

COMMISSION OF INQUIRY INTO THE LOSS OF HMAS SYDNEY II

Before The Hon TRH Cole AO RFD QC

Held at level 5, Commonwealth Law Courts Building  
1 Victoria Avenue, Perth

Counsel Assisting:       CMDR JT Rush RFD QC RANR  
                                  LCDR PW Kerr RANR

Counsel Representing:    LCDR DH Katter RANR

On Wednesday, 4 February 2009 at 9.32am  
(Day 27)

1 THE PRESIDENT: Yes, CMDR Rush.

2

3 CMDR RUSH: Sir, I call Mr McDonald to the witness box.

4

5 <EAN LAWRENCE McDONALD, affirmed: [9.30am]

6

7 <EXAMINATION BY CMDR RUSH:

8

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

11 A. Ean Lawrence McDonald, [REDACTED]

12 [REDACTED]

13

14 Q. You are retired?

15 A. Retired.

16

17 Q. Sir, you have provided to the Commission of Inquiry  
18 a submission dated 3 September 2008 of 16 pages?

19 A. Yes.

20

21 CMDR RUSH: Sir, I tender that submission. It is marked  
22 CORR.012.0364.

23

24 **EXHIBIT #178 SUBMISSION OF MR EAN McDONALD, DATED**  
25 **3 SEPTEMBER 2008, CORR.012.0364\_R**

26

27 THE WITNESS: I had a second submission that would have  
28 been some weeks after the first one.

29

30 CMDR RUSH: Q. I'm sorry, it's in my folder. It's dated  
31 10 October 2008, and it is at SUBM.004.0321.

32

33 **EXHIBIT #178A SECOND SUBMISSION OF MR EAN McDONALD, DATED**  
34 **10 OCTOBER 2008, SUBM.004.0321**

35

36 CMDR RUSH: Q. Sir, prior to your retirement, you  
37 practised as an architect?

38 A. Yes.

39

40 Q. You also hold a certificate as a Master Mariner?

41 A. Yes.

42

43 Q. You served on *HMAS Sydney*?

44 A. Yes.

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46 Q. Over what years?

47 A. 1939-1940.

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Q. Then served on *Perth*?

A. Yes. In the meantime, I served on all of the old V&W destroyers.

Q. I know that you had a considerable period of time in the Naval Reserve. How long did you remain in the Permanent Navy, as it's now called?

A. Until I guess about March 1946, it would be.

Q. Sir, after your service, you kept an interest in matters pertaining to the Navy, but particularly in relation to the loss of *HMAS Sydney*?

A. Not "particularly" - among other things.

Q. You were, as I understand it, a foundation member of a body called the Sydney Research Group?

A. Correct.

Q. And the idea behind the formation of that was what?

A. Well, I guess none of us believed the official story and we were interested to try to find out the official story. We were interested in finding the truth.

Q. When you say "us", who was involved in that?

A. The Sydney Research Group. It was a number of independent people who just simply got together with a similar interest but rarely agreed on any point.

Q. When, approximately, was it that you commenced to organise as a group?

A. In the 1960s, I guess.

Q. Who was involved in it, sir; what people?

A. There was myself, Dr John McArthur, John Doohan, Gordon Laffer - a number of people. I can't remember them all, but a number of interested people.

Q. When you say that those people held the view that the official version could not be sustained or was not believable, what are you referring to as the "official version"?

A. Practically all of it.

Q. All of what?

A. The official story.

1 THE PRESIDENT: Q. Where do you find the official story?  
2 Are you referring to Mr Gill's work?

3 A. Mr Gill's work, yes, I guess.  
4

5 Q. Is that what you mean by the "official story"?

6 A. Yes. Sir, I think you'll appreciate that I'm here  
7 naturally to assist in your Inquiry. I come with memories,  
8 of course, of hundreds of old shipmates and I come in  
9 memory of them. I think I can assist in saving time, and  
10 rather than going through a lot of this stuff that  
11 I foresee, your time, my time, taxpayer money, et cetera,  
12 et cetera, in amplification or explanation of a couple of  
13 points that I made in my submission, I would like to tender  
14 a couple of diagrams for your inspection and I would like  
15 to explain them.  
16

17 Q. We will come to that in due course.

18 A. I would like to come to that as quickly as possible,  
19 sir.  
20

21 Q. Yes, we will do that, but we will go through the usual  
22 process first, if you don't mind.

23 A. Sure.  
24

25 THE PRESIDENT: Yes, CMDR Rush.  
26

27 CMDR RUSH: Q. Sir, in your submission, you referred  
28 back and asked the Commission of Inquiry to take into  
29 account submissions that you had made to the Parliamentary  
30 Inquiry back in 1997 and 1998.

31 A. Correct.  
32

33 Q. Do you have copies of those with you?

34 A. I do.  
35

36 Q. It will also come up on the screen in front of you, so  
37 you can take your pick. I would ask, sir, that  
38 PINQ.SUBS.003.0026 be displayed on the screen. We see on  
39 the right-hand side of the screen, Mr McDonald, "Submission  
40 No. 45", which was your initial submission to the  
41 Commission of Inquiry.

42 A. Yes.  
43

44 Q. I would ask that we go to page 0028 and to page 4,  
45 down the bottom. Do you see in the third-last paragraph,  
46 Mr McDonald, I want to read to you from your submission:  
47

1           *The "official" story is based only on*  
2           *German accounts. I will demonstrate that*  
3           *it is an unlikely one.*

4  
5           A.    Yes.

6  
7           Q.    Continuing:

8  
9           *The location of the action given by the*  
10          *Germans was blythely accepted "officially".*

11  
12          *I will demonstrate the likelihood of its*  
13          *deliberate misplacement.*

14  
15          *I will demonstrate fallacy in that*  
16          *location, and will refer to similar*  
17          *disbelief by at least four other experts.*

18  
19          A.    Yes.  Sir, this is what I want to explain.

20  
21          Q.    I want to ask you this question, Mr McDonald:  
22          appreciating that the position of the wrecks that you put  
23          forward in your Parliamentary submission was incorrect,  
24          what was it about the official story that demonstrated the  
25          likelihood of the deliberate misplacement of the wrecks of  
26          Sydney?

27          A.    If you would like me to explain it, I can, and this is  
28          why I would like to present you with a drawing and explain  
29          the drawing.

30  
31          THE PRESIDENT:  Q.    No, that is a different question.  We  
32          will come to that.

33          A.    You keep on saying, sir, we'll come to it.  I think  
34          this surely would be the time to come to it.

35  
36          Q.    Mr McDonald, I will be the judge of that, thank you.

37          A.    Sir, am I able to present this or not?

38  
39          Q.    Yes, you are.  As I said, we will come to it in due  
40          course.  But there is a process which I wish to go through,  
41          which is a logical sequential process.

42          A.    Well, I think that surely what Mr Rush is asking me is  
43          irrelevant to what we are trying to get at.

44  
45          Q.    If you wouldn't mind just answering the questions  
46          you're asked, please, and at the end, if it hasn't been  
47          dealt with by then, you will be given every opportunity --

1 A. Well, if that's your ruling, but I would like the  
2 opportunity to talk on this question at some time.

3

4 Q. You will be given your opportunity.

5 A. Thank you.

6

7 Q. Would you please now answer the question: what was it  
8 that made you write that there was a deliberate  
9 misplacement?

10 A. Because I felt so.

11

12 Q. You had no other basis for it other than a feeling?

13 A. Sir, I have a basis, and you won't let me explain it.

14

15 THE PRESIDENT: Yes, CMDR Rush.

16

17 CMDR RUSH: Sir, could we have NAA.074.0241.

18

19 Q. Do you see there, Mr McDonald --

20 A. I find it difficult to read this, by the way. Is  
21 there a way of amplifying that a little? Oh, that's  
22 better.

23

24 Q. Do you see in the second line of that signal, it's  
25 a signal from NB, Naval Board, directed to Admiralty,  
26 Commander-in-Chief China and various other bodies?

27 A. Yes.

28

29 Q. The date is 28 November 1941, and it refers as  
30 follows:

31

32 *My 1700Z/27 raider captain confirms*  
33 *previous reports with addition that action*  
34 *took place latitude 26 degrees 31 minutes*  
35 *longitude 111 degrees.*

36

37 What was wrong with the Navy accepting that position?

38 A. I don't believe it was there, and I can prove that it  
39 couldn't possibly be there.

40

41 Q. That's almost exactly where it is, isn't it?

42 A. No.

43

44 Q. Do you accept that what the Finding Sydney Foundation  
45 found as the wrecks --

46 A. It's nowhere near that.

47

1 Q. -- of *Kormoran* and *Sydney* are the wrecks of *Kormoran*  
2 and *Sydney*?

3 A. Yes.

4

5 Q. How far away from that position --

6 A. Fifty miles.

7

8 Q. How many?

9 A. Fifty miles. So of course I don't believe it.

10

11 Q. So, as far as setting up a search area, once the  
12 appreciation of the loss of *Sydney* occurred, they were  
13 fairly much on the money, weren't they?

14 A. They were 50 miles away.

15

16 THE PRESIDENT: Q. How far away was the location that  
17 you nominated from where they are?

18 A. That I nominated?

19

20 Q. In your work.

21 A. Well, sir, I, like most people, was misled by data  
22 available to us at the time.

23

24 Q. Yes, but how far away was the position that you  
25 nominated from where they are?

26 A. Oh, 100 miles.

27

28 Q. How many?

29 A. One hundred miles. But, sir, in saying that, you have  
30 to appreciate that not only was I 100 miles away but  
31 a Naval workshop set up in 2003 of expert Naval navigators,  
32 oceanographers, et cetera, was also 100 miles away.

33

34 Q. I understand that.

35 A. The senior Naval navigating instructor, who also  
36 happens to be McDonald, was 100 miles away; a number of  
37 people were 100 miles away, because we were all basing it  
38 on data that was incorrect largely supplied by the Germans.

39

40 CMDR RUSH: Q. If you had worked off the position of the  
41 German Captain, you would have been right in the area,  
42 wouldn't you?

43 A. No way.

44

45 Q. Are you sure that your position was 100 miles away?

46 A. Oh, roughly. I don't know. I didn't measure it.

47

1 Q. Roughly 200 miles away?

2 A. Could have been.

3

4 Q. Could be?

5 A. Not important.

6

7 Q. Not important?

8 A. No. It was wrong. But then so were all these other  
9 people.

10

11 THE PRESIDENT: Q. The senior navigator that you referred  
12 to, McDonald, was that Mrs McDonald's son?

13 A. Yes.

14

15 CMDR RUSH: Q. You maintained that the battle was fought  
16 off the Abrolhos Islands?

17 A. So what? I admit I was wrong.

18

19 Q. And in part relied upon the sounds and sights of  
20 battle as recorded by people off Geraldton?

21 A. That's true.

22

23 Q. And they were wrong?

24 A. They were wrong.

25

26 Q. That was, what, 400 kilometres away from the battle  
27 zone?

28 A. I can't remember how many kilometres. It was  
29 certainly a long way.

30

31 Q. Mr McDonald, you maintain, do you, that you saw  
32 signals when you were aboard *Perth* when *Perth* was in Port  
33 Phillip Bay on 25 November 1941?

34 A. About the 25th, yes - yes, around about 25 November.

35

36 Q. We can see it probably best in a paper that you wrote  
37 for the West Australian Maritime Museum. I'll ask you to  
38 look at this: WAM.002.0172. This is a paper that you  
39 wrote for the conference, was it not, of the West  
40 Australian Maritime Museum in 1991?

41 A. That's right.

42

43 CMDR RUSH: I tender this paper, sir.

44

45 **EXHIBIT #179 DOCUMENT ENTITLED "WIND, WEATHER, AND WONDER",**  
46 **WAM.002.0172**

47



1 CMDR RUSH: Q. You there, in this paper, say, if we go  
2 down about a quarter of the page:  
3

4 *In Port Phillip Bay about the*  
5 *25th November, hearing a "Buzz" about*  
6 *SYDNEY, I went to PERTH's Wireless Office*  
7 *and saw signals purporting to be from*  
8 *SYDNEY.*

9  
10 *They read ... "Am engaging enemy*  
11 *raider ... with a Position ..." "On fire*  
12 *Fore and Aft ..." "Aircraft on fire -*  
13 *sending from RCO ..."*  
14

15 The first thing I want to ask you is, you recall being in  
16 Port Phillip Bay on *Perth* when that signal was read by you?

17 A. I think so - yes, I do.  
18

19 Q. Where was the signal?

20 A. What?  
21

22 Q. Where was it?

23 A. The signal?  
24

25 Q. Yes.

26 A. In the radio room, wireless office.  
27

28 Q. And whereabouts in the wireless office?

29 A. Oh, I don't remember. Somewhere in the office.  
30

31 Q. You accepted it --

32 A. It was three signals, by the way. It was three  
33 signals.  
34

35 Q. Three signals?

36 A. On three pink bits of paper, normal signal forms  
37 received by radio, and then they would have been decoded  
38 and written on the pink slips and ready for distribution  
39 around the ship.  
40

41 Q. If we can start with the date, to confirm the date,  
42 a search of the log of *Perth* indicates that *Perth* was in  
43 Sydney on 22 November and 23 November and departed Sydney  
44 on 24 November and was at sea on 25 November.

45 A. I said "about the 25th", sir. I couldn't be certain  
46 of the day. I didn't keep a diary. One was not supposed  
47 to keep diaries.

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Q. If you just listen to the question. I'm just trying to ascertain what date it could be, if it's possible. You entered Port Phillip Bay at 0715 on 26 November, so it has to be after that time?

A. That would be correct.

Q. Do you now accept they were signals from *Sydney*?

A. Yes.

Q. You do?

A. Yes.

Q. Have you always accepted they were signals from *Sydney*?

A. Yes - oh, no. I'm sorry, I accepted at the time they were signals from the *Sydney*, but some years later, and I mean many years later, when I began to research I found that *Sydney* no longer existed on the 26th. Therefore, they could not in fact have come from the *Sydney*.

Q. So where did they come from?

A. You tell me.

Q. Are you sure they existed?

A. Sorry?

Q. Are you sure they existed?

A. Absolutely sure. And would you like me to confirm that?

Q. Yes.

A. Many years later, perhaps 20 years, I met up with Gordon Laffer - and you'll find that in that presentation, by the way - I met up with Mr Laffer, who was a surveyor for the Perth City Council. He said to me, "Ean, you were Navy." "Yes." "What do you know about the *Sydney*?" I said, "What do you mean?" He said, "What do you know about signals from the *Sydney*?" I said, "Sit down, Gordon, what are you talking about?" He said, "Well, I was in RAAF Intelligence at the end of the War in Perth and I was talking to my boss" - LEUT Gill, I think it was - "and told him that I had lost a cousin aboard the *Sydney*, and he said, 'You'd better read the file.' He gave me a file" - and I'm talking Gordon Laffer's words now - "he gave me a file with '*HMAS Sydney*' written in red across the front of the manila file, or whatever it was, and in that file

1 there were three signals, and they were almost verbatim to  
2 the signals you have just mentioned."  
3

4 Now, that, sir, was by an independent witness and  
5 recorded duly by Mr Laffer. They then, I believe,  
6 confirmed that those signals had in fact been on air.  
7

8 Q. Are you saying that Mr Laffer told you, "Am engaging  
9 raider with a position on fire fore and aft, aircraft on  
10 fire, sending from RCO"?

11 A. Well, similar. Almost verbatim. They certainly were  
12 signals almost verbatim to what I had seen.  
13

14 Q. Almost verbatim with the signals that are entered in  
15 the SWACH log?

16 A. I don't know whether - no, they were not entered in  
17 the SWACH log. They were entered in a file which has since  
18 disappeared.  
19

20 Q. If the signals you saw could not have come from  
21 Sydney, where did they come from?

22 A. Well, you tell me. Goodness only knows.  
23

24 Q. Well, what do you theorise as to their existence?

25 A. I can only theorise that they were all part of what we  
26 call the cover-up.  
27

28 Q. So some time after 25 November, at least by  
29 26 November, there were signals put out deliberately to  
30 engage in a cover-up?

31 A. That's what it appears to me.  
32

33 THE PRESIDENT: Q. That's a week after the sinking of  
34 Sydney.

35 A. That's right.  
36

37 CMDR RUSH: Q. When did Mr Laffer tell you that the  
38 signals that he read were sent?

39 A. He saw them in a file --  
40

41 Q. What was the date on the file?

42 A. I don't know the date that he mentioned, but they were  
43 certainly the same, almost verbatim, as I had seen. In  
44 other words, they were signals which had been on air and  
45 received in Perth.  
46

47 Q. So you say that you saw signals on 26 November

1 concerning an engagement with a raider and that those  
2 signals could not have come from *Sydney*?

3 A. No, they couldn't, because *Sydney* no longer existed.

4  
5 THE PRESIDENT: Q. So you take the next step and say  
6 that, within a week of the sinking of *Sydney*, somebody set  
7 about to engage in what you have called a cover-up?

8 A. Correct.

9  
10 Q. Covering up what?

11 A. Covering up the situation, I guess, that caused *Sydney*  
12 to be lost.

13  
14 Q. What situation was that?

15 A. Well, simply the loss of *Sydney*.

16  
17 Q. But what is the basis for saying there was a cover-up  
18 of the loss of *Sydney*?

19 A. Well, there could be a thousand reasons, sir. If you  
20 want to go really wide, look at the total strategic  
21 situation. When you have the Japanese moving down the  
22 coast of China, and it was pretty well known what they were  
23 doing; when you have Japanese vessels being spotted daily  
24 around about Darwin - I don't believe, by the way, in the  
25 involvement of Japanese people in the sinking of *Sydney*.  
26 I find that hard to believe, because I have no proof of it.  
27 But Admiral Royle believed that.

28  
29 Q. You have no proof of any cover-up.

