

1 there was about a 500 foot by 50 foot anomaly laying across
2 the drop-offs out there, which attracted my interest.
3 Unfortunately, at that time I didn't take any GPS readings
4 or any actual readings themselves off the lighthouse or
5 whatever. It just sat there in my brain.
6

7 Some time later when I was thinking about it, I put it
8 on to my map, my chart, and I looked at it and I thought
9 this could be *Kormoran*. For some reason - I don't know
10 why - I picked *Kormoran*, but I thought this could be
11 *Kormoran*. So I asked a few questions of various people.
12 I told my story to the Geraldton Guardian. The story was
13 published in the paper. I was then contacted almost
14 immediately by Dr Michael McCarthy from the West Australian
15 Maritime Museum.
16

17 He wanted all the details of what I had there. He
18 then asked me to do what I thought might have happened, do
19 a drawing, and tell the story again of what I was seeing,
20 which I did. I believe he still has it in a record in his
21 office down there. I was wrong, by the way.
22

23 From that point of time, I listened quite carefully to
24 what things were being said about it. There was also
25 a gentleman up there. I was vice president of the bowling
26 club. This gentleman was the president of the bowling
27 club, and he pulled up a piece of wreckage off near the
28 same area where I had seen this anomaly. He would never
29 tell me exactly where it was, but I knew that it was
30 a piece of wood with a copper bolt through it. I actually
31 saw it on one occasion briefly.
32

33 From that point, I suppose I became more and more
34 interested in it. In 1988, I think it would have been,
35 I was following the stories of the Germans who came to
36 Carnarvon. It just evolved virtually from that over
37 a period of time. Then in 2003, David Mearns came to
38 Western Australia. He gave a talk on the ABC. I listened
39 to it. A journalist in the Sunday Times in Perth said he's
40 a bounty hunter. So David Mearns by that stage had gone
41 back to England, so I emailed the story from the Sunday
42 Times to him and we formed a working relationship, or
43 a friendship, if you like, from that point of time.
44

45 Q. Since then, you've generated a greater interest, have
46 you?

47 A. It has been a consuming interest.

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Q. The interaction you referred to with Dr McCarthy, do you remember when that took place?

A. I would guess early 2003.

Q. That was at about the same time that you wrote the article that you referred to?

A. Yes.

Q. Could we bring up, please, CORR.002.0215_R. You have made a number of submissions, parts of submissions, to this Commission of Inquiry?

A. Yes.

Q. If you would look at the screen in front of you, this is a copy of your first submission submitted on 21 May 2008. Do you see that?

A. Yes.

Q. In that submission, you made two submissions on HMAS Sydney to the Commission of Inquiry. At the first paragraph below the last line of blacking-out, you say:

It is my submission that the remains of an unspecified number of the crew of HMAS Sydney II were buried by an Army party near Dulverton Bay on Carrarang Station in Western Australia in ... 1941.

A. Yes.

Q. Secondly, you say in the next paragraph:

It is my further submission that the Master's Official Logbook, of the SS Cape Otway 1937-1941, has been interfered with to remove reference to certain events which potentially occurred between 2pm on Monday, the 1st of December 1941 and 6pm on Wednesday, the 3rd of December 1941, during the southbound passage of the lighthouse tender vessel, SS Cape Otway.

A. Yes, sir, at that time that was my honest belief.

Q. Those are the two primary submissions that you made in

1 that submission?

2 A. Yes.

3

4 Q. I want to ask you firstly about the next paragraph,
5 where you say:

6

7 *The events referred to relate to evidence*
8 *given in April 1998 to the Defence*
9 *Subcommittee of the Joint Standing*
10 *Committee on Foreign Affairs, Defence and*
11 *Trade, ref: HMAS Sydney Inquiry.*

12

13 A. Yes.

14

15 Q. Putting aside the difference between submissions and
16 evidence, that paragraph, as I read it, is intended to
17 apply only to your submissions about the SS *Cape Otway*; is
18 that correct, or do you contend that there was evidence
19 and/or submissions put before the Parliamentary Inquiry
20 concerning the burial of bodies?

21 A. It relates to the evidence of Jack Heazlewood.

22

23 Q. If I could ask you now about those two primary
24 submissions, we'll start with the second one first - your
25 submission that the master's official logbook of the
26 *Cape Otway* had been interfered with - it's true, isn't it,
27 that this morning you attended an office with me and
28 Mr Ralph from National Archives where Mr Ralph showed you
29 the *Cape Otway* logs and you had a chance to examine them?

30 A. Yes, I examined them. They are not in the same
31 condition as they were when I first looked at them.

32

33 Q. And you have heard the evidence given this morning by
34 Mr Ralph and the evidence that was put on the record about
35 the *Cape Otway's* log between 1936 and 1941?

36 A. Yes. You and I have already discussed this, and
37 further down in my submission I put those questions
38 basically to you, and by letter you asked me to point out
39 those areas of the log which I believe had been interfered
40 with. I have done that in my second submission. I gave
41 you all those details.

42

43 What you showed me this morning - I now thank you for
44 doing what I asked you to do in my original submission,
45 which was to look at this log, and I think if you turn down
46 the page a bit further you'll see where I've asked
47 10 questions of the Commission to investigate those various

1 elements.

2

3 Q. You are referring to the second page.

4 A. And you've done that, so thank you very much.

5

6 THE PRESIDENT: Q. So what is your position now on the
7 *Cape Otway* log?

8 A. My position, sir, is that there are elements of the
9 *Cape Otway* log which don't add up, if you like. I've
10 pointed to them. There are entries made - and I can give
11 you the actual entries, if you wish. One of them in
12 particular points to a date that the *Cape Otway* couldn't
13 possibly have been in one position; the resignation of an
14 officer in Brisbane, when *Cape Otway* was in fact between
15 Cairns and Timor - there's a whole lot of little errors, if
16 you like. Sometimes I wondered whether the captain was
17 dyslexic, actually, with the date changes and that. There
18 are elements of the log that still require some
19 explanation.

20

21 Q. But is there anything in the log which causes you any
22 concern regarding *HMAS Sydney*? The only relevance of the
23 *Cape Otway* log is whether or not she sailed, as it is said,
24 amongst bodies.

