job is to say to you that I'm still concerned  
7 about the issue of morse and R/T. I haven't been reading  
8 this last eight months. I would sincerely hope that you  
9 are able to conclude to satisfaction.

10  
11 THE PRESIDENT: Q. We certainly will be addressing that  
12 in some detail, but the reason I have suggested - although  
13 it's not your function; it's mine - that this entry on  
14 6 December be brought to public attention is that I have  
15 difficulty in thinking that any unbiased inquirer who read  
16 that wouldn't come to a view that when the question arose  
17 about whether or not the signals had come from *Sydney* the  
18 ship on 4 December or had come from Sydney the city on  
19 4 December, trouble was taken by the Services to resolve  
20 that issue --

21 A. Yes.

22  
23 Q. -- and they made inquiry and they satisfied  
24 themselves, within apparently 48 hours, that the truth was  
25 that the signal came from Sydney the city, not *Sydney* the  
26 ship. Now, if anybody had read those four entries we have  
27 shown and that one, I would have the greatest difficulty in  
28 thinking they could reach any other conclusion, so I am at  
29 a loss to understand why this controversy has ever  
30 continued.

31 A. Oh, it's very easy, Commissioner. The controversy has  
32 continued - if we go back to Mr Beazley's decision to allow  
33 into the public domain the materials from the RAAF chap  
34 whose job it was to provide the Ministerial in response to  
35 Gordon Laffer's request that he had seen signals from  
36 *Sydney*, and the Minister's chain of advice said, "Here's  
37 this", Mr Beazley rightly popped it into the public domain.

38  
39 What should have occurred right then was that an  
40 official - and by "official", it wouldn't have been the  
41 Museum, as I suspect we don't have that ability, but  
42 somebody somewhere - should have said, "Let's look into  
43 this. This is a piece of evidence, which on the basis of  
44 what has been presented, is 50/50. Let's go to this SWACH  
45 log thing", which I understand appeared one day. I think  
46 it's in the files. It suddenly appeared at the Aviation  
47 Museum, or somewhere like that. I forget where it was.

1 "Let's go and look at this, because Barbara Winter has been  
2 unequivocally strong in saying this is not a signal from  
3 Sydney, and Tom Frame was unequivocally strong in saying  
4 the same. Why don't we look at it and see what else is  
5 there, to put it to bed?"  
6

7 I think this is the key to the problem we have today.  
8 CMDR Long had an opportunity in 1945. For reasons, he  
9 didn't do so. There was an opportunity in 1975, when the  
10 archives were opened, for somebody to be commissioned with  
11 the job of going to see whether it was all covered up.  
12 I went and had a look, and I could find virtually  
13 everything, except stuff like the missing log and all that  
14 sort of thing. Why was it not then commissioned when  
15 various other folk surfaced - in 1991, for example, as we  
16 tried to do? Why was this not brought out at the  
17 Parliamentary Inquiry, because the Parliamentary Inquiry  
18 clearly accepted that there were no signals?  
19

20 What I'm saying here is that if we look to  
21 a negligence on behalf of our Government - and I'm part of  
22 the Government, too - we did not attend to this matter when  
23 we could have and should have and stop this thing? If  
24 that's where the Commission will go and conclude, I think  
25 it's wonderful. But, really, I would have thought that  
26 Barbara or Tom could have produced all of that then,  
27 instead of just saying, "It's nonsense. It was on  
28 4 December", or whatever.  
29

30 Chapter and verse is what is needed when you are  
31 dealing with the memory of people who gave their lives in  
32 service. You don't have a right to just let some private  
33 individual - because Tom by then had left the Navy, or  
34 Barbara - go and deal with issues relating to people lost  
35 in service. That, to my mind, is the answer, Commissioner.  
36

37 CMDR RUSH: Q. Dr McCarthy, you refer to the southern  
38 battle theory, and I'm not sure we need to address it in  
39 any detail. I think you have already spoken about the two  
40 schools of thought that had that regional jealousy, as  
41 you've referred to it, in relation to the theories of where  
42 the wrecks would be found and the various proponents for  
43 each of those.