30 A. No. Of course when it's a cover-up, you don't get  
31 proof.

32  
33 Q. Yet you believe that?

34 A. Yes, I do believe it, for a number of reasons.

35  
36 Q. You find no inconsistencies in saying, "I have no  
37 proof of Japanese involvement so I don't believe it, but  
38 I have no proof of a cover-up and I do believe it."

39 A. I don't know how to answer that, sir, but I believe  
40 that there was a cover-up right from the beginning, and  
41 there are many instances - and you surely have evidence to  
42 that sort of --

43  
44 Q. Well, I don't, you see. That's why I'm asking you.  
45 First of all, I want to know what you say is being covered  
46 up, and so far you have not been able to tell me.

47 A. Well, I don't know what precisely is being covered up.

1 I don't know why *Sydney* got sunk. I know she did get sunk.  
2 I know there was a battle. I know all that detail. But  
3 I don't know why *Sydney* was in the position to get sunk.

4  
5 Q. You're assuming that there was a cover-up of something  
6 but you don't know what was covered up. I mean, it's just  
7 nonsense.

8 A. Sir, what this covered up was basically how *Sydney*  
9 managed to get sunk.

10  
11 Q. How she got sunk?

12 A. Mmm. Why did she come in close to the German and be  
13 surprised to a point where she was sunk?

14  
15 Q. That was not known at this date.

16 A. It isn't known, still not known.

17  
18 Q. How could there be a cover-up of something which  
19 wasn't known?

20 A. Well, let's look at the Japanese thing again.

21  
22 Q. No, no, let's stay where we are; stay with the *Sydney*.

23 A. Just let's look at the Japanese thing again.

24  
25 Q. No, stay with what we are doing, please. You say  
26 there was a cover-up of the loss of *HMAS Sydney*. You  
27 expanded that to say because she came in close, and  
28 I pointed out to you that at that point of time it wasn't  
29 known that she came in close. So how could you have  
30 a cover-up of something that wasn't known?

31 A. The whole situation was being covered up.

32  
33 CMDR RUSH: Q. How does that signal, "Am engaging raider  
34 with a position on fire fore and aft, aircraft on fire,  
35 sending from RCO", amount to a cover-up WAM.002.0172?

36 A. Well, simply that it couldn't possibly have come from  
37 the *Sydney*.

38  
39 THE PRESIDENT: Q. So, on your theory, somebody sent  
40 three signals - we don't know who, we don't know to whom -  
41 addressing a condition that *Sydney* may have been in, in an  
42 endeavour to cover up the loss of *Sydney*; is that your  
43 thesis?

44 A. In effect, yes.

45  
46 Q. That's just nonsense.

47 A. And remember that at the time, and officially for

1 many, many years, it was stated over and over that nothing  
2 was ever heard from the *Sydney*.

3  
4 Q. Yes.

5 A. We now know that there were many signals that came  
6 from the *Sydney*.

7  
8 Q. Well, you say that and we'll come to that, no doubt.  
9 I don't know that at all.

10 A. Well, I do, and I have evidence. I can give you  
11 a couple of pieces of evidence today, if you like.

12  
13 Q. I'm sure CMDR Rush will take you to that in due  
14 course.

15 A. Thank you.

16  
17 CMDR RUSH: Q. Sir if we can conclude this by going to  
18 two signals - NAA.070.0245 - a signal of 25 November.

19  
20 **EXHIBIT #180 SIGNAL FROM NAVAL BOARD, DIRECTED TO**  
21 **ADMIRALTY, COMMANDER-IN-CHIEF CHINA AND VARIOUS OTHER**  
22 **BODIES, DATED 28 NOVEMBER 1941, NAA.0074.0241**

23  
24 CMDR RUSH: Q. This is a signal of 25 November 1941 from  
25 Admiralty to the Australian Commonwealth Naval Board.

26 A. Could you enlarge the letters of that signal, please,  
27 the bottom bit?

28  
29 Q. Yes.

30 A. Thank you.

31  
32 Q. Do you see:

33  
34 *ACNB's 0016 25th. The only explanation we*  
35 *can think of is that raider torpedoed*  
36 *"Sydney" before being sunk.*

37  
38 *Request your views and details of steps*  
39 *that you are taking to try and locate her.*

40  
41 Then if we can go to signal SPC.007.0024, if we start at  
42 the top, do you see this is a signal to Admiralty and  
43 C-in-C China from the ACNB. The date is 25 November 1941,  
44 1634Z. It refers to Admiralty's previous signal:

45  
46 *Agree Admiralty's appreciation appears only*  
47 *explanation. Estimate action occurred*

1 forenoon on 21st November. Following  
2 action has been taken. (1) air search to  
3 cover likely area ... (2) four auxiliary  
4 vessels from Fremantle proceeding to search  
5 (3) air search being carried out by six  
6 aircraft ... (4) two Catalina aircraft  
7 proceeding Port Moresby to Fremantle ...  
8 (5) CZM sending cruiser "Tromp" along  
9 probable route Sunda Strait ...  
10 (6) merchant shipping warned to keep a good  
11 lookout five ships due to pass through the  
12 area.

13  
14 They are signals and actions that were actually being  
15 taken. Your cover-up theory is that on 26 November, or  
16 thereabouts, signals were sent that purported to be from  
17 Sydney that were not from Sydney?

18 A. Yes.

19

20 Q. And do you think that, having regard just to two of  
21 the many signals that exist, that is a logical conclusion?

22 A. Well, if there is a cover-up, of course it is.

23

24 Q. And the cover-up is sending a signal --

25 A. Well, these are all secret signals. It says "secret"  
26 on the top, and they're not generally circulated.

27

28 THE PRESIDENT: Q. What is the consequence of that?

29 A. Sorry?

30

31 Q. What do you draw from that?

32 A. There's no doubt about this action that's being  
33 described was taking place, I don't doubt that. But it has  
34 no bearing whatsoever on the fact that if there were  
35 signals sent by somebody on 26 November, as I have  
36 described, then it was somebody who was not relating it to  
37 this action here. They are two very separate actions.

38

39 Q. But, Mr McDonald, by 26 November, there was  
40 a full-scale search for Sydney --

41 A. Yes, but when, sir --

42

43 Q. -- by aircraft?

44 A. -- was it announced publicly that the Sydney was lost?

45

46 Q. What does that have to do with it?

47 A. Well, all this was going on and nobody in civilian

1 life was supposed to know that *Sydney* had gone.

2

3 Q. And what does that have to do with the sending of  
4 signals to military establishments?

5 A. Well, they're trying to cover it up.

6

7 Q. Cover what up?

8 A. The loss of the ship, and more so the way she was  
9 lost.

10

11 Q. I'm sorry, are you telling me that the three signals  
12 that you say you saw, which didn't come from *Sydney*, were  
13 sent to military establishments in order to cover up  
14 non-disclosure to the public?

15 A. It's the only thing I can believe, sir.

16

17 Q. But the two things are just completely unrelated.

18 A. So they are.

19

20 Q. Do you not see any basic inconsistency in what you're  
21 saying?

22 A. Well, of course I can see. The whole thing - it all  
23 points to cover-up, the whole lot does. It doesn't matter  
24 which way you put it. The fact that I saw the signals  
25 aboard *Perth*; Gordon Laffer saw them in *Perth* and I didn't  
26 know that for 20 years. There were other signals. There  
27 were never supposed to be signals from the *Sydney*. All  
28 that was covered up. So of course it's cover-up, and it's  
29 still going on to some extent.

30

31 Q. Is it?

32 A. Yes.

33

34 Q. What's happening now that's consistent with this  
35 cover-up?

36 A. Well, we never get - we haven't got truth of the story  
37 yet, sir. I trust that you in your Inquiry may discover  
38 that.

39

40 Q. No, what is it that you say is going on now that is  
41 consistent with the cover-up?

42 A. Well, you won't get admission from senior Naval people  
43 or senior Defence people on many aspects of this total  
44 action, which I think, sir - and if you let me explain my  
45 diagrams, I can show you one reason, one very good reason,  
46 to believe --

47



1 Q. Mr McDonald, I've asked you a very simple question  
2 twice now. I'll ask you a third time. What is it that you  
3 say is now going on which is consistent with a cover-up  
4 that you allege?

5 A. As far as I know, sir, the official story still holds  
6 that *Sydney* came upon the Germans; the Germans lured *Sydney*  
7 in somehow, surprised *Sydney* and sunk her. The question  
8 being covered up is how did *Sydney* get in so close and why.

9  
10 Q. Very well. You're obviously not going to answer my  
11 question. I'm not going to ask it a fourth time.

12  
13 CMDR RUSH: Q. From the answer that you just gave the  
14 Commission, Mr McDonald, can we take it that you have made  
15 some study of the manner in which warships would engage  
16 merchant ships?

17 A. Absolutely.

18  
19 Q. Can we turn, then, to your Parliamentary submission,  
20 PINQ.SUBS.003.0029. Perhaps if we start at the fourth  
21 paragraph from the top of the page. Can you read that?

22 A. Yes.

23  
24 Q.  
25 *Every man had an Action Station, there*  
26 *would be no "pantry men lining the rails"*  
27 *as stated by Germans, unless the ship had*  
28 *gone out of Action Stations.*

29  
30 If the ship was not at Action Stations, there was the  
31 potential for people to be lining the rails; but if the  
32 ship was at Action Stations, there was no such potential.  
33 Is that the point you make there?

34 A. Correct.

35  
36 Q. Then you say:

37  
38 *It was a practice well laid down and*  
39 *closely followed, that upon sighting of any*  
40 *ship there was an alert. In the case of*  
41 *a suspicious vessel, there was a special*  
42 *routine.*

43  
44 What was the alert that was brought to bear in warships on  
45 the sighting of any ship?

46 A. Say that again?

47

1 Q. What was the alert that you refer to there in relation  
2 to the sighting of any ship?

3 A. She would have gone to Action Stations.  
4

5 Q. So it's your position, is it --

6 A. Oh, sorry. At some stage during the approach to the  
7 ship, the warship would go to Action Stations. It wouldn't  
8 go to Action Stations every time.  
9

10 Q. What do we take from what you've written there that  
11 upon the sighting of any ship there was an alert? What's  
12 that?

13 A. Well, I suppose that relates to the Bridge personnel;  
14 it doesn't relate to a full Action Station.  
15

16 Q. Then you say:

17  
18 *In the case of a suspicious vessel, there*  
19 *was a special routine.*  
20

21 A. Yes.  
22

23 Q. What was the special routine?

24 A. The special routine would be the sort of thing, to  
25 order the vessel to stop, to put down a boat - all those  
26 sorts of things - put down a boat, ask the vessel to  
27 approach your boat; in the meantime, the warship gets out  
28 of sight or backs off, gets out of range; the merchant  
29 vessel comes in, picks up boat, deposits its papers with  
30 the boat and scuttles out of the way a bit; the warship  
31 comes in, picks up the papers and it's confirmed that the  
32 vessel is no longer suspicious, and they all go on their  
33 merry way. But that doesn't happen every time.  
34

35 Q. I'm just reading what you are setting out.

36 A. Go on.  
37

38 Q. Then you say:

39  
40 *The warship would signal the other ship*  
41 *appropriately to establish some sort of*  
42 *identity.*  
43

44 A. Yes.  
45

46 Q. What would make the ship suspicious prior to the  
47 establishment of its identity?

1 A. Let's look at the practical situation we're dealing  
2 with --  
3  
4 Q. No, no.  
5 A. Just let me go on.  
6  
7 Q. No, if you would just answer my question at the  
8 moment, thank you, Mr McDonald.  
9 A. Go on quickly. Go on.  
10  
11 Q. I'm asking generally, and you are speaking generally  
12 in this submission, about merchant ships recognition  
13 procedure. My question to you is: how does a ship work  
14 out if a merchant ship is suspicious if it hasn't been  
15 identified?  
16 A. True enough. It would therefore attempt to identify  
17 it one way or another.  
18  
19 Q. You say:  
20  
21 *That would be done from a long range, say*  
22 *six to ten miles; certainly not close to.*  
23  
24 A. Correct.  
25  
26 Q. How does a warship make an identification of  
27 a merchant ship if the merchant ship is using flags at  
28 6 miles?  
29 A. Six miles is a bit far - four miles perhaps.  
30  
31 Q. You are setting out what I understand to be what you  
32 assert is the merchant ship recognition procedure, and  
33 you're saying that it's 6 miles. Now you're saying it's  
34 4 miles.  
35 A. Oh, well, okay, I'm altering that.  
36  
37 Q. What happens if you can't identify flags at 4 miles?  
38 A. You would be highly suspicious.  
39  
40 Q. Why?  
41 A. Because you haven't identified it.  
42  
43 Q. But flags are particularly difficult to read at  
44 4 miles.  
45 A. Not at all.  
46  
47 Q. Not at all?

1 A. No.

2

3 Q. Is that your experience?

4 A. That will depend - yes, as a signalman. If you had  
5 a good telescope, 4 miles would be reasonable.

6

7 Q. Four miles?

8 A. Yes, and depending on the conditions, of course, but  
9 I gathered that on this particular day it was a clear day -  
10 and we're talking about when *Sydney* met *Kormoran* - a clear  
11 day, not much cloud, et cetera, so it would be a reasonably  
12 visible 4 miles.

13

14 Q. With a four-letter determination, being the  
15 international signal letters of a merchant ship, how many  
16 flags would you anticipate would be hoisted?

17 A. Four.

18

19 Q. So if four flags are put up, the warship has to  
20 recognise the four flags?

21 A. Yes; perfectly normal.

22

23 Q. So where you say:

24

25 *That would be done from a long range, say*  
26 *six to ten miles; certainly not close to.*

27

28 A. Oh, no, no, not flag signals at that distance.

29

30 Q. What are you referring to there?

31 A. Light.

32

33 Q. So for flag signals, we put 4 miles?

34 A. Why are we dealing with general situations, sir?  
35 Can't we get to this particular?

36

37 Q. We will.

38 A. We're wasting time.

39

40 THE PRESIDENT: Q. No, we're not. We're just having  
41 a look at what you've previously written.

42

43 CMDR RUSH: Q. You say:

44

45 *If it did not then stop, the Warship would*  
46 *go to full Action Stations and proceed to*  
47 *fire, at the longest sensible range - say*

1           *ten miles decreasing.*

2

3       Where do you get this from?

4       A.   Experience.

5

6       Q.   So if the warship has come to within 4 miles, your  
7       experience is that the warship would then back off to 10  
8       miles?

9       A.   Yes.

10

11      Q.   Where did that happen in your experience?

12      A.   Oh, on a number of occasions. I can't remember  
13      specifics.

14

15      Q.   In which ship?

16      A.   *Sydney, Perth.*

17

18      Q.   *Sydney and Perth?*

19

20      THE PRESIDENT:   Q.   They approached to 4 miles and then  
21      backed off?

22      A.   Oh, yes.

23

24      CMDR RUSH:   Q.   You say:

25

26           *If the other ship stopped at the first*  
27           *signal, or first shot, then the Warship's*  
28           *Cutter with a heavily armed party would be*  
29           *lowered and the ship instructed to approach*  
30           *it and take on the Boarding party.*

31

32      That's happened in your experience?

33      A.   I'm trying to describe in this document you're reading  
34      a general situation, but there was very rarely that  
35      specific general situation. Every situation had to be  
36      tackled on its particular circumstances.

37

38      Q.

39           *In the meantime the warship ...*

40

41      A.   That's why I would like to come back to the  
42      *Sydney-Kormoran* meeting.

43

44      Q.   I know. You've told us a couple of times, but I am  
45      just going to take you through this.

46      A.   You're talking about the general situation.

47

1 Q. Correct.

2 A. And I'm trying to describe to the layman what might  
3 happen in the general situation.

4  
5 Q. Thank you. Then you say:

6  
7 *In the meantime the warship would move away*  
8 *well out of range until she had clarified*  
9 *the situation.*

10  
11 *The Cutter's crew would board with set*  
12 *tasks. Bridge party to take command,*  
13 *inspect papers, and set up communications.*  
14 *Engine Room Party to drive and prevent*  
15 *scuttling and so on.*

16  
17 Did that ever happen on Australia Station while you were on  
18 *Perth* or *Sydney*?

19 A. Not in detail, no. Again, Mr Rush, you know, War is  
20 not a game of tennis. There are rules, and these are the  
21 sort of rules that I'm describing --

22  
23 Q. That is what I want to --

24 A. -- but in particular circumstances, you change the  
25 rules.

26  
27 Q. It's not worth going to the *Sydney* and *Kormoran*  
28 engagement until we've established what you say the rules  
29 are, or what the rules are?

30 A. Well, I've established the rules. They're general.  
31 In here I think I'm describing, as I mentioned a moment  
32 ago, to a layman what might have happened in the general  
33 situation, and this would be written probably in  
34 a textbook.

35  
36 Q. Didn't you go to the textbook in setting this out?

37 A. No, I didn't.

38  
39 Q. Or look at the instructions to warships in relation to  
40 merchant ships recognition procedure?

41 A. Go on.

42  
43 Q. Did you look at it?

44 A. No, not at this time. I looked at them 25 years ago.

45  
46 Q. Were you ever aware of them?

47 A. Yes.

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Q. What were they?

A. I can't remember. But they would have described this sort of situation, this sort of action.

THE PRESIDENT: Q. Are you sure of that?

A. Pretty sure.

CMDR RUSH: Q. If we go down to the third-last paragraph:

*If the other ship closed the Cutter and captured the men, then again the Warship would sink her from way out. Perhaps she would lose a Cutter's crew, but not a ship.*

That's also part of the rules of engagement, as you understand it?

A. No, it's not part of the rules; it's part of what would practically happen.

Q. Then you conclude as follows:

*It was thus extremely unlikely that SYDNEY would have come close to KORMORAN unless tricked by extraordinary means.*

A. Correct. Now can we get to the *Kormoran*?

Q. That conclusion of yours, Mr McDonald, is based upon the principles of merchant ship recognition that you there set out; is that right?