25 A. You can't read it in isolation, sir. You have to look
26 at it in a wider spectrum. If you look at it in isolation,
27 I could not agree more with what you are saying. When you
28 look at it in a wider situation, the elements interweave to
29 a certain extent. For instance, the elements concerning
30 Heazlewood, I was rather doubtful about Mr Heazlewood's
31 submission to the Commission, the DFAT Inquiry, so I looked
32 his military service record up and found that he was in
33 fact a member of the RAN; he did serve on the doomed
34 defence vehicle, *Lanikai*. The *Lanikai* was a vessel
35 I recognised, because I had seen it in Fremantle.

36

37 From then, Mr Heazlewood became credible. His
38 evidence to the Inquiry that was first referred to in the
39 third paragraph became a credible level of evidence as far
40 as I was concerned. So I went further and I obtained his
41 letter to Dr McCarthy in which he asks Dr McCarthy various
42 questions. He tells him the story and he also identifies
43 the person who presented himself as CAPT Aubrey Baddham and
44 he described him. He asked Dr McCarthy, "Do you have
45 a photograph of this person?"

46

47 When McCarthy wrote back to him, he didn't answer that

1 but he said that he had heard from other sources the story
2 of the *Cape Otway*, so it widened the field. I didn't go to
3 Dr McCarthy and ask him his other sources. I just accept
4 that what Heazlewood said was credible. In my terms of
5 reference, the way I work, I look to see if something is
6 logically possible. If it's not logically possible,
7 I don't throw it out the window; I put it aside; or if it
8 is absolutely ridiculous, I dismiss it.

9
10 But when you bring these elements together, that then
11 makes a credible story, that it was logically possible that
12 the *Cape Otway* did see some bodies. So I then went looking
13 for the *Cape Otway* log.

14
15 Q. Logically possible because there was a statement that
16 Mr Heazlewood had made that somebody in a hotel, who he
17 identified as being the Captain, possibly accompanied by
18 the First Mate, who said that they had sighted some bodies;
19 is that right?

20 A. Yes. So, as I say, I then checked on the authenticity
21 of the person who made that statement. I obtained the
22 letter that he wrote, the signed letter, in 1994.

23
24 Q. I understand that. So you formed the view that
25 Heazlewood was a man on whose statement you could rely?
26 You formed the view that you could rely on the statement
27 that Mr Heazlewood had made?

28 A. No, I never formed the view that I could rely on the
29 statement. I formed the view that it was credible.

30
31 Q. Credible?

32 A. It was logically possible, because then when I went to
33 the *Cape Otway* log, I found that the *Cape Otway* had come
34 down the coast from Carnarvon on a southbound voyage
35 between I think 1 December and 3 December 1941. Then, when
36 you do a further construction, I knew, having been at sea
37 plenty of times down that piece of coast, how the
38 *Cape Otway* operated and I knew where it went.

39
40 You really need to know a little bit more about what
41 the sea conditions are like off that particular coast. If
42 it was to stand off about 5 to 7 nautical off the coast, it
43 was in a position to be off what is now called the Zuytdorp
44 Cliffs. The Zuytdorp Cliffs weren't named until 1951. We
45 just called them "the cliffs" in those days. We had
46 nicknames for all the spots. The thing that we call False
47 Entrance is actually Dulverton Bay. The thing that lay

1 north of that that we call Crayfish Bay is Epineux Bay.
2

3 So you have to take little bits like the fact that
4 people talk about *Cape Otway* being off the Zuytdorp Cliffs.
5 In 1941, it wasn't off the Zuytdorp Cliffs; it was off the
6 cliffs, and the cliffs could be anywhere from Steep Point
7 down as far south of Kalbarri to Wago Beach. There are
8 only two entrances, two places you can get ashore in that
9 area: one is in Dulverton Bay or False Entrance; the other
10 is into the mouth of the Murchison River, which is
11 Kalbarri.
12

13 Further, when the *Cape Otway* travelled down, it came
14 inside the Abrolhos and went down the Zeewijk Channel. It
15 also stood off Shoal Point - or it didn't stand off; it
16 steamed past Shoal Point. The night that it came down was
17 three nights before the full moon, and visibility in
18 those days would have been quite brilliant if there wasn't
19 weather around.
20

21 So it all adds up to the fact that it was logically
22 possible for the *Cape Otway* to have come down the coast
23 from Carnarvon to Geraldton and, in its transit, have seen
24 those bodies. It is not illogical to have that thinking.
25 It is logically possible that that could have occurred.
26 The bodies didn't get there. If there were bodies there,
27 they didn't float in from the wreck of the *Sydney*.
28

29 I understand that all the bodies, all these men from
30 *Kormoran*, were accounted for. The men who died were
31 virtually locked in their burning engine room by the
32 captain, because he was afraid of mines blowing up.
33

34 Q. No, there weren't. There were 80 who lost their
35 lives, in round terms, on *Kormoran*; 20 of them probably
36 died on the ship and 60 were lost overboard.

37 A. Were they? I don't have that information. From what
38 I've read, the majority of the men who were lost were
39 locked in the engine room by a decision that the Captain
40 made, with some regret, obviously.
41

42 Q. Can I take you back to where we started. What that
43 means is that you have considered and come to the view that
44 it was possible that *Cape Otway* was in a particular area?

45 A. Yes.
46

47 Q. So you then went to the logbook?

1 A. Yes, I sought evidence from the logbook to see if
2 I could find anything from the logbook.

3
4 Q. There is nothing in the logbook that suggests that
5 anyone on board her saw any bodies.

6 A. I could find nothing in the logbook to that effect,
7 sir.

8
9 Q. Right. So what was your next process of reasoning?

10 A. With respect to what?

11
12 Q. The logbook.

13 A. I went through the logbook carefully, and as I have
14 explained in my second submission, or I asked the
15 Commission to look at various elements of the logbook
16 because I couldn't find the detail that I would have
17 expected to find on a logbook that had nothing happen to
18 it.

19
20 If *Cape Otway* was in a normal transit between
21 Carnarvon and Geraldton at that time and nothing happened,
22 then there was no reason for that logbook to have any
23 anomalies or any inaccuracies in it, from what I could see.
24 When I looked at the logbook in those days, the element
25 that LCDR Kerr has illuminated this morning to me, I accept
26 that fully. I now understand that there was a change,
27 obviously, in the way that that was put together within the
28 logbook.

29
30 When I looked at it in the first instance, it was
31 obvious that those pages had a different serial number from
32 the pages of the major part of the logbook.

33
34 Q. Of course they did. It was perfectly obvious that
35 they had been inserted.