44 A. Yes.

45  
46 Q. If I can move on to page 18, towards the bottom of the  
47 page, you have mentioned before, Dr McCarthy, the

1 Ministerial adviser's role. Is there anything else that  
2 you want to add to what you have put in this paper?

3 A. Only to say that the junior Ministerial adviser has  
4 actually managed to break attitudes. I'm not being  
5 judgmental here, but attitudes often come from the junior  
6 Ministerial adviser. Because you're so busy, you accept  
7 what you're given. LEUT Perryman's role as Historical  
8 Officer in the Navy was crucial in changing attitudes  
9 towards the need to go to Christmas Island and the need to  
10 support the search.

11  
12 It's quite an extraordinary phenomenon that great  
13 institutions led by powerful people can actually make their  
14 decisions down so low within the chain and follow them.  
15 Again, I have experienced it myself and I would suggest  
16 that that is one of the reasons things have taken so long.  
17 Perryman, who has been recently recognised for his work,  
18 was a crucial force in changing that and I suspect that  
19 it's one of the reasons we're here today, because, before  
20 him, the junior advisers did not feel compelled to try to  
21 suggest to their bosses that they should get in and support  
22 these things.

23  
24 Q. May we go to page 20, the Parliamentary Inquiry.  
25 You've already addressed some of the things it found and  
26 some of the deficiencies, in your view.

27 A. It didn't have the ability to cross-examine witnesses  
28 and ask for chapter and verse or references. That's its  
29 major failing.

30  
31 Q. Then I think also you have referred to the 2001 Sea  
32 Power Centre seminar as bringing together people, with  
33 a recommendation that nothing be done, because of a failure  
34 to agree?

35 A. Yes. It was quite clear: they required agreement;  
36 they didn't get agreement; and they walked away.

37  
38 Q. You set out in some detail the positions that were  
39 adopted by the various people involved.

40 A. These are the submissions to the 2001 seminar?

41  
42 Q. Yes. At the bottom of page 25, I think for the first  
43 time you mention a book by Mr Wes Olson.

44 A. Yes.

45  
46 Q. Mr Olson's book, you note, has an emphasis in relation  
47 to the technical and deals with many of the theories and

1 matters.

2 A. Yes, a required comparative study, which no-one else  
3 had done before. Olson looks at what other ships had  
4 received similar damage and what possibly would cause their  
5 demise in that case. He also looks at a whole load of  
6 things but refuses to get into speculation.

7  
8 Q. If we can go over the page, you then refer to the  
9 self-published books. You have set them out. We don't  
10 need to go through them, but there have been quite a number  
11 propounding various theories, from dead being buried in the  
12 Karrakata Cemetery to an autopsy being undertaken by  
13 CAPT Laurence Snook.

14 A. Yes. As I have said in this work, these are unedited  
15 and they did not go - as the earlier works by McDonald and  
16 Olson did, which were both award winning - through an  
17 editorial committee and there was no requirement on these  
18 people to produce references.

19  
20 Q. You conclude, in the third paragraph from the bottom  
21 of that page, that:

22  
23 *In hindsight it is apparent that the*  
24 *position of HSK Kormoran as located by*  
25 *D Mearns and others in March 2008*  
26 *reasonably corresponds with the "Detmers*  
27 *position" and it is almost exactly the same*  
28 *as that appearing in a signal sent by Navy*  
29 *Office on 28 November 1941.*

30  
31 You then deal with other matters relating to the work of  
32 CAPT Hore in British Admiralty and his provision of  
33 Admiralty records, which, whilst valuable, didn't expose  
34 anything further in relation to the controversy.

35 A. Yes. Clearly, if the nation had been predisposed to  
36 believe the Germans, then we would have followed on from  
37 Kirsner and Dunn and gone to 26 111, which is where Kirsner  
38 shows the vast majority of the positions of sinking occur,  
39 where the Royal Australian Navy said the *Kormoran* sank,  
40 where it also shows a signal which said *Sydney* is believed  
41 to have sunk within this distance, and David Mearns would  
42 have had the smallest search box in his illustrious career.

43  
44 But, for reasons, partly the Naval belief that it  
45 could have gone to Sourabaya and partly other reasons, we  
46 didn't link *Sydney* and *Kormoran* wrecks together in 1991 as  
47 well as we perhaps could have done.

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CMDR RUSH: Sir, I have no further questions. May  
Dr McCarthy be excused?

THE PRESIDENT: Thank you, Dr McCarthy. You have provided  
very useful and valuable information.

<THE WITNESS WITHDREW

THE PRESIDENT: I will adjourn until 2.15.

**LUNCHEON ADJOURNMENT**