A. In general. Can I ask you --

THE PRESIDENT: Q. Just, please --

A. Sir, when am I going to be able to talk?

Q. In due course.

A. I'll remember that, sir.

THE PRESIDENT: Yes, CMDR Rush.

CMDR RUSH: Q. Mr McDonald, the source that you rely upon for concluding the trickery is your own experience?

A. I guess so.

Q. And your own experience in relation to firing a shot

1 across the bows of a ship?

2 A. Yes.

3

4 Q. When did that happen on Australia Station?

5 A. Well, once, sir, I was First Lieutenant of *Shepparton*,  
6 a corvette, and we fired a shot across the bows of  
7 *HMAS Fremantle* because he didn't respond to the challenge  
8 letters.

9

10 Q. The challenge letters?

11 A. Mmm.

12

13 Q. So where do the challenge letters come into your --

14 A. Well, you always had challenge letters, which changed  
15 constantly throughout a day, so that you always had a means  
16 of flashing challenge letters to another ship, in  
17 particular a warship, and get a reply.

18

19 Q. And what was the point of that?

20 A. If you were meeting someone in the middle of the  
21 night, for instance, a dark blob on the horizon, you needed  
22 to identify it quickly, and the challenge letter was the  
23 method of doing that, or a distant ship that you couldn't  
24 identify, a blob on the horizon, 15 miles away, you needed  
25 challenge letters.

26

27 Q. When you say "challenge letters ", what are you  
28 referring to

29 A. The light signal. It might be ABC, so you would flash  
30 ABC.

31

32 Q. What was it meant to represent?

33 A. It was the challenge letters of the hour.

34

35 Q. Sorry?

36 A. In warships it changed constantly during any day. It  
37 was in a big book. They were all set out. So you had  
38 looked up your challenge letters, and let's say at this  
39 time - whatever time - the letters are ABC, is the  
40 challenge. You flash that letter. The reply was supposed  
41 to be XYZ.

42

43 Q. And that's for warships?

44 A. Yes.

45

46 Q. What about merchant ships?

47 A. Merchant ships also had their own challenge letters,



1 but they didn't change. They were their identity letters,  
2 and I think in this case it was something like PQKI, or  
3 something like that, and they also used the internal  
4 letters. If it was PQI, then it would be QI, and the  
5 merchant ship - they were his secret letters, and he would  
6 send them back.

7  
8 Q. What were his secret letters?

9 A. Well, he knew what his secret letters were, and they  
10 were all set out. All merchant ships had a secret pair of  
11 letters.

12  
13 Q. Mr McDonald, you rely, as I understand it, on your  
14 experience. In your submission, you put somewhat of  
15 a variation to what you put to the Parliamentary Inquiry.  
16 That is CORR.012.0370. There, you are discussing Sydney,  
17 and reading from the top of the page you state:

18  
19 *Whilst Sydney was normally under command of*  
20 *ACNB there is strong evidence that she was*  
21 *under C-in-C China based in Singapore at*  
22 *the time of her last battle.*

23  
24 I want to leave that alone for the moment.

25  
26 *It is beyond doubt that CAPT Burnett well*  
27 *knew of a raider in the area.*

28  
29 *He would have been ordered to engage with*  
30 *it if possible in some circumstances but to*  
31 *observe other orders such as to capture if*  
32 *possible so as to try to replace British*  
33 *losses of merchant ships, but also to avoid*  
34 *harming possible British prisoners aboard,*  
35 *and to avoid wasting ammunition.*

36  
37 *We now know from German evidence that*  
38 *Sydney challenged as normal from a distance*  
39 *then came close to the enemy and circled*  
40 *her, then stood by on her starboard*  
41 *quarter, which, under Admiralty*  
42 *instructions, was considered to be the*  
43 *so-called "safety position".*

44  
45 I just wonder what Admiralty instruction you're referring  
46 to.

47 A. I don't remember the Admiralty instruction, but it was

1 pretty well known that there was the so-called safety  
2 position, that you stood on the quarter rather than abeam.

3

4 Q. You say that there is an Admiralty instruction  
5 referring to the quarter being, as you put it in inverted  
6 commas, "the safety position"?

7 A. Yes.

8

9 Q. You have seen that instruction, obviously, to put it  
10 in inverted commas?

11 A. It was known as the safety position. I don't know  
12 that it was written as the safety position as such. But  
13 that's probably why I put it in inverted commas.

14

15 Q. It's not a safety position at all, is it?

16 A. If you have to be close in to a possible enemy vessel,  
17 it's a better position to be in than abeam, so it can be  
18 regarded to some extent as a safety position. I guess you  
19 could argue that there is no safety position, and that is  
20 correct.

21

22 Q. So you assert that *Sydney* took up a position  
23 stationary on the quarter of the *Kormoran*?

24 A. Not only I assert, but von Goessel mentioned that and  
25 I think other Germans also mentioned that.

26

27 THE PRESIDENT: Q. May I take it from the passage that  
28 was just read to you that you accept the Germans' evidence,  
29 as you call it, that *Sydney* challenged from a distance and  
30 then came close to *Kormoran*?

31 A. Yes.

32

33 Q. And you say "and circled her"?

34 A. That's evidence I get from German sources, yes.

35

36 Q. So, as I understand it, she came close from an astern  
37 position?

38 A. Yes, from a quarter position, not astern.

39

40 Q. Went around forward of *Kormoran*, circled her,  
41 completed the circle and then took up a position on the  
42 starboard quarter?

43 A. That is one story that I read from a German, sir.

44

45 Q. That's what you're saying.

46 A. Well, I might be saying that, but I have to be saying  
47 it, accepting what the Germans said in that circumstance.

1 I wasn't there, after all.

2

3 Q. You say, "We now know". Is that your position? Is  
4 that what you say occurred or not?

5 A. Sorry?

6

7 Q. You start off the sentence by saying, "We now know".

8 A. Well, we now know from the German evidence, I say -  
9 those are my words.

10

11 Q. Are you challenging that, or do you accept that?

12 A. Well, what else have I got to accept? I either accept  
13 the German evidence or I don't. In this case, I accept it.  
14 There are other cases of German evidence that I certainly  
15 do not accept. I mean, this would be a natural thing.  
16 *Sydney's* coming in from the north, coming in towards  
17 *Kormoran*, and she flashes a challenge letter. The Germans  
18 give a reply.

19

20 CMDR RUSH: Q. It would be a natural thing for *Sydney* to  
21 obey the fighting instructions, wouldn't it?

22 A. Up to a point.

23

24 Q. It would be a natural thing, where the fighting  
25 instructions determine a position to take against  
26 a suspicious ship, for the Captain of the ship to take up  
27 that position?

28 A. In certain circumstances, but, again, you have to  
29 appreciate that no-one ever stuck to the rules as the  
30 textbook, because the circumstances changed moment by  
31 moment.

32

33 Q. You have said, Mr McDonald, that Admiralty referred to  
34 the quarter as being the safe position.

35 A. All right.

36

37 Q. Is that right? That is what you say.

38 A. Well, I don't think they said "safety position".  
39 Goodness, I've forgotten what they said, but it was  
40 generally known that Admiralty considered the quarter  
41 position as being the safety position.

42

43 Q. Admiralty had issued fighting instructions that very  
44 clearly put the position for ships to take up as a safety  
45 position in 1939, hadn't it?

46 A. Well, you tell me. Thank you.

47

1 Q. Were you aware of that?

2 A. I must have been aware of that.

3

4 Q. How would you be aware of it?

5 A. Sir, I was a signalman for years. I served in all the  
6 fleets. I've served on various ships. I've served the  
7 Navy for years. Of course I know something. I don't know  
8 the detail.

9

10 Q. Why wouldn't you refer to the fighting instruction  
11 as --

12 A. Well, I'm sorry I didn't. I'm sorry I didn't give  
13 a reference page and paragraph number.

14

15 Q. Does it suit your theory to have the *Sydney* on the  
16 starboard quarter?

17 A. No, it's not a theory.

18

19 Q. It's not a theory?

20 A. Well, I guess it's a theory, yes, because that's what  
21 I would expect her to do.

22

23 Q. I suggest that what you would expect *Sydney* to do is  
24 obey the fighting instructions. We can have them brought  
25 up.

26 A. You're twisting the thing around whichever way - look,  
27 give me a straight question. I think I've given you  
28 straight answers.

29

30 Q. It is UKAA.006.0137. They're "The Fighting  
31 Instructions for 1939". I ask you to go to 0147. If we  
32 can go to instruction 123, do you see this, Mr McDonald,  
33 "Action by detached ships or units on patrol":

34

35 *When a cruiser (or other type of vessel) is*  
36 *operating independently of the fleet and*  
37 *requires to examine a strange vessel, the*  
38 *customary signal to order her to heave to*  
39 *is a shot across her bows. If the vessel*  
40 *is suspected of being hostile and armed,*  
41 *the following procedure should be carried*  
42 *out:*

43

44 *(a) after the vessel has stopped the*  
45 *cruiser whilst keeping end-on should close*  
46 *to a position about a mile ahead of her, to*  
47 *minimise the danger of torpedo fire.*

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That's the safe position, isn't it?

A. Right, yes, but, you see, the stage that I believe *Sydney* - *Sydney* was coming in chasing *Kormoran* and therefore had to be astern of her for most of the time until it came close so, so it couldn't get ahead at the point of time.

Q. Why not?

A. Because he was not fast enough.

Q. I beg your pardon?

A. *Kormoran* is proceeding supposedly at 14 knots. The cruiser, *Sydney*, is coming up to her --

THE PRESIDENT: Q. At what speed?

A. Oh, probably 25, 30 knots, maybe.

Q. So she could readily position herself where she wished?

A. But at some point she's not ahead, sir. At some point she's on the quarter.

Q. That depends on the angle of approach. It depends on the angle of approach, whether she's ahead or astern?

A. He can't come from up there (indicating). He has to come in, chasing a ship that's running away from him, from the stern, and until he gets fast enough to go a mile ahead, he cannot comply with Admiralty instructions.

CMDR RUSH: Q. Mr McDonald, are you saying that this instruction doesn't apply to warships that approach merchant ships that are stationary if they approach from astern?

A. No.

Q. No?

A. No. It's just a practical fact.

Q. That is the safe Admiralty position, isn't it?

A. Okay, but, again, it was also known - now, again, as I say, rules are written there, but very rarely were the rules in detail acted upon. When circumstances changed, you made up your own mind as to what you were doing.

THE PRESIDENT: Q. Mr McDonald, the point is that what you wrote and considered to be the safety position is

1 not --

2 A. I put it in inverted commas because we thought we  
3 understood it was the safety --

4

5 Q. -- the safety position --

6 A. I said "so-called safety position".

7

8 Q. -- laid down in the Fighting Instructions.

9 A. What's the point of all this, sir?

10

11 Q. Do you agree with that?

12 A. Sorry?

13

14 Q. The safety position that you asserted in your  
15 statement is in fact not the safety position referred to in  
16 the Fighting Instructions; do you agree with that?

17 A. That is correct, yes, but there were circumstances  
18 which made it impossible.

19

20 CMDR RUSH: Q. What were the circumstances that you  
21 allege here that made it impossible?

22 A. I've just explained it to you. You're chasing a ship  
23 across the ocean. It's moving at 14 knots, you are moving  
24 at whatever. You are catching up with it. At some point,  
25 you have to be there. Until you pass it and get ahead, you  
26 cannot comply with Admiralty instructions. It's as simple  
27 as that.

28

29 THE PRESIDENT: Q. Of course you can. You stand off out  
30 of range.

31 A. Ah, then there was a reason for him coming in, wasn't  
32 there? Shall we get to that, sir?

33

34 Q. We will, don't worry.

35 A. Please.

36

37 CMDR RUSH: Q. Mr McDonald, are you familiar with the  
38 tactical notes of the Australia Squadron?

39 A. Sorry, the tactical notes?

40

41 Q. Of Australia Squadron.

42 A. No. When was this printed?

43

44 Q. They were the tactical notes applicable to Australian  
45 Captains during the War from 1939.

46 A. Okay. I probably didn't read that. I wasn't  
47 a Captain at that stage.

1  
2 CMDR RUSH: Sir, I tender the fighting instructions.

3  
4 **EXHIBIT #181 "THE FIGHTING INSTRUCTIONS" FOR 1939,**  
5 **UKAA.006.0137**

6  
7 CMDR RUSH: I'm reminded, sir, to tender two signals -  
8 NAA.070.0245 and SPC.007.0024.

9  
10 **EXHIBIT #182 SIGNAL FROM ADMIRALTY TO THE AUSTRALIAN**  
11 **COMMONWEALTH NAVAL BOARD, NAA.070.0245; AND SIGNAL TO**  
12 **ADMIRALTY AND C-IN-C CHINA FROM THE ACNB, DATED 25 NOVEMBER**  
13 **1941, 1634Z, SPC.007.0024**

14  
15 CMDR RUSH: Could we look, sir, at NAA.011.0351.

16  
17 Q. Do you see the instruction on the screen, Mr McDonald?  
18 A. Yes.

19  
20 Q. Are you familiar with that?  
21 A. Pretty generally, yes.

22  
23 Q. That is the methodology that was required of  
24 Australian warships for the recognition of merchant ships?  
25 A. Yes. Mind you, it wasn't often adhered to.

26  
27 Q. In what way?  
28 A. Well, it says:  
29  
30 *Merchant vessel turns away increases to*  
31 *full speed ...*

32  
33 Well, that rarely happened.

34  
35 Q. What else wasn't adhered to?  
36 A. Lots of things, sir. When you met merchant ships,  
37 they'd do any bloody thing.

38  
39 Q. What about the warship's point of view?  
40 A. The warship would probably fire a shot across his bows  
41 and say, "Come on, smarten up."

42  
43 THE PRESIDENT: Q. Did the warship adhere to this  
44 instruction, in your experience?  
45 A. We're not talking about the warship, sir. We're  
46 talking about:

47

1           *Merchant vessel turns away increases to*  
2           *full speed ...*

3  
4           Q.    Would you mind reading the rest of it.

5  
6           CMDR RUSH:    Q.    You would know, Mr McDonald:

7  
8           *(ii) warship identifying merchant vessels.*  
9           *Warship challenges - what are your signal*  
10          *letters.*

11  
12          A.    Correct.

13  
14          *Merchant vessel turns away increases to*  
15          *full speed and makes her signal letters.*

16  
17          But what if it doesn't?

18  
19          *Warship signals centre two letters of(?)*  
20          *merchant vessel secret sign.*

21  
22          These are the letters that I was talking about earlier:

23  
24          *Merchant vessel replies with first and last*  
25          *letters of her secret call sign.*

26  
27          So there we are.

28  
29          Q.    So the position is that until the warship has  
30          identified the signal letters of the merchant ship, the  
31          warship is incapable of going through the rest of that  
32          procedure?

33          A.    Put that again?  Sorry.

34  
35          Q.    Until the warship has recognised the signal letters of  
36          the merchant ship, obviously the rest of the procedure  
37          cannot follow?

38          A.    That would be correct.

39  
40          Q.    So, where the merchant ship replies by flag, obviously  
41          the warship, on your experience, has to come in to 4 miles?

42          A.    Yes, true.  But don't forget that there is  
43          a possibility - and in most cases this would be done by  
44          light, for the simple reason that in order to read flags  
45          you had to come in close 3 or 4 miles.

46  
47          THE PRESIDENT:    Q.    Done by light by whom, by which ship?



1 A. Both ships.

2

3 Q. So you're assuming that, usually, the merchant ship  
4 responded by light, are you, in 1941?

5 A. Quite often.

6

7 Q. In 1941?

8 A. Most merchant ships could signal by light.

9

10 Q. In 1941?

11 A. Yes. And a ship as big as *Kormoran*, sir, would surely  
12 have an Able Signaller or Officer capable of sending quite  
13 good morse on a light even out 15 miles.

14

15 CMDR RUSH: Can we have, sir, NAA.074.0074.

16

17 Q. This is something that the Commission looked at  
18 yesterday, Mr McDonald. Do you see it is a memo from the  
19 Rear-Admiral Commanding HM Australian Squadron on  
20 16 December 1941 to the Secretary of the Naval Board.  
21 Would you go down to paragraph 2(a), where he states:

22

23 *(a) I regard the procedure of speaking to*  
24 *merchant vessels at night to be*  
25 *particularly hazardous, unless drastic*  
26 *action is taken immediately against ships*  
27 *which show any inclination to disregard*  
28 *instructions. War Instructions Order 20 is*  
29 *relevant and at night it is only prudent to*  
30 *regard all merchant ships sighted as*  
31 *possible raiders.*

32

33 *(b) In the past, the standard of signalling*  
34 *by Merchant Vessels has left much to be*  
35 *desired, and I feel it most important that*  
36 *it should be impressed on Merchant ships*  
37 *that any failure on their part either in*  
38 *signalling or in complying immediately with*  
39 *orders given by HMA Ships may result in*  
40 *very unpleasant consequences.*

41

42 *(c) With regard to the challenge and reply*  
43 *procedure ... the remarks in (b) above*  
44 *still apply but to a lesser extent, as it*  
45 *will usually be possible to recognise*  
46 *friendly ships by day. In cases where this*  
47 *cannot be done with certainty, however, the*

1           *challenge and reply procedure would*  
2           *normally be carried out at a range of about*  
3           *8 - 10 miles.*

4  
5           That is followed by a memo at NAA.074.0065.   This is  
6           a memo by CMDR Dechaineaux, where he states:

7  
8           *Reference DSC's paragraph 3 at "X", I do*  
9           *not agree. It is sometimes very difficult*  
10          *to read a flag hoist at as little as*  
11          *a mile. The whole purpose of suggesting*  
12          *a daylight lamp is that warships can*  
13          *identify ships from a range at which they*  
14          *are not tactically in a disadvantageous*  
15          *position, ie outside 5 miles at least.*

16  
17          Were you aware, Mr McDonald, of the concern that Navy had  
18          that warships were necessarily having to come in within  
19          5 miles, sometimes up to 1 mile, to recognise flags of  
20          merchant ships?