36 A. But, sir, there's nothing to indicate in the logbook -
37 there is a stamp. I have now checked, and there is a stamp
38 on the front of it that gave a clue, but that wasn't very
39 legible and I didn't understand at that time that that had
40 occurred. So it presented to Mr Average Researcher an
41 anomaly with the book, so I then went further --

42
43 Q. You now recognise that there is no anomaly, as
44 I understand you, do you?

45 A. Well, can I take you to page 11 of the book, sir?
46 There are date anomalies in the book.

47

1 LCDR KERR: Q. Are you referring, sir, to an entry in
2 the log at page 11, which is NAA.028.0068, and can we
3 scroll down to line 7. On line 7, you will see there is an
4 entry for what looks like the 16th of the 12th 1940, at
5 8.20am leaves Carnarvon, and across the page, 20 December
6 1940, arrives at Fremantle.

7 A. No.

8
9 Q. Excuse me, Mr Shepherd. On the next line down, there
10 is an entry that appears to be the 11th of the 2nd or the
11 3rd 1941, at 5.30pm the ship leaves Fremantle, and on the
12 right-hand side of the page it says that the ship has
13 returned to Fremantle. From the date that is entered
14 there, it says it did this on Christmas Day, 25 December
15 1941. That's the anomaly you're referring to, sir?

16 A. Yes.

17
18 Q. It is obvious on its face that it appears to be an
19 error, but what do you say the significance of that error
20 is, if it is an error, to the loss of *HMAS Sydney* or
21 whether the *SS Cape Otway* did or did not sail through
22 bodies on the West Australian coast?

23 A. I don't draw any conclusion from it, sir. I look at
24 it and I say that that doesn't fit. That is an anomaly.
25 I don't draw a conclusion from it.

26
27 Q. On the same page further down, I think the other error
28 that you refer to as an error in this log appears on the
29 fifth line from the bottom of that page, or more correctly
30 involves the fifth line, "On 31st of October 1941 at 7am
31 the vessel left Thursday Island, arriving on the 12th of
32 November 1941."

33 A. The relevant line is the line before that.

34
35 Q. "Left Cairns 22-10-41, 6am. Arrived Thursday Island
36 30-10-1941." Do you say that that has some impact because
37 of the entry on page 5 of the log, at line 74, which
38 involves "1st Mate", and I think that is a "C" or "G"
39 "Pedersen", "Discharged Brisbane 29-10-1941". Mr Shepherd,
40 you say that "29-10-1941" falls within the time period that
41 *SS Cape Otway* was at sea between Cairns and Thursday
42 Island?

43 A. That's right. That's what the log says. I don't
44 bring these up as anything more than to point out that
45 there are anomalies in the log that, as an average
46 researcher, hit you in the eye. In fact, I understand that
47 you can make errors in a log. I understand all those

1 things. But when I first looked at this log, I held
2 a genuine belief that there had been interference. I asked
3 the Court of Inquiry to look at that and I asked them
4 specifically to find if such interference represented -
5 I can't think of the words now --
6

7 THE PRESIDENT: Q. Well, Mr Shepherd, to cut to the
8 chase, let me say this to you: there may be or there may
9 not be what I shall call casual errors of date or notation.

10 A. Yes.

11
12 Q. It would be surprising, perhaps, if there weren't.
13 The two matters that so far have been pointed out to me, on
14 any view, have absolutely nothing to do with *HMAS Sydney*.

15 A. I never said that they did, sir.

16
17 Q. Well, then, you may take it that I really don't want
18 to hear about things that have absolutely nothing to do
19 with *HMAS Sydney* or its loss.

20 A. I understand you were asking me questions about the
21 anomalies in the log.

22
23 Q. I now understand those. But I thought that the
24 anomalies had something to do with the loss of Sydney, and
25 on the face of it, those do not.

26 A. Yes.

27
28 Q. Now, my understanding from reading your material was
29 that you initially had a view that the log had been
30 tampered with, but my understanding is that, as a result of
31 your discussions with LCDR Kerr this morning, you no longer
32 take the view that it was tampered with, although you do
33 point to the fact that there are in it what I have called
34 might be casual errors. Is that a fair summation or not?

35 A. I haven't really had sufficient time to sit down and
36 go through it after LCDR Kerr told me what they found out
37 this morning. That was sprung on me this morning. I like
38 a little bit of time to absorb these things and just to see
39 how logically possible it is. I accept, sir, that there
40 was the insertion in the log, which I referred to in my
41 original submission was done under Government orders. It's
42 logical. It is quite logical that that happened.

43
44 I queried the voided page. That has been explained.
45 I thank the Inquiry for explaining that. I suggested from
46 the very beginning that there was a tenable argument as far
47 as CAPT Thomson turning over those pages 35 and 36 as one

1 page. I put that to LCDR Kerr in Sydney when I spoke to
2 him.

3

4 I also was aware, sir, that the *Cape Otway* laid up
5 over the Christmas period. I'm quite familiar with the
6 *Cape Otway*. I've seen it. It was a terrible little ship.
7 It was a purpose-built ship. Yes, it wasn't a pretty
8 little thing. It worked the lighthouses.

9

10 LCDR KERR: Q. Sir, do you accept that it is logical
11 that when the Master of *Cape Otway* turned page 35 to 36, he
12 picked up two pages in error.

13 A. It's a tenable argument.

14

15 THE PRESIDENT: Q. It's obvious that that's what has
16 happened, because you get to page 50, and it says, "Go back
17 and see page 36", and they continue the log?

18 A. That's what it says at page 50, yes.

19

20 LCDR KERR: Q. Page 50 says to go back to page 36, and
21 page 36 is chronologically consistent with the last entry
22 on page 50, isn't it?

23 A. That was what I put to you, sir, in Sydney. I said it
24 was a tenable argument that two pages had been turned at
25 once and that they had used their other page.

26

27 Q. Do you accept that that's what happened?

28 A. I don't know. I wasn't there.

29

30 Q. Your second point in your first submission is that
31 *Cape Otway* sailed through bodies. Having heard the
32 evidence that you've heard yesterday and today, what is
33 your position on that?

34 A. I don't dismiss it.

35

36 Q. Where do you say that it occurred?

37 A. Between Carnarvon and Geraldton.

38

39 Q. Can you be any more specific than that?

40 A. No.

41

42 THE PRESIDENT: Q. What is the distance between
43 Carnarvon and Geraldton?

44 A. A bit over 200 - well, if you measure going in, 200,
45 220, 230 nautical.

46

47 Q. Miles?

1 A. Mmm.

2

3 LCDR KERR: Could we please bring up CORR.006.0053. .

4

5 Q. At the top of the page, Mr Shepherd, you say:

6

7 *When the following factual recorded*
8 *sequence of events is considered, a logical*
9 *possibility exists that the SS Cape Otway*
10 *sighted the remains of crew members of HMAS*
11 *Sydney II on Tuesday, 2/12/1941.*

12

13 A. Yes.

14

15 Q. Then you list five points that you rely on. You don't
16 give a location in those points or in that explanation, do
17 you?

18 A. Are you asking me a question, sir?

19

20 Q. Yes.

21 A. What did you say?

22

23 Q. I said you don't give a location in those points or in
24 that explanation on that page, do you? You don't give
25 a location?

26 A. No.

27

28 THE PRESIDENT: Q. Point number 2 says "25 November".
29 I think that should be the 24th, should it not?

30 A. Pardon?

31

32 Q. If you look at the screen, do you see your point
33 numbered 2?

34 A. Yes.

35

36 Q.

37 *Aerial search from Geraldton commences at*
38 *0800 Tuesday 25 [November] ...*

39

40 It should be the 24th, I think, should it not be?

41 A. 24th was the Monday. I think the search started on
42 the Tuesday.

43

44 LCDR KERR: Q. I would like you, sir, to keep that date
45 in your mind at the top of the page. You say in that
46 document that:

47

1 *... a logical possibility exists that the*
2 *bodies were sighted on Tuesday, 2/12 ...*

3
4 If we could bring up PTE.004.0180. At the top of that
5 page, which is an extract from your submission submitted on
6 24 August, you say:

7
8 *The alleged sighting of bodies by the*
9 *Cape Otway, which as a point of interest*
10 *was approximately 7 n/miles off Sandalwood*
11 *Bay at 0730 hours WST on 3/12/1941 ...*

12
13 That's a different time than what you stated in the earlier
14 document.

15 A. It is another logical possibility. I don't retract
16 either of them. They're both logically possible.

17
18 Q. Do I understand you to be saying that it is logically
19 possible that *Cape Otway* could have sailed through bodies
20 anywhere off the coast between Carnarvon and Geraldton?

21 A. It is logically possible that it sighted them
22 somewhere off the coast between Carnarvon and Geraldton.

23
24 THE PRESIDENT: Q. It is logically possible only because
25 the ship was there. It is logically possible only because
26 the ship was sailing that route.

27 A. Yes. The places that had the potential for bodies to
28 wash ashore were Zuytdorp, False Entrance and south of
29 Wagoe near Shoal Point.

30
31 Q. Mr Shepherd, I've heard a lot of evidence from some
32 experts a week or two ago, who told me that it was
33 improbable in the extreme that any bodies would have risen
34 from the ocean floor.

35 A. From where?

36
37 Q. The ocean floor, after they had sunk.

38 A. Sir --

39
40 Q. Now, you may not accept that, but that's the evidence
41 to date before this Inquiry.

42 A. Well, might I ask where are they talking about on the
43 ocean floor? If they're talking about 2,500 metres deep,
44 I accept that, too. I'm talking about water that's in the
45 order of 50 to 70 metres deep.

46
47 Q. So your thesis is that --

1 A. It's not a thesis, sir.

2

3 Q. -- the bodies did not come from *Sydney*; the ship
4 itself, but came from a boat?

5 A. It is impossible for the bodies to have come from the
6 sinking location of *Sydney*.

7

8 Q. Right, and is it impossible for the bodies to have
9 come from the *Kormoran* where she sank?

10 A. It is impossible for the bodies to have come from the
11 *Kormoran* where she sank.

12

13 Q. So if there were bodies there, they came from some
14 other vessel?

15 A. No.

16

17 Q. Or boat?

18 A. A boat.

19

20 Q. And what is your thesis about which boat it was that
21 they came from?

22 A. Sir, I don't like the word "thesis" very much. It is
23 a logical possibility that one of the four boats that have
24 not been accounted for, one or all of the four boats that
25 are not accounted for from the wreck of *Sydney*, could have
26 got ashore and they could have carried men from the *Sydney*.
27 In my mind, there is no doubt that men got off the *Sydney*.
28 We know one did - the man from Christmas Island. He got
29 off, and he got into a Carley float.

30

31 Sir, people say that it was impossible to get people
32 off *Sydney*. Can I take you back to a gentleman whom I know
33 very well. His name is Charles Pasisto Thompson. Charles
34 Pasisto Thompson is a person in whom I have impeccable
35 trust. I shared many secrets with him. He was a member of
36 the crew of *HMAS Perth*, which sank 101 days after the
37 *Sydney* in the Sunda Strait. Charles Pasisto Thompson was
38 an engine room artificer. He jumped in after the second
39 torpedo hit, into the ocean. He got ashore. He survived.
40 He's one of the 200-odd men that got off *Perth* and survived
41 the prisoner-of-war camp and returned to Australia.

42

43 That man I asked what were the chances of men from
44 *Sydney* getting off, and he said, "You've got to be born in
45 the 1920s to know what you do when you are under that much
46 pressure and you're looking death straight in the face."
47 So on that basis, I believe that men did get off *Sydney*.

1 There is some evidence that a boat was lowered from the
2 *Sydney*.

3
4 Q. No doubt we'll come to that, but --

5 A. Sir, on that basis, if men got off *Sydney*, they would
6 not have been in very good condition. As you heard this
7 morning from Mr Cramer, it is quite possible to come in
8 from the wreck of *Sydney* in a boat - row, motor, sail,
9 whatever - to get to shore close to either Dulverton Bay or
10 False Entrance, or further south. If men got away from
11 *Sydney*, if there were any West Australians amongst them,
12 they would have had no doubt what faced them if they tried
13 to get ashore on the cliffs, because it is impossible to
14 get ashore in the weather conditions in November, to get on
15 to those cliffs between Steep Point and Wago Beach down
16 the bottom. You can get in the river at Kalbarri if you
17 know how to get into the mouth of the Murchison. You can
18 get into Dulverton Bay, but you'd be tipped over if you
19 were in a small boat going in there, it's that sort of
20 place to get in. Once you get in, you are safe, but I am
21 talking about if you get tipped over coming in there.