21          A.    Yes, but I have said to you that you used light, if it  
22          was at all possible, and I believe that on a ship of the  
23          *Kormoran's* size you would expect their officers, all  
24          officers, to be able to send by morse code light. So  
25          I can't see the point of all this.

26  
27          Q.    There was even difficulty for Naval Reserve Officers  
28          on *Yandra* to send code by light, wasn't there?

29          A.    I don't know about that one.

30  
31          Q.    I'm sorry?

32          A.    I don't know about that one. What's the reference?

33  
34          Q.    What I'm saying to you is that flag signalling was  
35          a common form of signalling at this time between a warship  
36          and a merchant ship, so much so that there was  
37          a recommendation to ensure that merchant ships were fitted  
38          with lights?

39          A.    I can't see the point.

40  
41          Q.    You can't see the point?

42          A.    No. I don't know what you're talking about.

43  
44          Q.    It's fairly obvious, isn't it?

45          A.    No, not to me. In here, you've just shown me what  
46          I was trying to tell you - you signal by light, if  
47          possible. You sometimes had to signal by flag. If you

1 couldn't read flags - and surely there would be conditions  
2 when it was difficult to signal by flag. You wouldn't  
3 normally come in that close unless there was a very good  
4 reason for you to do so.

5

6 Q. You theorise against Admiralty instructions that  
7 *Sydney* stopped on the starboard quarter?

8 A. We've been through that, haven't we?

9

10 Q. And lowered a boat?

11 A. Who - *Sydney* did?

12

13 Q. Is that what you're saying?

14 A. Well, I have evidence that *Sydney* was just beginning  
15 to lower a boat.

16

17 Q. Would you lower a boat on this day, on 19 November, on  
18 the starboard quarter? Was there any reason that *Sydney*  
19 may choose the starboard quarter as opposed to the port  
20 quarter?

21 A. Because she was coming from that direction.

22

23 Q. But she could have chosen any quarter she wished?

24 A. She could have, indeed.

25

26 Q. I think you refer to the wind conditions on this day;  
27 correct?

28 A. Yes.

29

30 Q. Coming from the south-west?

31 A. No, south/south-west - very much south/south-west,  
32 352 degrees, to be precise.

33

34 Q. To be precise?

35 A. To be precise.

36

37 Q. Based on?

38 A. Based on my deductions.

39

40 Q. Your deductions?

41 A. And I can explain them.

42

43 Q. So from a ship's perspective, with the wind as you say  
44 it is, which would be the advantageous side to lower  
45 a boat?

46 A. Starboard side.

47

1 Q. On the starboard side?

2 A. Yes.

3

4 Q. Why?

5 A. That's obvious, sir. Are you a sailor, sir? Have you  
6 been to sea?

7

8 THE PRESIDENT: Q. Just answer the questions, please.

9 A. Well, I'm interested, sir, because otherwise I've got  
10 to go into a whole explanation of why does a ship lower  
11 a boat on a starboard side. Mr Rush, have you ever seen  
12 a boat lowered?

13

14 Q. Mr McDonald, you may not have read the evidence which  
15 has been given to this Inquiry by very experienced seamen  
16 officers, which addressed this very topic.

17 A. No, I haven't, but, sir --

18

19 Q. Very well. Do not assume --

20 A. I would lower a boat on the starboard side for the  
21 very simple reason, if the wind is from the port side, you  
22 would choose to lower a boat on the starboard side. Is  
23 that what you're after?

24

25 THE PRESIDENT: In part.

26

27 CMDR RUSH: Q. The evidence s before the Commission of  
28 Inquiry is that on this day, Mr McDonald, the wave height  
29 would have been approximately 2 metres.

30 A. I wouldn't believe that.

31

32 Q. That the sea would be running in fundamentally  
33 a direction towards 170, 180.

34 A. I could believe that. No, wait on - the swell? Say  
35 that again? The swell - no, I don't believe that. That  
36 would demand a heavy weather system way to the south, and  
37 there was no heavy weather system way to the south. Where  
38 did you get that evidence from?

39

40 THE PRESIDENT: Q. From a qualified meteorologist.

41 A. Yes, sir.

42

43 Q. Do you have any qualifications in meteorology?

44 A. Sir, I'm a Naval officer and a Master Mariner, and  
45 I've lectured in this subject in general terms.

46

47 Q. Do you have any qualifications in meteorology?

1 A. Not actual qualifications, no. But, sir, there's  
2 a very good reason why I believe your meteorologists are  
3 wide of the mark, anyway, if you'll let me explain that.

4  
5 Q. What is that?

6 A. Sir, I'll explain this from the position of the wrecks  
7 now. We know exactly where the *Sydney* wreck lies. We know  
8 precisely, because of the urgency of being precise, where  
9 the pick-up points were for inanimate objects, like  
10 lifebelts, Carley raft, dog kennel, stuff like that. So we  
11 know the position A where *Sydney* is. We know where the  
12 pick-ups were. We therefore know the direction of the  
13 drift over the few days consequent to the action, and  
14 that's where I got the 352 degrees from. We can measure  
15 that very precisely now.

16  
17 Now, all your meteorologists, sir - and I did see some  
18 evidence somewhere - were using all the lovely words like  
19 "synoptics" and "mean sea level pressures" and "gradients"  
20 and "the swell in the sea", but they were using the same  
21 sort of data, sir, that I and others had used years ago,  
22 with dire result.

23  
24 Q. That's your explanation?

25 A. That's my explanation.

26  
27 THE PRESIDENT: Yes, very well. Thank you.

28  
29 CMDR RUSH: Q. If you lowered a boat, would you want  
30 a down-sea run?

31 A. That would be advisable, of course.

32  
33 Q. If you lowered a boat, would you want to create a lee  
34 for the boat?

35 A. Yes, that would be also desirable, but if it couldn't  
36 be - you see, you have to appreciate that the situation, as  
37 I understand from CAPT Detmers' description, was that the  
38 wind was about force 3 or 4, which is about 15 knots.  
39 That's not a heavy wind, sir. And for a Naval cutter,  
40 that's not at all a heavy wind. It's not at all a heavy  
41 sea. It's a light almost ruffling of the water. So  
42 I can't see any great point in all this business about lees  
43 and down-sea runs and so on.

44  
45 Q. That is a gross underdescription of the water on  
46 19 November, at the time of the engagement, I suggest.

47 A. How do you know?

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Q. On any of the evidence, Mr McDonald.

A. In other words, you believe the evidence of the Germans?

Q. On the evidence of meteorology, on the evidence of the Germans --

A. The meteorologists weren't there. As I say, they made mistakes.

Q. They make mistakes?

A. They did make a mistake.

Q. You agree that it would be preferable to have a down-sea run for the ship's boat and you agree --

A. Go back to making mistakes. You're saying to me that your meteorologists are spot on, and I've just shown you that they are not spot on.

Q. You agree, however, that it would be preferable to give your boat a down-sea run?

A. Oh, yes, of course.

Q. And preferable to create a lee?

A. Of course.

Q. And if you wanted to do that, you wouldn't be on the starboard quarter of *Kormoran*?

A. Of course. But remember, somebody said - I think it was Linke, I'm not certain - that the *Sydney* had circled the *Kormoran*.

Q. Who said that?

A. I think it was Linke - one of the Germans.

Q. One of the features of your submission to the Commission of Inquiry concerns, does it not, the fact that there would have been very few Germans who would have actually seen the engagement.

A. That is correct.

Q. Did Mr Linke see the engagement?

A. I don't know. He says he did.

Q. He says he did?

A. He's written - he has been interviewed and given evidence.

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Q. He said he didn't.

A. Maybe he did.

Q. He said he was in radio room --

A. I have a feeling - was it Ahsbaas? There is German evidence that *Sydney* was circled.

THE PRESIDENT: Q. You might wish to refer me to that. There are a couple of references in your report, I think.

A. I can't remember, sir. I might have notes about it.

Q. My understanding is that Linke said he didn't see the engagement and that in fact he was below decks.

A. At what time? I thought I had some --

Q. Do you rely on him to say that *Sydney* circled *Kormoran*.

A. I thought I had some notes somewhere. Certainly von Goessel I know is on record as having said that *Sydney* was on the starboard quarter.

Q. No, we're talking about the circling.

A. Talking about?

Q. The circling.

A. All right.

Q. You have put to me that *Sydney* circled *Kormoran*.

A. Well, that's some evidence I've heard, sir. It's up to you to make a judgment as to whether it's correct or not. I'm not in the chair. I'm only offering my opinion, sir, and what I've heard, what I've read.

THE PRESIDENT: Yes, CMDR Rush.

CMDR RUSH: Q. You have also made reference that *Sydney* could have easily used her aircraft, and would have quite normally used her aircraft, in relation to inspection of a merchant ship.

A. Yes.

Q. Why do you say "quite normally" that would have happened?

A. Well, exactly, it was quite normal if the *Sydney* was suspicious about a ship and wanted it identified, but I believe, sir, that the *Sydney* had already identified

1 *Kormoran* as a raider.

2

3 Q. If you would perhaps just concentrate on the question,  
4 are you saying that it was normal practice for ships to put  
5 aircraft into the air for the purposes of merchant ship  
6 recognition?

7 A. Where there was any doubt.

8

9 Q. Any doubt?

10 A. Yes. Because, most times, there were no doubts.

11

12 Q. And for a ship to put the aircraft into the air, it  
13 would have to almost come to a stationary position.

14 A. No.

15

16 Q. It would have to turn the aircraft into the wind?

17 A. It had to turn the aircraft in - but the aircraft  
18 catapult could range around different areas, but then the  
19 ship only has to turn into the wind for 5 minutes and fly  
20 his aircraft off and turn back again.

21

22 Q. And the instructions to ships' Captains in relation to  
23 the use of aircraft?

24 A. I don't know about that.

25

26 Q. You don't know about that?

27 A. No, I'm no expert on that one. Sorry.

28

29 Q. Let's look at it.

30 A. Is it important?

31

32 Q. Yes. It is PINQ.SUBS.003.0030.

33 A. Sir, what if *Sydney* has decided this ship is a raider,  
34 anyway? He doesn't need to fly off his aircraft.

35

36 THE PRESIDENT: Q. You were on *Sydney* during 1941?

37 A. No, 1939-1940.

38

39 Q. Have you looked at the logs of *Sydney* for 1941?

40 A. No.

41

42 CMDR RUSH: Q. If you haven't looked at the logs for  
43 1941, how do you say that it was normal procedure to put an  
44 aircraft in the air for --

45 A. Because I saw many ships do that. Certainly I can't  
46 remember - I wouldn't have a clue what *Sydney* was doing  
47 with her aircraft during, what, late 1940-41.



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THE PRESIDENT: Q. Would it surprise you to learn that throughout the whole of 1941 *Sydney* never used her aircraft for ship identification purposes?

A. No, that wouldn't surprise me, sir, because she didn't need to. This is the point I made a while ago. She would only fly the aircraft off if she needed.

Q. So the only occasion in the year when she might have needed to was the occasion of meeting *Kormoran*?

A. No, because I believe she already knew what *Kormoran* was.

Q. How did she know that?

A. Well, sir, the fact that she knew there was a raider in the area. Navy Board had said in October, a month before, that there was a raider in the area. That's *Steiermark*. The *Kormoran* was in fact in the area. CAPT Burnett had warned his crew that the raider was in the area and that he intended to get it. Mr Fisher I see has probably told you that. So I believe that when *Sydney* came down the coast towards Fremantle and spotted a vessel in the location she was, she knew it could have been a raider, particularly as that vessel was steering 025 degrees.

Now, 025 degrees in that part of the sea, sir, leads nowhere except Shark Bay. Detmers did say he thought of mining Shark Bay. Well, you know, that's a comedy to we West Australians. So he knew that ship was a raider. He had picked up a practice target a short time earlier that could only belong to a vessel such as a warship, and a raider was a warship. The *Kormoran*, or the *Straat Malakka*, was not on the sitreps, sir, called variously situation reports, or VIAs, vessels in area, and all --

Q. It's VAI, actually, not VIA.

A. I am sorry, VAI.

Q. It is "vessels in area indicated".

A. Thank you. I'll remember that. So she was not on the VAIs. This is a Dutch vessel, supposedly. The Dutch were our Allies. They would surely have informed our Naval Board that this vessel was in our area. So there are all sorts of things here.

The evidence is that *Sydney* signalled *Kormoran*, and Detmers replied that he was heading for Batavia. Batavia,

1 sir, is 45 degrees away from where he was actually heading.  
2 So you see the suspicion building up? Everything that's  
3 happening is building up a suspicion for CAPT Burnett and  
4 his Bridge team, not only the Captain.

5  
6 There's a Dutch name. He gives his Dutch name. Now,  
7 immediately, again, that's suspicious.

8  
9 CMDR RUSH: Q. Why is that suspicious?

10 A. Because the Dutch would have had that ship on the VAI.

11  
12 Q. Was it suspicious for *Salland*?

13 A. What? No, you're wrong.

14  
15 Q. We can have a look at --

16 A. No, you're wrong. Let me go on, please. Stop  
17 interrupting.

18  
19 THE PRESIDENT: Q. No, Mr McDonald --

20 A. Why did this vessel turn away --

21  
22 CMDR RUSH: Q. I'm asking you about aircraft at the  
23 moment.

24 A. I've answered the questions on aircraft.

25  
26 THE PRESIDENT: Q. No, you haven't.

27 A. Well, I've agreed with Mr Cole that I'm not at all  
28 surprised at anything to do with aircraft and I'm not  
29 expert on aircraft. My evidence on aircraft is practically  
30 useless, I'll agree with that.

31  
32 Q. Shall I disregard it?

33  
34 CMDR RUSH: Q. Shall the Commissioner disregard it?

35 A. Yes.

36  
37 THE PRESIDENT: Very well.

38  
39 THE WITNESS: Provided it's recorded that you have  
40 disregarded it, sir.

41  
42 THE PRESIDENT: Yes.

43  
44 THE WITNESS: Yes, absolutely.

45  
46 CMDR RUSH: Q. Just while the page is in front of you,  
47 Mr McDonald --

1 A. No, let me go on on this question. You have this ship  
2 behaving --

3

4 THE PRESIDENT: Q. No. Mr McDonald --

5 A. You asked me why did *Sydney* not fly off an aircraft..

6

7 Q. Mr McDonald, will you please respect this Inquiry --

8 A. That's what I'm trying to do, sir.

9

10 Q. -- and act in accordance with the instructions which  
11 I give. You will be given your chance at a later point of  
12 time, as I have indicated to you, to draw matters to my  
13 attention if they have not already been covered.

14 A. Thank you.

15

16 Q. In the meantime, would you please respond to  
17 CMDR Rush's questions.

18 A. Under direction, sir, of course.

19

20 CMDR RUSH: Q. At 0030, you submitted to the  
21 Parliamentary Inquiry:

22

23 *Sydney had her aircraft that could easily*  
24 *and quite normally have been used to*  
25 *inspect the other that must have been*  
26 *suspect.*

27

28 *The surmise that Burnett did not use his*  
29 *aircraft because of weather is*  
30 *unbelievable.*

31

32 You put that forward to support the proposition that, as  
33 I understand your evidence here today, *Sydney* already knew  
34 of the identity of *Straat Malakka* as a raider; is that  
35 right?

36 A. Yes.

37

38 Q. And in relation to the normal use of aircraft, you are  
39 there relying on it, because you, at that stage at least,  
40 thought it was normal for ships to put an aircraft in the  
41 air for the purposes of ships recognition procedure?

42 A. Well, I think you're contradicting yourself, aren't  
43 you?

44

45 CMDR RUSH: Sir, if I may tender the secret document  
46 KYR/4, 2 October 1939, and page 3 of that document at  
47 NAA.078.0038.

1  
2 EXHIBIT #183 SECRET DOCUMENT KYR/4, 2 OCTOBER 1939, PAGE 3,  
3 NAA.078.0038

4  
5 CMDR RUSH: I will read it:

6  
7 *Employment of Cruiser Borne Aircraft*

8  
9 *Unless the recovery of cruiser borne*  
10 *aircraft undamaged is reasonably assured*  
11 *they should not be employed on searches or*  
12 *patrols. Their use should normally be*  
13 *limited to:*

14  
15 *(a) Locating and shadowing an enemy whose*  
16 *approximate position has been betrayed and*  
17 *who is not being shadowed by other means.*

18  
19 *(b) Spotting for gunfire.*

20  
21 THE PRESIDENT: Is that a convenient time to take a short  
22 adjournment?

23  
24 CMDR RUSH: Yes, sir.

25  
26 **SHORT ADJOURNMENT**

27  
28 CMDR RUSH: Q. Mr McDonald, do you assert that Germans  
29 machine-gunned Australian sailors in the water?

30 A. No.

31  
32 Q. No question about that?

33 A. No. I have no reason to believe that. Other people  
34 have, I know, but I can't believe that.

35  
36 Q. You wrote as follows in 1991, I suggest, at  
37 WAM.002.0188, at the bottom of the page:

38  
39 *The burning, shocking, horrific question*  
40 *therefrom arises.*

41  
42 *Were they both systematically killing off*  
43 *SYDNEY survivors for two and a half days as*  
44 *they drifted among them.*

45  
46 A. What's wrong with that?