22
23 So on that basis, it is logically possible that men
24 got away from the *Sydney* and that men came ashore, or tried
25 to get ashore, and were drowned in the process.

26
27 THE PRESIDENT: Yes, you go on.

28
29 LCDR KERR: Q. Could we bring up SUBM.007.0159.

30
31 Q. While it is coming up on the screen, Mr Shepherd, can
32 I ask you if you have read the evidence that was given by
33 a lieutenant in *Sydney* in respect of the weather conditions
34 that were in effect on 19 November 1941 and the evidence of
35 the captain who gave evidence after him, who talked about
36 the logic of lowering a boat on the port side in that
37 weather or in those sea conditions? Have you read that?

38 A. I did, actually. To be quite honest, that person has
39 never been to sea out there. That person has never been to
40 sea out there.

41
42 Q. Which person are you referring to?

43 A. The expert.

44
45 Q. The captain who said that it was --

46 A. Captain who?
47

1 Q. CAPT Bairstow.

2 A. Has he been to that area?

3

4 Q. I have no idea, sir, but he gave evidence. He is an
5 experienced Naval seaman officer of Captain rank, and he
6 had command of a West Australian-based ship, so I think it
7 is beyond any doubt that he would have sailed this ship in
8 that area. He gave evidence that an experienced captain,
9 in the sea conditions that were apparent on 19 November
10 1941, at the time of the encounter, would not lower a boat
11 on the port side.

12

13 THE PRESIDENT: Q. Never mind about that. I just want
14 to understand what you're saying. You're saying this:
15 Otway was sailing down the coast off these cliffs that
16 you've described --

17 A. Yes.

18

19 Q. -- between Carnarvon and Geraldton. That's the first
20 step. The second step is that it is possible that, as
21 *Sydney* had nine boats, five of which are now on the seabed
22 and four of which are unaccounted for, some persons on
23 board *Sydney* got away in one of those boats. That's the
24 second thing. The third thing is that if they did that and
25 they approached the cliffs, they would have known, if they
26 were from Western Australia, that they couldn't land, and,
27 in some circumstances - sea conditions, leaking boat,
28 whatever - they drowned. That's the third thing. The
29 fourth thing is that there may have been bodies in the
30 water at this time when *Cape Otway* passed through it. Is
31 that right?

32 A. Yes.

33

34 Q. And that is the basis on which you say that it is
35 logically possible that persons on board *Cape Otway* might
36 have seen the bodies in the water, and that, you say, is
37 consistent with or confirmatory of the account that
38 Mr Heazlewood gave of having been told by people in a hotel
39 in the south of Western Australia that officers on board
40 *Cape Otway* had seen bodies in the water?

41 A. That is one of the elements, yes.

42

43 Q. I understand that aspect of it. Is there anything
44 else that you have which would support the view that there
45 were bodies in the water that might have been seen by
46 *Cape Otway*?

47 A. Yes. There is evidence that what was described as

1 a whaler-type boat came ashore at Shoal Point. There is
2 evidence that a debris field came ashore in the same
3 location as that boat. Currently, I am endeavouring to
4 find out more about that.

5

6 Q. Your suggestion is that this whaler, which was clinker
7 built, I think from your statement, may have come from
8 Sydney?

9 A. I asked the question of a person if it was clinker
10 built. I suggested that it might have been clinker built,
11 clinker-built whaler, yes. It is logically possible that
12 this boat came ashore near Shoal Point.

13

14 Q. Now, what's the evidence that a whaler came ashore?

15 A. The evidence, sir, is that this boat was seen by
16 a person from Balline Station, which is just north of
17 Shoal Point. He was a very young child at that stage.

18

19 Q. Is this the person aged 4?

20 A. He was aged 4. I have spoken to the gentleman.
21 Unfortunately, he is no longer with us. He confirmed what
22 was said. It was under a canvas and it was taken away. My
23 latest information is that it was taken up the Hutt River
24 and burnt.

25

26 Q. So the evidence that a whaler came ashore is the
27 recollection, later repeated, of something a person saw
28 when they were 4?

29 A. Yes.

30

31 Q. Is there any other evidence?

32 A. Yes. His father rode to Northampton and reported it
33 to the police.

34

35 Q. Reported to the police the finding of a whaler?

36 A. He reported the boat coming ashore.

37

38 Q. Is this the same incident or a different incident?

39 A. It's the same boat, sir.

40

41 Q. So we have the recollection of a 4-year-old and we
42 have the father of the 4-year-old riding to Carnarvon, did
43 you say?

44 A. Northampton.

45

46 Q. Northampton police station and reporting the arrival
47 of this boat?

1 A. Yes. I've tried to follow that up, the report.
2 I obtained a police report regarding a JF Crowe, who was an
3 officer in the police station in Northampton. I have
4 searched the Batty Library in Perth here for evidence of
5 police daily occurrence files for Northampton and Geraldton
6 for that period. I have not found them, but I have been
7 told that they were destroyed. I can't confirm that.
8 I went to a policeman friend of mine, who was able to check
9 for me in the police archives in Mayland, and he said,
10 "Those files are missing," so I can't verify it.

11

12 Q. So you cannot confirm that there was a report made to
13 the police?

14 A. No, I can't confirm that, sir.

15

16 Q. So how do you know or suspect that such a report was
17 made to the police?

18 A. By the evidence of Mr Forrester.

19

20 Q. The 4-year-old boy?

21 A. No, his father. That evidence has come through, that
22 his father rode to Northampton and reported it.

23

24 Q. So have you spoken to the 4-year-old boy, now grown
25 up?

26 A. Yes.

27

28 Q. And you've spoken to his father?

29 A. No. His father's dead.

30

31 Q. Well, how do you know that he reported it to the
32 police?

33 A. Sir, about four years ago I wrote an article in the
34 Northampton News.

35

36 Q. I've read that.

37 A. And I put a proposition to the people of Northampton
38 regarding that. I got a lot of feedback from that article.
39 When I put the feedback together, there was a theme that
40 comes through which supports that view or that contention.

41

42 Q. The question I asked you was: how do you know that
43 the father made the report to the police, because you can't
44 verify it by looking at the police records; you haven't
45 spoken to the father. Your response was, "Well, I wrote an
46 article and I got feedback." How does that support the
47 view that the father reported the boat to the police?

1 A. There was more than one person who told me about that
2 same story.

3
4 LCDR KERR: Q. Mr Shepherd, the final point to do with
5 the SS *Cape Otway* is your submission and assertion that she
6 was directed to leave the area where you say that she had
7 seen those bodies. My first question, sir, is that if you
8 are unable to identify where *Cape Otway* saw these bodies,
9 how is it that you are able to say that she was told to
10 leave that area?

11 A. I can't say for definite that the ship was directed.
12 I asked that question in my request. There is a document
13 in which two ships were advised - I think you have it;
14 I gave it to you. *Evagoras* and *Cape Otway* were asked to
15 search the area if they were in the area. That was done
16 via District Naval Office, I think. It was done by SWACH
17 and it was done by District Office.

18
19 Q. You are referring to a signal that originated from the
20 Naval Board directed to DNO WA, the District Naval Office
21 at WA?

22 A. Yes.

23
24 Q. In that signal, Naval Board referred to an earlier
25 signal sent to *Evagoras* and also said in that signal that
26 *Cape Otway* is to join the search if she's in the area; is
27 that a correct summary?

28 A.

29 *MY 00215 --*

30
31 something unreadable --

32
33 *to "Evagoras", "Cape Otway" should also*
34 *search if in vicinity.*

35
36 That's the message.

37
38 THE PRESIDENT: The signal you're referring to is
39 NAA.026.0155. We will put it on the screen.

40
41 LCDR KERR: Q. Is that the signal you're referring to?

42 A. Yes.

43
44 THE PRESIDENT: Q. What you couldn't read is "0021". So
45 it reads:

46
47 *My 0021 Z/28 to "Evagoras", "Cape Otway"*

1 *should also search if in vicinity.*

2

3 A. Yes.

4

5 Q. Would you now put up, please, NAA.026.0159. That is
6 the signal which was referred to in the previous one.

7 A. Oh, is it? Yes.

8

9 Q. This one reads:

10

11 *Proceed immediately to position 21 degrees*
12 *south 50 [sic] degrees east and search for*
13 *aeroplane.*

14

15 A. I read that as "30", sir.

16

17 LCDR KERR: I think it is "30".

18

19 THE PRESIDENT: Q. "30 east and search for aeroplane".
20 Just so that you're aware, what happened was this: there
21 were a number of aeroplanes which were engaged in the
22 search for *HMAS Sydney*. One of them got into trouble and
23 had to land. The Air Force then mounted a search for the
24 aeroplane.

25

26

27 Q. And they asked *Evagoras* to take part in that. They
28 then sent out a signal and said, "If the other vessel is in
29 the area, it should go and search as well." They weren't
30 looking for *Sydney*. They weren't looking for survivors.
31 Those two were looking for an aeroplane which had gone
32 missing.

33

34 A. They wouldn't have found it, sir, at 30 east. It's 21
35 south 30 east. That's an impossible situation.

35

36

37

38

39

40

41

42

43

44

45

46

47

1 Q. I think you'll find it's 28.

2

3 LCDR KERR: I read it as 28, sir.

4

5 THE PRESIDENT: Q. Yes.

6 A. Well, it's saying it was received the day before it
7 was sent.

8

9 LCDR KERR: Q. Can we bring up ROI.003.0026. This is
10 my last question to you on this matter, Mr Shepherd.
11 You've said on a number of occasions that you haven't made
12 findings or made assertions; you've raised possibilities
13 and asked the Commission of Inquiry to do investigations.
14 May I suggest to you that at line 19, and this is
15 a transcript of a conversation between you and I that took
16 place on 15 July 2008 at 55 Market Street in Sydney, after
17 we've had some discussions about *Cape Otway* being asked to
18 leave, you said:

19

20 *They [being Cape Otway] radioed somebody.*
21 *I don't know who they radioed.*

22

23 That's a statement of assertion, isn't it, sir?

24 A. I don't know who they radioed. I asked the question.
25 Was it the Navy?

26

27 THE PRESIDENT: Q. Do you have any evidence at all that
28 *Cape Otway* sent a radio signal?

29 A. No, I don't have any evidence, sir.

30

31 Q. Let me just say to you that we have searched the
32 records and we can find none, and no-one has ever produced
33 any. I just wonder why it is that people say she sent
34 a signal.

35 A. Well, it intrigues me also, until I found out that the
36 *Trocas*, for instance, when it found a raft a little bit
37 further north of this area, didn't radio Western Australia,
38 either; it radioed C-in-C China, and they contacted DNO.

39

40 LCDR KERR: Q. Also in your initial submission to the
41 Commission of Inquiry which I referred to earlier, you
42 said:

43

44 *It is my submission that the remains of an*
45 *unspecified number of the crew of HMAS*
46 *Sydney II were buried by an Army party near*
47 *Dulverton Bay on Carrarang Station in*

1 *Western Australia in ... 1941.*

2

3 What evidence can you present to this Commission of Inquiry
4 that supports that?

5 A. I present again the evidence of Ivy Mallard's
6 relatives, whom I know personally. I lived in the area for
7 10 years. There was a lot of chatter about it. In fact,
8 I knew about the evidence of bodies near Dulverton Bay
9 before the *Cape Otway* business came up. There was talk
10 about an Army party travelling through Carrarang to
11 False Entrance, and the Mallards tracked them out to False
12 Entrance to find out what they were doing. They were sent
13 away. That's the story that was told by more than one
14 person. I went to Dick Hault and asked him what he knew
15 about it, and he said, "I was still at college at that
16 point."

17

18 Q. You heard the evidence of Mr Cramer this morning and
19 you heard the interaction between he and I about the record
20 of conversation that Ivy Mallard made in 1992?

21 A. Yes.

22

23 Q. You saw that, in that record of conversation,
24 Mrs Mallard referred to her fears about Japanese invasion
25 and things that she says she saw and heard over the ocean?

26 A. Yes.

27

28 Q. You saw that there was nothing in that record of
29 conversation concerning the presence of any Army party,
30 didn't you?

31 A. Yes. I have read that, and it's in a book. It was
32 done by a Sunday Times journalist. You really need to know
33 these people to understand a little bit about them.
34 Ivy Mallard was a Poland before she was married. They are
35 the creamy people in Shark Bay. They are a mixture of
36 Aboriginal, Kopanga, Malay, Chinese, white people, and they
37 don't tell strangers everything that they need to know.
38 They answer questions, but they don't tell strangers
39 everything. When they talk to you, they can be quite
40 stand-offish, particularly with a stranger. Sometimes they
41 will tell you things that you wouldn't normally expect them
42 to tell you.