1 Q. That's not a question you any longer ask?  
2 A. Oh, yes, I do. If they did that, I'd be horrified.  
3 That's why I say, "The burning, horrifying question", and I  
4 believe it still remains. I don't believe it, but it still  
5 remains.  
6  
7 Q. You don't believe it; it still remains, and your  
8 earlier evidence was that you had no basis for it?  
9 A. That I had?  
10  
11 Q. You have no basis for any such assertion?  
12 A. No, I have no basis. It's a question in my mind.  
13 It's still a question - an unanswered question.  
14  
15 Q. Haven't you answered the question?  
16 A. I haven't answered it, no.  
17  
18 Q. Have you read the evidence of the DSTO in relation to  
19 the damage to *Sydney*?  
20 A. No, not really.  
21  
22 Q. Then is it fair to say that in relation to the damage  
23 sustained to *Sydney* and the resultant loss of life caused  
24 as a consequence of that damage on the ship, you have no  
25 view and no knowledge about that, having not read the DSTO  
26 report?  
27 A. No. I haven't read the DST, or whatever, report, but  
28 I have seen the pictures of the *Sydney* wreck and the debris  
29 field so I have a theory on that.  
30  
31 Q. Have you any idea how many 6-inch shells hit either  
32 side of *Sydney*?  
33 A. Sorry?  
34  
35 Q. Any idea how many 6-inch shells hit either side of the  
36 ship?  
37 A. Oh, no, not really. I gather - well, wait on, I read  
38 somewhere I think, was it 81? I think that figure springs  
39 to mind.  
40  
41 Q. What does that mean for you?  
42 A. Somebody said that 81 6-inch shells hit the *Sydney*.  
43  
44 Q. And as far as damage to ship and damage to crew is  
45 concerned, what does it mean for you?  
46 A. It just means there's a bit of blood and guts around,  
47 but they're not all dead.

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THE PRESIDENT: Q. Was that a serious answer?

A. It was a serious answer. You can't hit a ship with 81 6-inch shells and not cause some blood and guts.

Q. That's how you would describe the likely damage to result from 81 6-inch shells?

A. Yes.

CMDR RUSH: Q. You refer in your submission at page 0031 to Mr Jack Sue and an account apparently that Mr Sue gave you concerning the murder of one of the Chinese off the *Kormoran*.

A. Yes.

Q. Just to give some background, Mr Sue was not in any way related to *Sydney* or the Navy?

A. Yes, he was - well, he was in the - no, I think he was Air Force. He was in the Special Service.

Q. Let's have a look at the bottom of the page:

*One must take note of Jack Sue's evidence that they deliberately killed one of their Chinese stewards and one could accept that they did that because they were afraid of him telling the truth. Shu Ah Fah did give evidence contrary to the German story.*

A. That's correct, that's as I understand it, and I believe Jack Sue. I have known Jack Sue since we were boys. He's a very honourable and brave, wonderful man.

Q. Where did the killing take place?

A. Which killing?

Q. The killing that he referenced?

A. Well, I understood that it was in a truck coming down from Carnarvon, but I think that's what Jack Sue said, but I could be corrected on that. I wouldn't argue --

Q. With a fountain pen?

A. Sorry?

Q. With a fountain pen?

A. Well, I thought it was a pencil.

1 Q. A pencil?

2 A. Well, that's as I read it. I wouldn't be upset about  
3 any correction to that. I understand the man was killed  
4 with something in a truck on the way down from Carnarvon.

5  
6 THE PRESIDENT: Q. You were presenting a paper, were you  
7 not, with this piece of --

8 A. Sir, I believed what I was told and repeated what  
9 I was told.

10

11 Q. That the German sailors, when they were being trucked  
12 under escort by Australian troops down from Carnarvon,  
13 killed a Chinese in the back of the truck, presumably with  
14 a pencil?

15 A. Well, that's as I understood it. I wasn't there.

16

17 Q. What do you suggest happened to the body?

18 A. God alone knows. I don't know.

19

20 CMDR RUSH: Q. Of course, there were three Chinese  
21 stewards who survived and were in the lifeboats.

22 A. I understand, mmm-hmm.

23

24 Q. At least two of them were fairly badly burnt; correct?

25 A. I gather so. I'm no expert on that stuff.

26

27 Q. Mr McDonald, as I understand from what we've discussed  
28 this morning, you have a theory that the *Kormoran* in some  
29 way or another tricked *Sydney* into coming in close. What's  
30 the trick that you put forward?

31 A. I believe that there is evidence that *Kormoran* flew  
32 a white flag.

33

34 Q. You are relying on that?

35 A. Yes, because I have --

36

37 Q. Relying on what?

38 A. I have it from three sources.

39

40 Q. That's what I'm asking you. You're relying on the  
41 sources. What are they?

42 A. There's a fellow called Cardaci, who was an Italian  
43 prisoner with the Germans in Harvey camp, and he said that  
44 the Germans had flown the white flag. Then there was  
45 somebody aboard - there were two other people aboard other  
46 merchant ships, I can't remember their names. It would  
47 be - no, I can't remember their names. But the evidence is

1 surely in front of you. You'd know it.

2

3 Q. Let's look at Mr Cardaci. Did he tell you that?

4 A. No, he didn't, because he was dead.

5

6 Q. You just told us that he told you.

7 A. I didn't.

8

9 Q. You did.

10 A. I didn't. I said that he'd said. He didn't tell me.

11 I never said that he told me. I never met the man.

12

13 Q. He said, did he, that the Germans --

14 A. He told his son, I said, and his son told me.

15

16 Q. I see, so he told his son, and his son told you --

17 A. Yes.

18

19 Q. -- that the Germans put up a white flag?

20 A. Yes.

21

22 Q. Could we have, please, sir, WIT.023.0043. This is  
23 a document which you supplied to the Commission as  
24 a consequence of a summons a couple of weeks ago. Is that  
25 right, Mr McDonald?

26 A. That's correct.

27

28 Q. This is the document that you rely on, is it?

29 A. One of the documents I rely on, yes.

30

31 Q. This reads in the first person --

32 A. It says:

33

34 *My name is Leo Cardaci ...*

35

36 Yes, I'm sorry, he wasn't dead at that stage. That was  
37 1997. No, he was still alive and he told his son, and his  
38 son said to me, "I will get my father to write a note and  
39 sign it", which he unfortunately never did - probably he  
40 died about that time, I don't know.

41

42 But what is there is what Cardaci told his son, who  
43 then almost dictated this to me. You'll notice, if you  
44 roll this thing up a bit, that it's signed by, I think, is  
45 it Leon Cardaci? That was taken by his son to be signed by  
46 Mr Cardaci, who unfortunately died. It happened, you know.  
47 It's happened to a lot of people regarding this story.



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Q. That statement was prepared, I suggest, after his death.

A. No. The statement was prepared before he died, but he died before he was actually able to sign it.

Q. Can we go back to 0042. This is an email you were sending to the son, is that right, Mr Carl Cardaci?

A. It looks like it, yes.

Q. You say:

*Thank you sincerely for the story of your Father's contact with the German sailors of the KORMORAN. It makes a most interesting and I believe important document.*

*However, I must ask a further favour of you ...*

*Because of the sad demise of your Dad and thus the lack of direct dictation and signature, I feel it best to record the story another way.*

*You will appreciate that archival material of this nature should be personal to be acceptable to the sceptics - of whom there are many in this case, even at Government level in Canberra.*

*I request therefore that you consider recording it something like the following ...*

*"Statement by Carl Cardaci of ..."*

That was your suggestion to Mr Cardaci, was it?

A. Yes.

Q. Am I right in thinking this was prepared before or after that email?

A. I don't know. I can't really see the point. It was prepared by me to be signed by Mr Carl Cardaci. Unfortunately, I never went back to Mr Cardaci.

Considering that you are interested in the detail, sir, you could find Mr Carl Cardaci. He might be prepared to sign

1 that now, if you'd like to call him.

2  
3 Q. Let's look at page 0043. The statement of Mr Cardaci  
4 says:

5  
6 *I came to Australia from Italy in 1939.*  
7 *During 1940 Italy joined with Germany*  
8 *against the Allies. I was duly classified*  
9 *as an alien by the Australian Government,*  
10 *and in June 1941 was admitted to an*  
11 *internment Camp on Rottnest Island. I was*  
12 *there for a period of three months. I was*  
13 *subsequently transferred [to] the Harvey*  
14 *Concentration Camp where I spent a period*  
15 *of eighteen months.*

16  
17 *During this period a group of German*  
18 *sailors were admitted to the same facility.*  
19 *The camp was divided into two sections, one*  
20 *for Italians and one for GERMANS. Some of*  
21 *the German Sailors had been wounded and*  
22 *required medical attention which was*  
23 *promptly given by Australian Doctors.*

24  
25 *During this period several Italian*  
26 *prisoners who spoke German had*  
27 *conversations with the Germans over the*  
28 *dividing perimeter fence.*

29  
30 Did you ascertain whether Mr Cardaci spoke German?

31 A. No.

32  
33 Q. If we go on, the way this reads is that this is an  
34 account that is given to him by some Italians that spoke  
35 German back to Mr Cardaci?

36 A. What you're trying to develop, sir, obviously, is that  
37 this is about third-hand or fourth-hand or something. I  
38 can't deny that. Of course it is. You make your point.  
39 Very good.

40  
41 Q. Thank you.

42  
43 *The Germans were asked what had happened to*  
44 *them and they explained that they were*  
45 *serving on a German Raider which was*  
46 *spotted by the HMAS SYDNEY somewhere off*  
47 *the WA coast near Carnarvon. The*

1                    *HMAS SYDNEY engaged the German Raider in*  
2                    *the ensuing battle the German Raider was*  
3                    *hit causing it to become demobilised.*  
4

5                    Are they your words, or Mr Cardaci's words?

6                    A.    I don't know whether they're Mr Carl Cardaci's words  
7                    or Mr Leo Cardaci's words. I would think they were  
8                    Mr Carl Cardaci's, but I don't remember that.

9

10                  Q.    Did you type this up or did Mr Cardaci?

11                  A.    No, I typed it up.

12

13                  Q.    I'm asking you are they your words or the words of the  
14                  Cardacis?

15                  A.    I would think that if I typed it up, they could be my  
16                  words consequent to Carl Cardaci's description, consequent  
17                  to Leo Cardaci's story. Yes, sir, it's third- or  
18                  fourth-hand. It's the story I believe, because these  
19                  people were genuine.

20

21

Q.

22

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*The German raider at this stage raised  
a white flag signifying that it wished to  
surrender. The HMAS SYDNEY stopped the  
engagement and proceeded to come closer to  
the Raider. In the meantime the German  
Captain gave orders for all the Raiders  
firepower to be trained in the direction of  
the HMAS SYDNEY's magazine.*

*Once the SYDNEY came in close range the  
Raider opened fire and scored a direct hit  
on the HMAS SYDNEY's magazine.*

A.    This is where I would say these are not my words,  
because I wouldn't have written that.

37

38

39

40

41

42

43

44

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46

47

Q.    Why wouldn't you have written that?

A.    Because the raider would not have hit the magazine  
which then exploded in a giant fireball, because Sydney did  
not explode in a giant fireball at that point of time.  
Sydney sank 12 miles away.

Q.    We know that now, don't we?

A.    We know that now.

THE PRESIDENT:    Q.    We didn't know it then?

1 A. Well, okay, but I wouldn't have written that, "Scored  
2 a direct hit on *Sydney* magazine", because I didn't believe  
3 that. I believed that it was hit by an underwater torpedo.

4  
5 CMDR RUSH: Q. You're putting this forward as an account  
6 of the engagement with *HMAS Sydney*?

7 A. Your judgment, sir.

8  
9 Q. No, it's your judgment?

10 A. No, it is not my judgment. I'm presenting it as  
11 evidence. You take it or leave it. I'm not the judge  
12 here. You are, sir.

13  
14 Q. You've referred to it in the Parliamentary Inquiry --

15 A. So what?

16  
17 Q. -- as being evidence of a white flag?

18 A. So what? That's what I believed. I still believe it.

19  
20 Q. So the account, second-, third-, or fourth-hand as it  
21 may be, you don't accept various parts of it, but you  
22 accept some parts of it?

23 A. You're putting a fine point to it.

24  
25 Q. Is that a fine point?

26 A. I think so.

27  
28 THE PRESIDENT: Q. Some might call it a fair point.

29 A. Okay. You're the judge, sir.

30  
31 Q. No, I'm not the judge. I'm just the Commissioner.

32 A. All right, the Commissioner, sir. It's in your court.  
33 I don't envy you your task.

34  
35 CMDR RUSH: Q. You provided us also, in answer to the  
36 summons, with material from Mr Malcolm Brown.

37 A. Brown?

38  
39 Q. Malcolm Young, I beg your pardon.

40 A. Young, yes.

41  
42 Q. The point of Mr Young's account is what?

43 A. Sorry?

44  
45 Q. What is the value --

46 A. Malcolm Young was a signaller very well known to me  
47 who happened to be in the signal office in Fremantle on the

1 night of 19 November and saw signals coming through. Now,  
2 they would have come through Applecross, which was the main  
3 radio station in this part of the world, Perth Radio, and  
4 it was coming through on ticker tape as a decoded message,  
5 or it would have been, I think, coming from Sydney in  
6 action, what we called a self-evident code, that is,  
7 practically plain language. Mr Young took it to his  
8 yeoman, and you have all that in a letter from Mr Young.  
9 Mr Young was later interviewed by myself and Dr John  
10 McArthur. You have it all there. I don't argue with that.

11

12 Q. His memory became a lot better when interviewed by you  
13 and Mr McArthur --

14 A. Oh, now what are you suggesting - we told him what to  
15 say?

16

17 Q. I'm just suggesting what's in the correspondence that  
18 you've provided to the Commission.

19 A. Well, that doesn't say what we told him what to say.

20

21 Q. I didn't say that.

22 A. You just did. .

23

24 Q. I said his memory became a lot better when you  
25 interviewed him.

26 A. Oh, what's the difference?

27

28 Q. Sorry?

29 A. What's the difference?

30

31 Q. Well, what did you make of the difference between the  
32 two accounts he gave?

33 A. I'd have to look at them to see. But I believe what  
34 Malcolm Young told me, and you see it was reinforced by  
35 another fellow later, who unfortunately also died.

36

37 Q. Who was that?

38 A. Roly Roberts.

39

40 Q. Could we go to page 005, sir.

41

42 THE PRESIDENT: I'll mark the Cardaci document as  
43 exhibit 184.

44

45 **EXHIBIT #184 STATEMENT OF LEO CARDACI, WIT.023.0042**

46

47 CMDR RUSH: May we please have on the screen WIT.023.0005.

1  
2 THE WITNESS: You'll notice in that Leo Cardaci thing,  
3 sir, the German sailors insisted there were no Australian  
4 survivors because of the severity of the explosion. Well,  
5 we know now that there was no explosion at that point of  
6 time and there must have been Australian survivors, in any  
7 case. "HMAS Sydney sank almost immediately." Well, they  
8 wouldn't have been my words.  
9

10 THE PRESIDENT: Q. I thought I recall reading, when  
11 I read your 1997 submissions, that you were an advocate of  
12 Sydney exploding, but I think more recently you say  
13 exploding at a later point of time.

14 A. Well, sir, yes, that's true, because we didn't know at  
15 that time what really happened to Sydney. Of course she  
16 sank. Therefore, for some reason, she had to sink, but we  
17 didn't know until May of last year what really happened,  
18 that is, what appears to have really happened to her. So  
19 at that stage, yes, I had to speculate to some degree.  
20

21 CMDR RUSH: Q. This is a letter of Mr Malcolm Young to  
22 you of 6 April 1986:  
23

24 *You will naturally understand that casting*  
25 *my memory back to duty activities in mid*  
26 *and late November 1941 is bound to carry*  
27 *with it some inaccuracy. It is so long*  
28 *ago. All the rumours flying around at that*  
29 *time and some that still are has not done*  
30 *much to help things. However I do remember*  
31 *the evening of the 19th as I was on duty in*  
32 *the SDO of Staff Office then situated in*  
33 *Cliff Street Fremantle. It was in the*  
34 *first watch when things started to happen.*  
35 *We had two teleprinters in the room, one to*  
36 *GPO Perth and one to Applecross Radio. It*  
37 *is Applecross I am mentioning now. What*  
38 *I saw there on the sheet moving across*  
39 *before me made me take immediate action.*  
40 *I informed duty staff and all concerned and*  
41 *rang any off duty officers where*  
42 *applicable. I thought I read something to*  
43 *the nature of "RRRR V "Sydney" RRRR V*  
44 *"Sydney am engaging ...*  
45

46 And broke off.  
47

1           *I have been challenged on the veracity of*  
2           *that context which is natural over the*  
3           *lapse of time but whatever I did see put me*  
4           *on immediate alert. I regret I cannot*  
5           *recall who was on watch with me and that is*  
6           *indeed strange. Try how I may I really*  
7           *cannot recall. There was an Air Force*  
8           *operator attached to us but I don't know*  
9           *whether he was on that night.*

10

11           So that's the first thing. If we go on:

12

13           *As night progressed signals of fires began*  
14           *to flow in from the north coast but were*  
15           *not much of a lead.*

16

17           What did you understand he was referring to there?

18

A.    Fires at sea.

19

20           Q.    Fires at sea?

21

A.    Mmm.

22

23           Q.    Which people couldn't have seen?

24

A.    Why not?

25

26           Q.    Because it was 400 kilometres away.

27

A.    But then, remember, clouds often reflect light.

28

29           THE PRESIDENT:    Q.    Four hundred kilometres?

30

A.    Well, yes, sir. Yes, there's a very good case of  
31           that. The Rimau, which went to Singapore and laid mines,  
32           came back and they were 350 miles away when they heard the  
33           explosions of Singapore. Yes, this is possible.

34

35           CMDR RUSH:    Q.    So you accept the accounts of people in  
36           Geraldton and Northampton and Carnarvon and elsewhere as to  
37           seeing the engagement?