43

44 I don't take anything out of that, to be quite honest.
45 It's just one of those things. She told the story that she
46 saw. I quite frankly believe that Ivy Mallard was telling
47 the truth. I know where Carrarang Station is. I haven't

1 sat on the same verandah, but I've been there, and the
2 story that she told about looking out to the north-west and
3 seeing and hearing bang, boom and smoke, it was logical.
4 The story is logical that she could have seen something.
5

6 Q. I'm not talking about, with respect, what she said
7 about what she saw over the ocean. I'm talking about the
8 fact that in that document there is no reference to an
9 incident --

10 A. Does there need to be?
11

12 Q. -- that must have been large in her mind about the
13 Army trucks that were coming out and the stories that you
14 say were circulating about bodies being buried in the
15 beach - Ivy Mallard, if they were true, would have known
16 about them. I suggest to you that it is something that she
17 would have put in a document like that, and the fact that
18 she didn't is telling. Do you agree with that?

19 A. No, I don't. You'd have to know Ivy Mallard. You
20 have to know the people.
21

22 Q. You didn't have a direct conversation with Ivy
23 Mallard, did you?

24 A. No.
25

26 Q. So you don't know what her story about the Army trucks
27 was; you're only relating something that a third party told
28 you?

29 A. There are more people than just the Hoults. I met
30 a Mallard in a doctor's surgery in Northampton. He knew
31 the story.
32

33 Q. The story that Ivy Mallard told?

34 A. He knew about the trucks, and he was completely
35 removed from that area. He lived at Manjimup.
36

37 Q. His surname is Mallard.

38 A. Yes.
39

40 Q. He's related to Ivy Mallard?

41 A. Yes. Well, he's related to Joe Mallard.
42

43 Q. Apart from that story that you've told us about, is
44 there any other evidence that you can present that supports
45 the assertion that there are bodies buried in the sands in
46 Dulverton Bay?

47 A. I went with Mr Cramer on the first trip. It was

1 basically an exploratory trip. We had metal detectors, we
2 had probes --

3

4 Q. Sir, I don't wish to be rude, but did you find
5 anything?

6 A. Yes.

7

8 Q. What did you find?

9 A. I found some bones.

10

11 Q. You have had those bones tested?

12 A. Yes.

13

14 Q. What was the result?

15 A. I took them to my local GP, and he said that there was
16 every possibility that they were metacarpal bones, so
17 I then took them to the Forensic Department of the
18 University of Western Australia to a Daniel Franklin. He
19 examined them. He spent two weeks with them. I was away
20 at that time. He came back to me. He didn't put it in
21 writing to me. I expected him to give me a letter. He
22 said, "We can't really identify them." He said, "We don't
23 think they're human. They look like a small marsupial
24 bone, but we can't really identify them." He supplied me
25 with a picture of a metacarpal bone. There the bones are -
26 this is what he gave me. There are pictures of them, which
27 you have, and that is what he gave me, a human hand, which
28 shows which bones they resemble.

29

30 THE PRESIDENT: Q. Was his name Daniel Franklin, did you
31 say?

32 A. Yes.

33

34 Q. Anyway, he said that they weren't human?

35 A. He said that they didn't think that they were human;
36 they were more like a marsupial bone. There's a tiny
37 little bit on the end of the bone that has a facet that is
38 more common in a marsupial than in a human.

39

40 LCDR KERR: Q. Do you have any intention of having those
41 bones further examined?

42 A. No. If you want them, you can have them.

43

44 THE PRESIDENT: Q. You accept his view, do you, that
45 they are marsupial?

46 A. Yes. I can't do anything else, sir. I can't do
47 anything other than accept the advice of a forensic

1 scientist.

2

3 Q. May I step back to one previous issue. You told me
4 that you have no evidence that you can give me that
5 a signal was sent by *Cape Otway*; do you agree?

6 A. As yet I haven't found anything of that nature.

7

8 Q. Do you have any evidence that you can give me that
9 a signal was received by *Cape Otway* telling it to depart
10 the area?

11 A. The only evidence that I have that gives that any
12 credibility is from Glenys McDonald's book, in which she
13 talks about a person calling in to a radio station,
14 I believe, or writing to a newspaper and indicating that
15 they had heard the *Cape Otway* signal and that it was near
16 bodies and it was sent away. I have never been able to
17 verify that and I haven't really further discussed it with
18 Glenys McDonald.

19

20 Q. So the only basis for your advancing that would be
21 whatever it is that Mrs McDonald has written in her book?

22 A. Not the only basis, sir. I would like to check that
23 further myself. I haven't done that.

24

25 LCDR KERR: Q. Just finally on that matter, sir, in your
26 first submission that you wrote, which was signed by you on
27 21 May 2008, you said:

28

29 *... I advise that preliminary "on ground"*
30 *exploration at Dulverton Bay has*
31 *identified, from a 1942 aerial photograph*
32 *of Dulverton Bay, an area of interest.*

33

34 *Within 3 to 4 weeks from this date [being*
35 *21 May] at least one search party using*
36 *sophisticated equipment will search*
37 *a specific area of Dulverton Bay for*
38 *skeletal remains and/or material of RAN*
39 *interest.*

40

41 Firstly, is that the search that revealed the bones that
42 you referred to?

43 A. No, and I've made a mistake there. The aerial photo
44 I believe was taken in 1943 and it was the one that was
45 referred to by Mr Cramer this morning. I was privy to
46 seeing that particular aerial photo, and I joined them on
47 that search party.

1
2 LCDR KERR: Sir, I don't have any more questions on those
3 topics. I will move on to one other matter. Could we
4 bring up PTE.004.0182, the last paragraph of that page.
5

6 Q. Sir, in that paragraph, you talk about evidence from
7 the Northampton people, and you go on to say:
8

9 *One element I considered vital, was an*
10 *expended flare attached to a piece of wood*
11 *with a marking, HMAS Sydney found in the*
12 *washed up debris field.*
13

14 When you say "debris field", could I clarify what you mean?

15 A. Washed up on the beach.
16

17 Q. How did you come to be aware of this expended flare
18 attached to a piece of wood with the marking "HMAS Sydney"?

19 A. That came up in a number of places after I wrote that
20 article and I gave a talk at the Northampton Historical
21 Society. I heard it from a number of sources at the same
22 time as the person told me about the reconstituted cabbage.
23 Now, a whole lot of bits and pieces came up from that.
24 Already, it had been identified from Glenys's book
25 previously.
26

27 Q. Had you ever seen that item, sir?

28 A. No.
29

30 THE PRESIDENT: Q. Do you know who says they found it?

31 A. When you live in a community, once people trust you,
32 they will tell you a whole lot of various things that they
33 possibly wouldn't tell a stranger. Then when you hear it
34 from more than one source, it becomes a possibility; it
35 came from more than one source. If that flare is a fact,
36 it fits in with anecdotal evidence of a flare being sighted
37 off that area.
38

39 Currently, the search for bodies is work in progress.
40 I went out last week, as a matter of fact, into the
41 Yallabatharra swamps, out into that area, to find if
42 I could get any further evidence of the cabbage or the
43 various things that were washed up, and the boat in
44 particular. Also, I wanted to see if I could find out the
45 detail of the sightings that people saw from various places
46 within the region of the Hutt River up through to the
47 swamps in Yallabatharra.

1
2 When you go there and when you talk to the people, it
3 is pretty obvious that more than one event occurred. The
4 lifeboat coming ashore now appears to be a much more minor
5 event than the bang, boom, shaking noise that occurred that
6 was reported basically by Glenys McDonald.

7
8 When you look, as I have pointed out to you, at the
9 convergence point for that evidence that was given
10 regarding the banging, flashing lights at night-time, that
11 point is 5 nautical miles off the beach at Shoal Point.
12 That's an impossible place for the *Sydney* battle to have
13 occurred.

14
15 People of Northampton, Horrocks and Port Gregory never
16 saw anything of the *Sydney-Kormoran* battle. That was
17 impossible. They never saw that. So what did they see?
18 They saw something. There is other evidence regarding
19 Japanese shelling part of the coast north of Port Gregory.
20 People's memories - when you talk to them, if you can sit
21 around their kitchen table and just talk quietly with them
22 and when you put all those things together, you find that
23 there is confusion after all these years. Those people
24 tend to run things in together. To try to separate them is
25 very, very difficult.

26
27 THE PRESIDENT: Q. That's what I'm trying to do and
28 that's why I asked you that when you wrote that an extended
29 flare was attached to a piece of packing case which was
30 marked "*HMAS Sydney*" and was washed up on the shore,
31 whether you knew who found it. Do you know who found it?

32 A. No, I don't know who found it, sir.

33
34 Q. Can you tell us who told you that they found it?

35 A. I'm on oath. I wouldn't dare nominate a person's
36 name, because I may be wrong.

37
38 LCDR KERR: Unless there is anything further, sir, I have
39 no further questions of Mr Shepherd.

40
41 LCDR KATTER: I have no questions.

42
43 THE PRESIDENT: Thank you very much, Mr Shepherd.

44
45 THE WITNESS: Sir, I gave LCDR Kerr this morning a series
46 of things that I have obtained from the National Archives.
47 I would like to make a statement regarding them, please.

1
2 THE PRESIDENT: Q. Are these the documents, exhibits 1
3 to 30?

4 A. No.

5
6 LCDR KERR: No, sir.

7
8 Q. May I pre-empt you, Mr Shepherd. You want to make
9 a statement concerning the fact that the Prime Minister,
10 the Government, the Secretary of the Navy, the Navy, all
11 knew about the location of the battle, and you say that
12 they didn't make that known until when?

13 A. Can I make the statement, please?

14
15 Q. Would you just answer my question?

16 A. Would you repeat it, please?

17
18 Q. Your contention is that the Prime Minister, the
19 Government, the Secretary of the Navy and the Chief of the
20 Navy, or the First Member of the Navy in those days, knew
21 about the precise location of the battle between *Sydney* and
22 *Kormoran* but did not confirm that until a much later date;
23 is that what you wish to say?

24 A. What I wish to say, sir, is that the position of
25 26 111, the battle site and the sinking point for the
26 *Kormoran*, was known by the Department of Navy and by the
27 Naval Board, and they informed the Governor-General, the
28 Prime Minister, the Minister for Navy and Mr Shedden no
29 later than 28 November 1941. And it can be proven. These
30 are source documents from the National Archives of
31 Australia --

32
33 Q. May I say that we don't contest you on that.

34 A. Okay. I'd still like to make the statement.

35
36 THE PRESIDENT: Q. Mr Shepherd, I have studied,
37 I believe, a history of the Government response to the
38 finding and to the loss of *HMAS Sydney*, and in the process
39 of that I have seen a great number of signals which
40 initially told persons in authority that CAPT Detmers had
41 said that the location was 26 degrees 111. That
42 information was disseminated amongst particular areas of
43 Government at various times which are shown in the
44 documents. I think I have all those documents, but if you
45 have some more documents there, you may hand them to
46 LCDR Kerr, and if I haven't previously seen them, I will
47 certainly look at them.

1 A. Sir, are you denying me to make a statement?

2

3 Q. I'm not quite sure what you want to make a statement
4 about.

5 A. I wish to make a statement, sir.

6

7 Q. About what?

8 A. About these documents.

9

10 Q. Do you have your statement in writing?

11 A. I have.

12

13 Q. Very well. Would you show that to LCDR Kerr.

14 A. No, I wish to make it, sir.

15

16 THE PRESIDENT: Just show it to me, please. Yes, I'll mark
17 that statement exhibit 173.

18

19 **EXHIBIT #173 STATEMENT OF PHILIP GEORGE SHEPHERD, FROM**
20 **NATIONAL ARCHIVES OF AUSTRALIA WEBSITE 111; FACTS: THE**
21 **SINKING OF HMAS SYDNEY, NOVEMBER 1941**

22

23 THE PRESIDENT: Q. Mr Shepherd, I've read it. I've seen
24 all the material before to which you referred. This
25 statement is an exhibit. It will now go on the website, so
26 it can be widely disseminated. Anyone who wishes to read
27 it will be able to do so.

28 A. Sir, you're denying me the opportunity of making that
29 statement?

30

31 Q. No. It will just take time which will not progress
32 this matter at all. I really do have some constraints.
33 I am trying to get this thing done as efficiently as
34 I possibly can.

35 A. Do you mind if I give it to the media, sir?

36

37 Q. I don't mind what you do with it. It will be on the
38 website this evening.

39 A. Okay.

40

41 THE PRESIDENT: Thank you, Mr Shepherd.

42

43 <THE WITNESS WITHDREW

44

45 CMDR RUSH: Sir, I call Dr McArthur.

46

47