38

A.    Some of them. I don't accept the ones now, the ones  
39           in Port Gregory, because they said they saw flashes out off  
40           the Abrolhos. Now, I'm quite happy to accept that I was  
41           wrong; they were wrong on that case. But there's another  
42           interesting --

43

44           Q.    What do you think they saw?

45

A.    Well, lightning, thunder.

46

47           Q.    Why didn't other people see the lightning?

1 A. Well, they did. There's a whole bunch of people who  
2 saw thunder and lightning at Yallabatharra.

3  
4 Q. Why didn't the people flying from Geraldton see the  
5 lightning?

6 A. I don't know. I wasn't there. But there's other  
7 evidence, and you'll have it in there somewhere, from  
8 a lady called Ivy Mallard, who was on the station up on  
9 Cape Conscript, or thereabouts.

10

11 Q. Indeed. We have it.

12 A. You have it. I know, I gave it to you. I gave it to  
13 you as a contribution, sir.

14

15 Q. Of course, and we thank you for it.

16 A. Thank you.

17

18 Q. When did she see the fires?

19 A. She says late November, I think.

20

21 Q. But I mean at night, what time?

22 A. No, in the afternoon, in the evening, I think she said  
23 around about 6 o'clock, and you'll remember that this was  
24 about the time of the action.

25

26 Q. She was --

27 A. She was a lady on a station. Her husband and she were  
28 sitting on the verandah and they heard - saw these flashes  
29 out to sea.

30

31 Q. Mr Young has said:

32

33 *As night progressed signals of fires began*  
34 *to flow in ...*

35

36 So what he's referring to is signals coming in from these  
37 people who have seen the engagement or features of the  
38 engagement?

39 A. It would appear so, yes.

40

41 Q. Where would they be seen from?

42 A. Along the coast.

43

44 Q. What parts of the coast are you suggesting?

45 A. You've got Carnarvon, you've got people at Hamelin  
46 Pool. Len Hall, I think, was a postmaster at Hamelin Pool,  
47 and he wrote on things like this, but the poor man was



1 bound to secrecy. He told his stories early on and then  
2 realised that he was bound to secrecy as a Commonwealth  
3 civil servant and he clammed up. He wouldn't tell us any  
4 more.

5  
6 Q. So all these signals have been destroyed?

7 A. Well, obviously, unless we can find them. I don't  
8 know.

9  
10 Q. Are you aware of any other station receiving signals  
11 from those who had seen the sights and sounds of battle?

12 A. No, I don't know of any.

13  
14 Q. How were the signals sent? What's your understanding?

15 A. Malcolm Young is in contact with Applecross Radio.  
16 Applecross Radio, Perth Radio, would have received all  
17 these signals over the air. Applecross Radio would read  
18 everything that was coming over on whatever frequency it  
19 was coming, because they had a great big station there and  
20 a lot of staff. And Young was getting reports in from them  
21 and, naturally, because it was a Naval matter, Applecross  
22 was constantly referring it to Malcolm Young in the  
23 Shipping Office in Fremantle, so he was recording all of  
24 this.

25  
26 I would like to draw your attention, sir, to the fact  
27 that when Malcolm Young wrote this stuff, he was in  
28 a Catholic seminary becoming a priest.

29  
30 Q. Yes.

31  
32 THE PRESIDENT: Q. Does that give it more credence?

33 A. In my view, sir. I'm not a Catholic, but in my view,  
34 sir - I knew Malcolm Young. He was a very honourable man,  
35 a much loved man.

36  
37 CMDR RUSH: Q. May I take you down to the second-last  
38 paragraph, Mr McDonald:

39  
40 *After the "Sydney" incident when*  
41 *"Straat Malakka" arrived I believe, she was*  
42 *questioned had she been here earlier but*  
43 *the answer was negative.*

44  
45 What do you make of that?

46 A. Well, apparently *Straat Malakka* did in fact come to  
47 Fremantle at some time later, and somebody asked had she

1           been in the area at the time, and the answer was no, she  
2           wasn't in the area at the time. Well, we know that.

3

4           Q.    When did she come to Fremantle?

5           A.    I don't know. Later.

6

7           Q.    This is suggesting that she came to Fremantle after  
8           the incident.

9           A.    No, it doesn't. It says "after the incident".

10          "After" can be six months after.

11

12          Q.    She didn't come to Australia even six months after,  
13          did she?

14          A.    I don't know.

15

16          Q.    She was in Beira at the time, was she not? You don't  
17          know.

18          A.    Malcolm Young was saying that his memory was a little  
19          foggy. Maybe it was. But he remembered things pretty  
20          clearly, the detail.

21

22          Q.    In 1986 he couldn't remember who he worked with on the  
23          night.

24          A.    Sir, if you ask me who did I work with on 19 November  
25          in the *Perth*, I wouldn't have a clue.

26

27          Q.    He didn't give you a date?

28          A.    He said November, 19 November. That's in the record  
29          there. That's in his letter.

30

31          Q.    As I said, his memory got better a few years later, at  
32          0007. Do you see at the top of the page, "NOTES re  
33          Interview with Signalman AB Ean McDonald and  
34          John McArthur":

35

36                   *I had been in the Navy as a Reservist*  
37                   *Signalman from 1939, had served at sea*  
38                   *aboard HMAS MANOORA, and was serving in the*  
39                   *Staff Office at HMAS LEEUWIN ... on the*  
40                   *19th November 1941.*

41

42                   *Sometime during the late night I received*  
43                   *a signal by telephone from Applecross Radio*  
44                   *that read "RRRR v SYDNEY" i.e. that SYDNEY*  
45                   *had come upon an enemy Raider.*

46

47          What he was referring to there is a different account of

1 what he told you or wrote to you on 6 April 1986.

2 A. Yes, there was seven years' difference, and he'd had  
3 time to think about it. He'd probably had time to think  
4 about - he might even have had a diary. I don't know. But  
5 I have given it to you as an honest contribution. You make  
6 of it what you will.

7  
8 Q. Thank you. What do you think we should make of the  
9 inconsistencies?

10 A. At that stage, Malcolm was getting old, like the rest  
11 of us. Remember, Malcolm Young and I were in the Navy  
12 pre-War. We went right through the whole War and we went  
13 through all sorts of experiences. There would be thousands  
14 of days and nights. I wouldn't have a clue what happened  
15 on a particular time. It's only when memory is tacked on  
16 to something, you know that, that you remember it in fact.  
17 There's an awful lot we forget, thank goodness.

18  
19 Q. He was in GPO Perth when he said he saw the  
20 teleprinter message in 1986 at *HMAS Leeuwin* in Fremantle?

21 A. No, he didn't. You said he was in the SDO, didn't  
22 you?

23  
24 Q. "I was on duty in the SDO staff office situated in  
25 Cliff Street, Fremantle."

26 A. That's right.

27  
28 Q. Here he says:

29  
30 *... and was serving in the Staff Office at*  
31 *HMAS LEEUWIN on 19th November ...*

32  
33 A. Same thing.

34  
35 Q. Same thing?

36 A. Exactly.

37  
38 Q. Cliff Street?

39 A. Yes.

40  
41 Q. So *Leeuwin* was in Cliff Street until when?

42 A. I would think until the War was over.

43  
44 Q. Then he says in the next paragraph:

45  
46 *I remember that the signal was received*  
47 *late at night because the Senior Staff were*

1                   *not on duty and the Depot was quiet.*

2

3                   Correct?

4                   A.    Yes.

5

6                   Q.    I'm just looking at the way we might look at it.  If  
7                   the signal was received purporting to be from Sydney late  
8                   at night in relation to engaging --

9                   A.    But you're not allowing for reaction delay time.

10

11                  Q.

12                               *I reported the signal to the Chief Yeoman*  
13                               *Roly Roberts, and am not sure what happened*  
14                               *from then.*

15

16                  So he remembered who he was working with later on?

17                  A.    Well, Roly Roberts told me that when that signal came  
18                  through, he couldn't report it to his senior officer, who  
19                  had said that he was on no account to be disturbed that  
20                  night.  I think that's in that note, yes.

21

22                  Q.    That's what is being said to you:

23

24                               *For all the years I have kept to myself*  
25                               *that I remember that the Senior Naval*  
26                               *Officer had that night issued instructions*  
27                               *that on no account was he to be disturbed*  
28                               *during the night.  I do not know why that*  
29                               *was so.*

30

31                  A.    Mmm, and you'll notice a little further down that poor  
32                  Malcolm Young, who was a very sane fellow, was sent for  
33                  a rest in a mental home run by the Surgeon Commander at  
34                  *Leeuwin* at the time.

35

36                  Q.    What are we to make of that?

37                  A.    He was put out of the way.  And then he was sent to  
38                  sea where he couldn't be a nuisance.

39

40                  Q.    What about all the people that sent him signals?  What  
41                  happened to them?

42                  A.    I don't know.

43

44                  Q.    What happened to Roly Roberts?  Was he put --

45                  A.    He died, unfortunately, very sadly.  Roly wrote all  
46                  this in a book.

47

1 Q. When did he die?

2 A. A few years after the War.

3

4 Q. Why wasn't he put in the mental home?

5 A. Because he probably behaved himself.

6

7 THE PRESIDENT: Q. Mr McDonald, could we go back,  
8 please, to this question of the white flag.

9 A. Yes.

10

11 Q. Could we put up, please, PINQ.SUBS.003.0037. Page 20  
12 is on the left-hand side. If you would go to the top of  
13 the page, this is a submission that you put to the  
14 Parliamentary Inquiry, as I understand it.

15 A. Yes.

16

17 Q. You say:

18

19 *After many years of researching and*  
20 *consideration of the mystery I have*  
21 *concluded that a simulated surrender by the*  
22 *Germans answers most of the questions as to*  
23 *how Sydney was lured to her destruction.*

24

25 Is that a conclusion that you still adhere to?

26 A. Absolutely.

27

28 Q. Then, as one goes down, you say that you:

29

30 *... have no doubts that Detmers used some*  
31 *ruse to bring Sydney in as close as he*  
32 *could ... before opening fire.*

33

34 Then you say that surrender was a tactic developed by --

35 A. I said, sir, that that was his duty and he obviously  
36 did it well.

37

38 Q. Yes, I read that.

39 A. Good.

40

41 Q. You also then went on to say:

42

43 *Surrender was a tactic well developed by*  
44 *Royal Navy Q ships in World War One.*

45

46 And you address that. You say that there were reports that  
47 Sydney was lowering a boat. Then you addressed:

1  
2           *One German was post war recorded as saying*  
3           *"As soon as we saw SYDNEY lowering a boat,*  
4           *we knew our number was up and then we*  
5           *opened fire."*

6  
7           *Had that been the sequence then all else*  
8           *can fall into place, even to the*  
9           *maintenance by all the Germans of their too*  
10          *perfect story.*

11  
12          It's your view that they collaborated in the account they  
13          gave, as I understand it.

14          A.    Well, you know that, sir.

15  
16          Q.    No, I don't.

17          A.    You have 20 people see an accident on a corner, how  
18          many stories do you get?

19  
20          Q.    One problem with that theory is that these people were  
21          kept separate.

22          A.    No, they were together for some hours. I also say in  
23          that submission that if I had been CAPT Detmers, because  
24          he had plenty of time to gather his people together,  
25          I would have gathered them together and said, "Listen, this  
26          is the story you will tell, and you will tell it forever."

27  
28          Q.    While he was doing that, he would be hoping that the  
29          300 mines which were on his ship, which was then aflame,  
30          didn't explode?

31          A.    Oh, absolutely.

32  
33          Q.    Anyway, let's stay with what we're dealing with:

34  
35                *There has been evidence given to me from*  
36                *more than one source that KORMORAN flew*  
37                *a white flag before opening fire.*

38  
39          We've dealt with that. You have told me there were three  
40          sources: one was Mr Cardaci and there were two other  
41          people whom you presently can't remember?

42          A.    Correct.

43  
44          Q.    You then go on and say this:

45  
46                *It could offer reason to "justify"*  
47                *elimination of SYDNEY survivors.*

1  
2 Is that an allegation that you make against the Germans  
3 that they eliminated - in other words, shot - Sydney  
4 survivors?  
5 A. No, I have always doubted that the Germans actually  
6 machine-gunned Sydney people in the water, and I think that  
7 can be fairly well substantiated by the fact --

8  
9 Q. Why did you write, then:

10 *It could offer reason to "justify" ...*

11  
12  
13 A. Well, it could offer reason.

14  
15 Q. Do you maintain that position or not?

16 A. Yes, I do. Of course it offers a reason. I don't  
17 believe it, but it offers a reason.

18  
19 Q. You don't suggest that that happened?

20 A. No, it could not have happened, because Sydney sank  
21 12 miles away.

22  
23 Q. I don't understand why you would offer a reason to  
24 justify something --

25 A. Well, I was trying to explain to myself --

26  
27 Q. Please let me finish the sentence before you try to  
28 answer it.

29 A. Yes.

30  
31 Q. I do not understand why you would offer a reason to  
32 justify an event which you say did not happen.

33 A. Well, that was in my mind at the time, sir.

34  
35 Q. Then we go on:

36  
37 *That could offer reason why three boatloads*  
38 *of Germans "drifted" for four days as*  
39 *SYDNEY survivors would have drifted, when*  
40 *they showed later they were perfectly*  
41 *capable of moving quite differently.*

42  
43 Then there is a diagram which you address. You then say:

44  
45 *It could explain the need for 80 German*  
46 *wounded to be sacrificed.*

47

1 Is that an allegation by you that the 80 German persons who  
2 died in this occurrence were "sacrificed" by CAPT Detmers?  
3 A. Yes, because Detmers said, sir, that they have the  
4 honour of dying for their country or their Fuhrer, or  
5 whatever.

6  
7 Q. And you interpret that as a determination by  
8 CAPT Detmers to "sacrifice" 80 of his crew?

9 A. Yes.

10  
11 Q. Sacrifice by what means?

12 A. I think their boats capsized and they just drowned.

13  
14 Q. How is that a sacrifice?

15 A. They're gone, aren't they?

16  
17 CMDR RUSH: Q. Perhaps just whilst on this subject, if  
18 we can go to page 003.0031, to the left side of the  
19 page under "The German Story", what you were referring to  
20 with the Commissioner I take to be what you wrote here to  
21 the Parliamentary Inquiry:

22  
23 *Any policeman will confirm that if there is*  
24 *a traffic accident on a corner witnessed by*  
25 *twenty people, there will be up to twenty*  
26 *differing stories resultant.*

27  
28 *One must ask how it was that 300 Germans*  
29 *seemingly told the same story and one comes*  
30 *to a conclusion that they must have*  
31 *collaborated in its preparation.*

32  
33 That is the conclusion that you reached, is it, on the  
34 basis --

35 A. I'm quite happy about that.

36  
37 Q. If I can take you over to the top of the next page --

38 A. You will get a few fellows who differed from that, by  
39 the way.

40  
41 Q. You say this in your submission, after saying that  
42 there was collaboration:

43  
44 *Another distinct possibility on the "story"*  
45 *that in later light seems likely, is that*  
46 *the Germans did in fact tell different*  
47 *stories, but that our own intelligence*



1           *people put together an "acceptable" (to*  
2           *them) tale that became the "official"*  
3           *story.*

4  
5           So on one side of the page we have them all telling the  
6           same story and on the next side of the page they are  
7           telling different stories?

8           A.    Well, if you have to create a cover-up, then you have  
9           to get all the Germans telling the same story.

10  
11          Q.    So they in fact, on one side of the page, told the  
12          same story --

13          A.    No - yes, they told the same story, and some time or  
14          other some of them did tell different stories, or at least  
15          I am suggesting that even if they did not tell the same  
16          story, then whoever was running the cover-up made it so  
17          they did in fact tell the same story.

18  
19          Q.    And who was running the cover-up?

20          A.    I don't know that.

21  
22          Q.    You don't know?

23          A.    No.

24  
25          Q.    Are you sure?

26          A.    I mean, none of us have ever known that. This has  
27          been the whole problem for 67 years.

28  
29          Q.    You must have some idea of who is running a cover-up  
30          if the German stories are being put conveniently together  
31          to make a cover-up?

32          A.    Yes. It has to be in the Navy somewhere and the  
33          Government of the day.

34  
35          Q.    And that includes sending dummy signals to Perth?

36          A.    Yes.

37  
38          Q.    And that's a cover-up, you say, with dummy signals?

39          A.    Yes.

40  
41          Q.    You couldn't have got confused about those signals?

42          A.    No, no way.

43  
44          Q.    They could not have related to you --

45          A.    No, because you pointed out to me that they were  
46          received aboard *Perth* on 26 November.

47

1 Q. No, I pointed out no such thing.  
2 A. You did.  
3  
4 Q. I didn't.  
5 A. You read out that. You took me into Port Phillip Bay  
6 on 26 November.  
7  
8 Q. That wasn't directed to *Perth*.  
9 A. Sorry?  
10  
11 Q. That was not directed to *Perth*.  
12 A. What wasn't - the signals?  
13  
14 Q. The signals we're talking about.  
15 A. No, but *Perth* received them. They were broadcast.  
16  
17 Q. They were not broadcast.  
18 A. Well, I say they were.  
19  
20 Q. You say they were?  
21 A. Yes.  
22  
23 Q. Why do you say they were?  
24 A. Because that's where I saw them. That's where other  
25 people - unfortunately again we have Buzzer Bee died,  
26 Charlie Thomas died, and they to me confirmed the same sort  
27 of thing. And we've got Gordon Laffer, I have to insist  
28 again that I didn't see for 20 or more years after the War,  
29 came up with the same story, so those signals had to be  
30 seen somewhere else. You won't find them, but then you  
31 won't find Gordon Laffer's RAAF file either. You won't  
32 find - another interesting thing that I hope you'll allow  
33 me to talk about - any official record whatsoever of  
34 *Kormoran* coming in between Rottnest Island and Fremantle.  
35  
36 Q. If she did.  
37 A. You won't find any record. I will prove that she did.  
38  
39 Q. You'll prove it?  
40 A. Well, I believe so.  
41  
42 Q. You believe so?  
43 A. Well, do you believe statutory declarations?  
44  
45 Q. I've seen a lot of statutory declarations in my time  
46 that have been a tissue of lies.  
47 A. Well, what's the punishment for lying in a statutory

1 declaration?

2

3 THE PRESIDENT: Q. Mr McDonald, I don't think we need  
4 worry about that.

5 A. I think we have to worry about that, sir.

6

7 Q. Would you please put up PINQ.SUBS.003.0035. This  
8 relates to the matter that you have just been talking  
9 about, namely, *Perth* signals and other signals that you  
10 allege are I think fraudulent. This is the crystal ball  
11 signal.

12 A. Yes.

13

14 Q. Do you remember that?

15 A. Yes.

16

17 Q. You say:

18

19 *Then there is the signal we have come to*  
20 *know as "The Crystal Ball Signal".*

21

22 *It was a WT Flag Code signal supposedly*  
23 *from ACNB ... via C-in-C China. The copies*  
24 *we have are absolutely authentic ...*

25

26 *This signal was identified as were all*  
27 *normal Naval signals, by its T00 or Time of*  
28 *Origin, usually given in Universal or*  
29 *Greenwich Mean Time such as 1634Z/day*  
30 *date ...*

31

32 *Its T00 is indeed 1634Z/24, which, in*  
33 *Western Australian Standard Time was*  
34 *0034H/25 [November].*

35

36

37

38 *The signal reported progress in the SYDNEY*  
39 *matter after TROCAS had picked up*  
40 *a boatload of Germans. It went on to say*  
41 *that two lifeboats had gotten ashore north*  
42 *of Carnarvon.*

43

44 *The RAAF signal recorded in the SWATCH Log*  
45 *reporting the same sightings was sent at*  
46 *0217Z/25 [on the 25th] and that also is*  
47 *some ten hours After the supposed 1634Z*

1           *signal from ACNB.*

2

3

4

5

6

7

8

9

10

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47

*The significance of the 1634Z signal is that it was reporting those events that did Not repeat Not happen until some eight and ten hours AFTER its Time of Origin.*

So what you're saying is that a signal was made up reporting something which had not yet occurred?

A. Yes.

Q. And you link that with Mr Laffer and the *Perth* signals you saw and the RAAF signals he saw?

A. Not really, no, nothing to do with the *Perth* signals. They're nothing to do with the *Perth* signals, sir. They're quite separate - all, by the way, on archives.

Q. Let's please have up NAA.070.0248.

A. Sir, I went on to say:

*The signal also referred to the despatch of a Land party to the scene of the landings BUT the land party did NOT leave Carnarvon until at least ten and a half hours AFTER the signal was supposedly sent.*

That, sir, I believe was all part of the cover-up.

Q. Yes. Let's have a look at this. That's the signal you're referring to. You'll see the time of origin, 1634Z.

A. Lift it up a bit for more.

Q. Display it more towards the top. You'll see the time of origin 1634Z/24. That's the one you were speaking of?

A. Yes.

Q. And your allegation is that that's in fact 10 hours before the events referred to in the signal occurred?

A. That's what I think, sir, yes.

Q. Did you look two lines above that date, where it says, "Date and Time Sent"?

A. 1634Z.

Q. And what date?

A. 25th November.

1 Q. Whereas the time of origin says exactly the same  
2 thing, except that it says the 24th?

3 A. Yes.

4  
5 Q. Did it not occur to you that somewhere someone had put  
6 "24", they meant "25", which they put two lines above?

7 A. Well, it's a very serious mistake, isn't it? I said  
8 somewhere that somebody would have lost their head over  
9 that.

10  
11 Q. You have two times on that. You're not seriously  
12 suggesting that 24 hours went past to the minute before it  
13 was sent, are you?

14 A. Well, not according to the signal there, no.

15  
16 Q. The obvious explanation is that there's  
17 a typographical error. Where it says "24", it should say  
18 "25", as it does two lines above?

19 A. Well, as I say, somebody will have lost their head  
20 over a --

21  
22 Q. Mr McDonald, that's obvious, isn't it? To anybody who  
23 approaches that with an open mind, that's obvious.

24 A. Sir, it's your judgment. I'm not going to argue any  
25 more.

26  
27 Q. And that disposes of a significant matter that you  
28 have raised on a number of occasions, called the "crystal  
29 ball signal".

30 A. Sir, that's your responsibility, not mine.

31  
32 Q. Did you read those two lines and compare them and see  
33 that there was a difference in the dates by exactly  
34 24 hours to the minute?

35 A. I can't explain why that happened, but it happened.  
36 As I say, I would find it most unusual, extremely unusual,  
37 for a mistake like that to occur, because time of origin on  
38 your signals was absolutely key to the signal.

39  
40 Q. And, of course, if it's the 25th, the notion that it's  
41 recording events which hadn't taken place 10 hours later  
42 falls to the ground, doesn't it?

43 A. In your judgment, sir, not in mine.

44  
45 Q. Not in yours?

46 A. No.

47

1 Q. Why is that?

2 A. Well, I've explained it. I can't believe it.

3

4 Q. What is it that you don't believe?

5 A. I believe that the signal is correctly supposedly sent  
6 on 1634Z on the 24th, because that's its sacred time of  
7 origin. That signal will always be known as that signal.

8

9 Q. So you say that there is an error, but the error is  
10 where they typed the 25th?

11 A. There's a clerical error there somewhere, mmm.

12

13 Q. There is, and for your theory so that you can  
14 assert --

15 A. Sir, I'm not going to argue any more. You're making  
16 the judgment.

17

18 Q. Just a moment. For your theory of a cover-up to  
19 stand, you have to say that the "24" date is correct and  
20 the "25" date is incorrect?

21 A. Your judgment.

22

23 THE PRESIDENT: Yes.

24

25 CMDR RUSH: Q. I just want to go back from what we've  
26 been talking about, Mr McDonald, to read from an account by  
27 GCAPT Heffernan, who was the Commanding Officer of No. 4  
28 Service Flight Training Squadron, who wrote an account in  
29 the RAAF Historical Record of that training school:

30

31 *On Wednesday November 19th 1941 training at*  
32 *No.4 SFTS was very busy with night flying*  
33 *being carried out until after midnight. If*  
34 *there were many gun flashes from a major*  
35 *naval battle between Geraldton and Kalbarri*  
36 *or the Abrolhos; they would have been*  
37 *noticed by the trainees or very alert*  
38 *instructors.*

39

40 Sir, they would have the best vantage point.

41 A. Between which - Kalbarri and?

42

43 Q. Between the Abrolhos, Geraldton and Kalbarri.

44 A. Yes, okay, sure, if they were flying at the time. But  
45 then, again, you questioned me, sir, on how could flashes  
46 be seen at 400 kilometres? We have the same thing here -  
47 how could these aeroplanes flying over Geraldton see

1 flashes out that far, which is what you're suggesting,  
2 because most of those training runs would have been flown  
3 from Geraldton Airport out to the Abrolhos, which is only  
4 about 15 or 20 miles off the coast.

5  
6 Q. Sir, do you accept that *Sydney* could not send voice  
7 messages?

8 A. That's a doubt for me.

9

10 Q. In what way?

11 A. I wouldn't know. I wouldn't argue that point at all.

12

13 Q. *Perth* in 1941, you must have known, couldn't send  
14 voice messages.

15 A. Sorry?

16

17 Q. *Perth*, in November 1941, could not send voice  
18 messages.

19 A. *HMAS Perth*?

20

21 Q. *HMAS Perth*.

22 A. Okay, I can believe that.

23

24 Q. Are you saying that *Sydney*, as distinct from *Perth*,  
25 could send voice messages?

26 A. No. I won't argue that point at all. I have no  
27 expertise on that subject whatsoever.

28

29 Q. The expertise, both of those that served at the time  
30 and of others, to the Commission of Inquiry is to the  
31 effect that *Sydney* could not send voice messages.

32 A. Well, I could accept that. I don't know.

33

34 Q. What do we make, then, of people who claim they have  
35 heard voice messages?

36 A. Well, that's up to you.

37

38 Q. What do you make of it?

39 A. I don't even think about it.

40

41 Q. You have supplied us with correspondence directed to  
42 you of persons who claim to have heard voice messages from  
43 *Sydney*.

44 A. Which ones were those?

45

46 Q. On short wave radio, for instance, in Tasmania.

47 A. Oh, yes, yes, right. No, I don't know that they were

1 voice messages. I don't think they were. I think they  
2 were morse code. I think you'll find that the messages  
3 received by SQNLDR Cooper's people were received in  
4 Geraldton and they were in morse code, which means that  
5 they were on ordinary radio band; they were not voice  
6 messages.

7  
8 Q. The Commission spent some time yesterday dealing with  
9 those matters, Mr McDonald. Perhaps if we could have  
10 a look at your material that you have provided in answer to  
11 the summons at WIT.023.0011.

12 A. Yes, okay. He says:

13  
14 *... I ... heard crackles and a lot of Morse*  
15 *code ...*

16  
17 Q. *... which I could not read ...*

18 A. That's right:

19  
20 *... but then a voice sounding very, very*  
21 *clearly ...*

22  
23 I will not argue against it --

24  
25 Q. *... came on in plain language ...*

26 A. It's not my expertise --

27  
28 (Unclear - simultaneous speakers)

29  
30 THE PRESIDENT: Q. Pardon me a minute. The shorthand  
31 writer has to record all this. Everything is recorded,  
32 Mr McDonald.

33 A. Right. Would you like me to repeat something?

34  
35 CMDR RUSH: Q. If I can simplify it, your position,  
36 Mr McDonald, as I understand it, is that if the evidence is  
37 that *Sydney* could not send voice messages, you do not pay  
38 any regard to those that said they received --

39 A. No, I'd leave that to you. I've given you a statutory  
40 declaration or a declaration - yes, witnessed by a JP -  
41 it's a statutory declaration witnessed by a young man in  
42 Mount Claremont, who says that. I've handed it over to  
43 you. It's your judgment. But it's a pretty strong  
44 statement.

45  
46 Q. Indeed.

47 A. You see, normally radio voice messages have a short



1 range, but it's also possible for radio signals of all  
2 sorts to go on bouncing round and round the world.

3  
4 Q. There were no voice messages sent from Sydney.

5 A. All right. I'm not arguing against that. I'm just  
6 saying it was possible. If there were voice messages, it  
7 was possible for them to be heard at long distances.

8  
9 Q. I may be able to shorten this a little bit,  
10 Mr McDonald. Is the material that you supplied out of your  
11 records to the Commission of Inquiry for our consideration  
12 rather than your asserting its correctness or  
13 incorrectness?

14 A. I don't assert correctness of that, of course. It's  
15 your judgment.

16  
17 Q. What about the rest of the material?

18 A. The same thing, but - yes.

19  
20 THE PRESIDENT: Q. I hope you will accept my judgment  
21 when I give it.

22 A. Oh, so do I. Sir, I think we're looking for truth in  
23 this.

24  
25 THE PRESIDENT: Yes, we are.

26  
27 CMDR RUSH: Q. Perhaps, sir, there are two or three  
28 I might go to, so that they're cleared up. You have  
29 provided us, at page 0037, with a story that was provided  
30 to you by Mr Ray Pegrum, who recounted to you in November  
31 1996 what he said was a conversation that he had while  
32 travelling in 1952 in Germany.

33 A. Yes, somewhere about that.

34  
35 Q. In the first paragraph, this is a person who said that  
36 he met a German gentleman:

37  
38 *... who told me he had been a radio*  
39 *operator aboard ... Kormoran during World*  
40 *War Two and at the time of the battle ...*

41  
42 He discovered that Mr Pegrum was Australian and he said  
43 that he had enjoyed Australia. He described *Kormoran*, in  
44 the next paragraph, as a "heavily armed raider and  
45 submarine supply ship" and then said:

46  
47 *They had completed supplying a Submarine on*

1           *the morning of the battle and were having*  
2           *trouble with one of their turbine engines*  
3           *so they could not get the ship up to full*  
4           *speed.*

5  
6           *The submarine must have been a long range*  
7           *cruising type, and presumably German.*  
8           *There was no mention of a Japanese.*

9  
10          *HMAS Sydney came in sight and towards the*  
11          *Kormoran and they were extremely surprised*  
12          *at her actions, especially when she stopped*  
13          *right alongside. Kormoran's Captain*  
14          *decided that Captain Collins could not be*  
15          *onboard as he felt he would not do such*  
16          *a strange thing.*

17  
18          What did you make of this account?

19          A.    I made a very important point in that account. The  
20          Germans said that *Sydney* had stopped and that Detmers,  
21          *Kormoran*, had stopped, therefore, stopped alongside, and  
22          I think that's very significant.

23  
24          Q.    Stopped alongside?

25          A.    Mmm.

26  
27          Q.    As opposed to being on the quarter?

28          A.    Well, that's practically alongside, isn't it?

29  
30          Q.    You've been at sea.

31          A.    They stopped together somewhere.

32  
33          Q.    There's a very distinct difference, isn't there,  
34          Mr McDonald?

35          A.    I wouldn't argue that point. I think you're wasting  
36          time. I wouldn't argue that point.

37  
38          Q.    That the German Captain knew of CAPT Collins, this  
39          would appear?

40          A.    So? Most people knew of CAPT Collins, and remember  
41          that the crew of *Sydney* was practically the same crew,  
42          including the Bridge party, that CAPT Collins had when he  
43          sank the *Bartolomeo Colleoni* in the Mediterranean and that  
44          CAPT Burnett was exactly the same level of experience as  
45          was CAPT Collins at that time.

46  
47          Q.    So on this account, *Sydney* isn't acting according to

1 Admiralty instructions --  
2 A. We've been over that.  
3  
4 Q. It's abeam. It goes on:  
5  
6 *My storyteller has sent his last radio*  
7 *message reporting their position and the*  
8 *contact, and as he had nothing else to do*  
9 *he was able to sit out on deck and watch*  
10 *the whole action.*  
11  
12 A. So?  
13  
14 Q. You don't find that surprising?  
15 A. No. That's his story.  
16  
17 Q. What about the fact that the last signal sent by  
18 *Kormoran* was on 27 October?  
19 A. I don't know anything about that one, no. Wait on.  
20 *Kormoran* sent a Q signal on the afternoon of the action.  
21 Sure. That was on 19 November. Why would she send  
22 a Q signal?  
23  
24 Q. Why would she send a Q signal; why do you think?  
25 A. To tell his people back in Germany that he was in  
26 trouble.  
27  
28 Q. The last radio message reporting position and contact,  
29 not reporting position - the last radio message from  
30 *Kormoran*, on a search of the German Archives, is  
31 27 October.  
32 A. Did they cover up, too?  
33  
34 Q. So there's probably a dual cover-up, is there?  
35 A. Your judgment.  
36  
37 Q. What's your opinion?  
38 A. I have no opinion.  
39  
40 Q. Mr Griffiths at *Cerebus* --  
41 A. Yes.  
42  
43 Q. Was this provided to you, at page 0041?  
44 A. Yes. He said he saw the signal at *Cerebus*.  
45  
46 Q. Is this the only communication you had with him?  
47 A. Yes.

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Q. He said that he joined the RAN on 1 May 1941:

*My young brother then aged 17 joined up with me.*

*We were in the 3rd RANVR telegraphy class to train in Cerebus. Nine of us passed out of a class of 22. 5 went to HMAS Sydney in late September.*

Would it surprise you that he would say that - that 5 of his class of 22 went on to Sydney?

A. Well, that's neither here nor there. Sydney, remember, made up people constantly. People moved around from ship to ship, job to job, all the time.

Q.

*My young brother was one of those who failed ... I went to Pt Lonsdale lighthouse while he did a rescrub. (We reported ships passing through the rip).*

*In November I returned to the receiving station at Cerebus to await posting with my young Brother.*

He seems to be saying that he was put to Point Lonsdale awaiting the passing of his brother.

A. I can't see any point in that, anyway. Does this have anything to do with the Sydney?

Q.

*On the night prior to going on leave I was on watch ship shore frequency from 6pm to 8pm. As it was near 8pm I picked up a signal in Fleet code. It was difficult to read and I was only getting bits of it. I handed the headphones to a landing hand Wran telling her what was going on. What I had received was in the log. I went to the latrine and on returning, the headphones were on the desk and the Wran was in the gallery making a coffee. This was the evening of the sinking of the Sydney.*

1 So that's the extent of what you were informed by  
2 Mr Griffiths?

3 A. Yes, that's it. All sorts of people wrote stuff to me  
4 and rang me, and so on. I became a sort of centre. Of  
5 course, a lot of them were nutters, anyway. I was the  
6 recipient of all sorts of strange calls from all sorts of  
7 strange people.

8  
9 Q. One other area of signals, Mr McDonald, is an  
10 RF signal that you refer to that was trying to be tracked  
11 down, as I understand it, through Sydney at the Rose Bay  
12 Qantas?

13 A. I don't know. I don't think that's me.

14  
15 Q. That's not you?

16 A. I know that's not me.

17  
18 Q. Mr McDonald, you said that you wanted to point  
19 something out to the Commission.

20 A. I have a number of things, yes.

21  
22 THE PRESIDENT: Q. Would you tell me the point that you  
23 are going to make before you give me the explanation,  
24 please?

25 A. Of course, of course. First of all, I was trying to  
26 explain earlier why *Sydney* would have suspected the fact  
27 that *Kormoran* was a raider right from the beginning.  
28 I gave you reasons, and they're all on the record - for the  
29 reasons that he knew the raider was there; he had  
30 discovered the practice target. All those items I've  
31 listed previously. I believe therefore that he would have  
32 been suspicious right from the moment he saw that ship on  
33 the horizon.

34  
35 Detmers said that he turned into the sun at 14 knots,  
36 and we'll come back to that 14 knots. If Detmers raced  
37 away after being ordered to stop, surely *Sydney* would have  
38 fired a shot across his bows, and I believe that I can show  
39 you that Detmers actually stopped.

40  
41 I think that if any British or Australian cruiser  
42 Captain was not suspicious at that time, he would have been  
43 an absolute idiot, along with his Bridge team, who had been  
44 through years of warfare.

45  
46 Q. Mr McDonald, you said that *Kormoran* stopped.

47 A. Yes. Can we come back to that, sir?

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Q. That's not clear on the evidence at all.

A. Well, can we come back to that, sir?

Q. Yes.

A. Thank you. We'll come back to it.

The team on *Sydney's* Bridge - you would have the Captain, certainly, and he's in charge. The buck stops there. But he had his Navigator, his Gunnery Officer, his Principal Control Officer, an Officer of the Watch, probably a Torpedo Officer, and these were all men who had been through lots and lots of action over a couple of years, and any stupid act by their Captain would have raised their voices. They would have raised their voices and said, "Sir, I think that's not the right thing to do." They would have been gentlemen about it, but, by God, they wouldn't have let him do it.

I believe therefore that the only thing that would have brought *Sydney* in as close as it was was a surrender, and I have talked about surrender.

Now, sir, other points. The underwater torpedo - you know all about it. Shu Ah Fah gave evidence that *Sydney's* first shots went over. Now, we're talking about a warship, a fully experienced crew of a warship, at 900 metres. And her first shots go over a thing as large as the *Kormoran*? That is ridiculous. The only reason the shot would have gone over would be a torpedo hit at the time of firing, lifting the guns up, as happened aboard *Hobart* later on.

We haven't dealt with survivors. I have given you evidence, sir, that, in my judgment - and I feel I've proved it - the drift was 352 degrees bearing at around about 0.72 nautical miles per hour.

Q. That's the drift over the period from 19 to 24 November?

A. Yes, that's right.

Q. We have plotted all that. I understand that.

A. Right, okay. So that would be the line of survivor drift of the *Sydney's* people. You have, in my submission, sir, two diagrams - one of the searching vessels searching the ocean area in the vicinity of the action. If you would like to bring that diagram up, it's diagram 13A, and other

1 people can have a look at it. If you look at that diagram,  
2 you will find that 99 per cent, or 95 per cent, of the  
3 searching was away to the east of the possible survivor  
4 drift.

5  
6 CMDR RUSH: That is at CORR.012.0380, or it may be the  
7 following one.

8  
9 THE PRESIDENT: Q. What is the point that you're trying  
10 to make?

11 A. The point I'm trying to make, sir, is that all the  
12 searching was not where the *Sydney* people could have been.  
13 Thus, they didn't get saved.

14  
15 Q. If that's right, the searching would not have found  
16 that which it did find.

17 A. Sir, they found Germans.

18  
19 Q. They found one.

20 A. No, they found a whole heap of Germans. If you look  
21 at diagram 13A, I think you'll find that's all on there.

22  
23 Q. If the *Sydney* survivors, which you say existed, which  
24 is a matter of some debate --

25 A. No, that's 13B.

26  
27 CMDR RUSH: I think we need to go to page 0381.

28  
29 THE PRESIDENT: Q. If the *Sydney* survivors, which you  
30 say existed, which is a matter of some debate, were  
31 drifting as were the debris from *Sydney* which was located,  
32 one would expect those survivors to be in reasonable  
33 proximity to the debris.

34 A. Yes.

35  
36 Q. If you found the debris, as they did, you would have  
37 a reasonable prospect of saying that they might find the  
38 survivors, but they didn't.

39 A. Yes, but the searching, sir - 95 per cent of it --

40  
41 Q. What's wrong with the logic that I have just put to  
42 you?

43 A. If they were searching in the right place.

44  
45 Q. They were, because they found the debris.

46 A. No, no, they didn't find the debris. The debris they  
47 found, sir, was two lifebelts and I think a Carley raft,

1 along that line, and --

2

3 Q. And --

4 A. -- that was about five or six days later.

5

6 Q. Excuse me. There was much more than that. They  
7 discovered two German Carley floats tied together, with one  
8 body in it. They discovered the *Heros* Carley float. They  
9 discovered a number of floating planks and they discovered  
10 some lifebelts. They were all in close proximity to each  
11 other --

12 A. Yes, but when?

13

14 Q. -- having followed the drift pattern which had  
15 occurred between 19 and 24 November 1941.

16 A. So we're talking about days later.

17

18 Q. Just a minute, please. If, as you say, there were  
19 survivors similarly drifting, why would those survivors, in  
20 whatever vessel they were in drifting, not be in the same  
21 area?

22 A. Sir, they weren't on vessels. They had to be just men  
23 floating in the water --

24

25 Q. All right, men floating in the water.

26 A. -- because all their lifeboats are still down below  
27 with the ship.

28

29 Q. The point I'm trying to make, if you'll just listen,  
30 is this: unless you're suggesting that the people  
31 surviving from *Sydney* drifted in a different fashion from  
32 those elements that were left of *Sydney* and of *Kormoran*  
33 which drifted in a particular known fashion, because we  
34 have found them, you would expect that any survivors would  
35 have been in close proximity?

36 A. Yes, you would.

37

38 Q. And they didn't find any survivors.

39 A. All right.

40

41 Q. So what is the point you are trying to make?

42 A. The point I guess I'm making is just simply that most  
43 of the searching, 95 per cent of the searching, was done  
44 not in that area.

45

46 Q. But there was searching --

47 A. There was a little bit of searching in that area.



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Q. There was searching in the area where they did --

A. Sir, it's on the diagram there.

Q. Would you just listen, please.

A. The first time --

Q. Mr McDonald, would you just listen, please. There was searching in the area where they found such debris as existed from both *Kormoran* and *Sydney*.

A. Yes, debris. Not bodies, not fellows floating. And remember, *Herstein* was a week after the action, so the fellows, if they were still alive, had been floating for a week. I don't know that they would still have been floating after a week. You'll find that all of those pick-ups in that area were done after the 26th, in other words, after a week to 11 or 12 days after.

So I believe that there were survivors from *Sydney*, sir. That's really the point I would like to make. The reason I believe that is because I can show you that *Sydney* actually moved under power, under way and under command for at least five or six hours after the action, heading for probably Geraldton, and then she blew up. There's plenty of evidence now as to what the spread of the debris is when she did blow up.

But also the lifeboats are still alongside her, and there are shoes scattered around where she would have been. What's the first thing a sailor does when he gets dumped overboard? He takes off his shoes. I don't believe that you can say that all the *Sydney* people were killed in the action. I mean, yes, there were certainly a lot of them dead.

But look at the *Perth*. I was very fortunate, I left *Perth* on her last voyage. I left her in Fremantle. *Perth* lost about one-third of her ship's company during the action. She lost roughly another third of her company in the water. She lost many more in prison camps in Japan. But many got back. And *Perth* had battled a whole Japanese fleet. *Sydney* had battled a raider with four or five guns bearing. So I can't imagine that all people aboard *Sydney* were --

Q. I understand your point. You say that not everyone was killed. What's your next point?

1 A. All right. Nothing has been ever mentioned about the  
2 *Kormoran* coming in between Rottneest and Fremantle. Sir,  
3 I have given you statutory declared evidence from about  
4 four or five people, including one Artillery Captain,  
5 swearing that they saw a vessel, which was the *Kormoran*,  
6 coming in between Rottneest and Fremantle around about  
7 a week or 10 days prior to the action.

8  
9 You won't find that record at all on anything  
10 Australian, which adds to my cover-up story, and you won't  
11 find it in any German record. My answer to that would be  
12 that CAPT Detmers, having come in as close to Fremantle,  
13 which I think was fully lit at the time, not belted up  
14 Fremantle, not laid 300 mines in the approaches to  
15 Fremantle and snuck out under a smokescreen, didn't want  
16 his own people back home to know that he had even come into  
17 the place. So he would not record it.

18  
19 Q. Mr McDonald, do you realise the process of reasoning  
20 you're going through?

21 A. Go on.

22  
23 Q. You are taking diverse statements in statutory  
24 declarations which you've obtained from variation people  
25 over the years. You have said that you prima facie accept  
26 those. Therefore, you take the next step and say, "But  
27 I can't find any record of what they say happened in the  
28 records. Therefore", you say, "there's a cover-up."

29 A. Well, why aren't there records?

30  
31 Q. Perhaps because the events never occurred.

32 A. Oh, you're saying it didn't occur. Well, I believe it  
33 did occur.

34  
35 Q. You have this great concept that if there is nothing  
36 there, it must be a cover-up, because you believe that it  
37 occurred, without any evidence of consequence.

38 A. Well, you might think that.

39  
40 Q. That's the process of reasoning you're undertaking.

41 A. I don't care about process of reasoning, sir.

42  
43 Q. I am concerned about the process of reasoning. It's  
44 a pity you're not.

45 A. I believe that the statutory declarations are from  
46 people who saw *Kormoran* between Rottneest and Fremantle.  
47 Take it or leave it.

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Q. All right, we'll look at that information.

A. Right. I believe that *Sydney*, having been lured in by one means or another, has to consider, first, a number of things. If he opens fire on this vessel --

Q. "He" being?

A. CAPT Burnett, *Sydney* - he is in danger of killing our own people. He has been told, as all ships were, that if it was possible to capture an enemy vessel, he should do so. So he has a surrendered vessel and he's under orders to try to capture it, so that's reasonable reason for him to come in and board it. Therefore, he had to come in close.

Also, he's under orders not to waste ammunition, because on one of the similar cruisers around about that era, the Captain got slapped on the wrist for continuing to fire at a raider after it had given up, surrendered.

Completely digressing, I'm always amused - and, sir, can I present these diagrams now?

Q. Show them to CMDR Rush, please.

A. By all means. Here is a copy for CMDR Rush and a copy for the Commissioner.

THE PRESIDENT: I will mark that document as exhibit 185.

**EXHIBIT #185 DOCUMENT HEADED "*HMAS SYDNEY* COMMISSION OF INQUIRY; REFERENCE: EAN McDONALD DIAGRAMS MCD24 AND MCD20"**

THE PRESIDENT: Q. I understand what you are trying to say there. That addresses the drift matter.

A. I'd like to explain it.

Q. I think I can understand it.

A. Sir, I'd like to explain it.

Q. No, we'll go on. Yes?

A. Sir, I would like to explain it.

Q. I've heard you. I understand it.

A. Sir, you're not treating me fairly.

Q. I think I am.

A. No, you're not, sir. I would like to explain, because

1 it has two significant points in it. Do you realise what  
2 they are?

3

4 Q. I'm not here to answer your questions, Mr McDonald.

5 A. No, sir, I gathered that.

6

7 Q. Yes?

8 A. Could we put that up on the screen, Mr Rush?

9

10 CMDR RUSH: Q. Mr McDonald, you referred to *Kormoran*  
11 coming into Fremantle in --

12 A. I'm not talking about that, sir. I would like to  
13 refer to this diagram.

14

15 THE PRESIDENT: Q. Mr McDonald, if you wish to continue  
16 to give evidence, please do respect the --

17 A. Sir, I request sincerely for me to be able to talk to  
18 this. Otherwise, sir, I think you're gagging me.

19

20 Q. I'm not gagging you. Don't be so silly.

21 A. Well, then, let me speak, sir.

22

23 Q. What I am doing is trying to conduct this Inquiry in  
24 a sensible fashion.

25 A. Yes, sir. But, sir, I demand, sir, fair treatment.

26

27 Q. If you wouldn't mind --

28 A. Am I on trial? It seems to be that I'm on trial.

29

30 Q. Is there anything else that you wish to say?

31 A. Sir, I explain in this diagram --

32

33 Q. I've read the document.

34 A. -- that --

35

36 Q. Mr McDonald, I've read the document. I don't need any  
37 further explanation of it. Thank you.

38 A. I'm going to explain, anyway, because what this  
39 document does is that --

40

41 Q. Excuse me, I shall adjourn --

42 A. -- it shows me that there are 50 miles of --

43

44 Q. Mr McDonald, I am going to adjourn. I am going to  
45 give you a chance to consider your position. If you wish  
46 to continue to give evidence in this Inquiry, you should  
47 remember that you are obliged to do so within the terms

1 within which the Inquiry is being conducted.

2 A. Sir, I believe that I have a reasonable right to talk  
3 about something extremely significant relating to the  
4 question.

5  
6 Q. Yes. I understand.

7 A. I would beg you, sir, to allow me --

8  
9 Q. I understand --

10 A. -- because what you are afraid of?

11  
12 Q. I understand your view.

13 A. What are you afraid of, sir?

14  
15 Q. I will briefly adjourn while you have a chance to  
16 consider your position.

17 A. What's my position?

18

19 **SHORT ADJOURNMENT**

20

21 THE PRESIDENT: Q. Mr McDonald, I have read again  
22 exhibit 185. I understand it. I do not require to hear  
23 any further evidence about it and I don't intend to receive  
24 any further evidence about it. If there are other matters  
25 that you wish to put before me, you may do so.

26 A. No. You know, the fate of the last one wasn't good,  
27 so, no, I'll sit on that, sir.

28

29 Q. You have nothing else that you wish to put before this  
30 Inquiry?

31 A. No.

32

33 THE PRESIDENT: Very well.

34

35 CMDR RUSH: I have one matter, sir.

36

37 Q. If we can have a look, please, at WIT.023.0064, which  
38 is an account of Mr Etheridge that you provided to the  
39 Commission of Inquiry, I think, concerning *Kormoran* at  
40 Fremantle.

41 A. Yes.

42

43 Q. If we can scroll down to the bottom of the page, it  
44 states as follows:

45

46 *As Forman of Signals, Fremantle Fixed*  
47 *Defence Signals (Army) I was visiting*

1           Port-War naval signal station, then  
2           situated alongside the Fortress Command  
3           Post tower; at a time, by chance, when W/T  
4           signals were being received purporting to  
5           be from HMAS Sydney then endeavouring to  
6           identify another vessel under suspicion.  
7           The time was late afternoon approx  
8           1430-1515 on, I firmly believe, the  
9           18th November 1941. I know from the  
10          immediate interest shown by the naval  
11          personnel at the time DNO Fremantle would  
12          have been notified.

13  
14          That is one account of Mr Etheridge's. He says that he was  
15          there when a signal was received from Sydney on  
16          18 November.

17          A.    Yes.

18  
19          Q.    And then also was there an earlier time when a ship  
20          was sighted off Fremantle?

21          A.    Was there an earlier time? There were a number of  
22          times, I think, when ships were sighted off Fremantle.

23  
24          Q.    You say *Kormoran*. When do you say that occurred?

25          A.    I have to guess, but I said a week or 10 days before  
26          the action, that is, around about 9 to 11 November.

27  
28          Q.    On the account of Mr Etheridge, it wasn't identified  
29          as *Kormoran* then.

30          A.    No. This is not relating to that.

31  
32          Q.    I appreciate that.

33          A.    He says that he is receiving a signal from Sydney.  
34          Sydney was not around Fremantle at that time, nor on the  
35          West Australian coast. Sydney was up north somewhere.

36  
37          Q.    On another occasion, not around 18 November, as he  
38          says here, Mr Etheridge indicates that he was present when  
39          a ship was lighted up by the lights off Fremantle?

40          A.    I don't think he's saying that there, though, is he?  
41          I think simply that he thinks it's 18 November, but it's  
42          a legitimate mistake. It probably was in fact 19 November.

43  
44          Q.    In relation to the identification of *Kormoran* off  
45          Fremantle, the ship as such was never identified; is that  
46          the position?

47          A.    It was identified - when the fellows who gave us the

1 statutory declarations were shown a picture of *Kormoran*,  
2 they said, "Yes, that's the ship." So to that sense, it  
3 was identified.

4  
5 Q. And how long before - 10 to 12 days before?

6 A. Yes, something like that. Unfortunately, they didn't  
7 record this themselves.

8  
9 THE PRESIDENT: Q. Who are the persons who gave you the  
10 statutory declarations?

11 A. Oh, there are a number of people, sir. They're all  
12 listed. I can give you the names, if you like. Certainly  
13 CAPT Kidd. They're listed on some documents I gave you,  
14 sir.

15  
16 CMDR RUSH: I have no further questions, sir.

17  
18 THE WITNESS: Here we are. Gunner Douglas Coates, Gunner  
19 Stenhouse, Lambert and CAPT Kidd - that's four people.  
20 This is in the second submission that I made to you.

21  
22 THE PRESIDENT: Thank you. Yes, LCDR Katter?

23  
24 **<EXAMINATION BY LCDR KATTER:**

25  
26 LCDR KATTER: Q. Mr McDonald, may I take you back to  
27 your Parliamentary submission at PINQ.SUBS.003.0029.

28 A. Please do.

29  
30 Q. It should flash up on the screen. This is generally  
31 where you were referring to processes as to ship  
32 recognition procedure?

33 A. Yes.

34  
35 Q. You were referring to these in the context of your own  
36 experiences on the Australian Station serving on ships; is  
37 that correct?

38 A. Whereabouts is it?

39  
40 Q. It is the fourth paragraph on the right-hand page,  
41 page 6:

42  
43 *Every man had an Action Station ...*

44  
45 Can you see that paragraph?

46 A. Yes.

1 Q.  
2 *... there would be no "pantry men" lining*  
3 *the rails" as stated by Germans, unless the*  
4 *ship had gone out of Action Stations.*

5  
6 A. Yes.

7  
8 Q. You referred to this word "alert". You said that  
9 there would sometimes be an "alert", and you referred to  
10 that, as I understood it, in the context of when there was  
11 a ship sighted, there would be an alert and the ship that  
12 you were on would go to Action Stations; is that correct?

13 A. Not necessarily, no. An alert - I simply mean that  
14 a lookout, whether in the Crows Nest or on the Bridge,  
15 would pick up the ship on the horizon. I should imagine it  
16 would be the Crows Nest lookout that would see that vessel  
17 at 25 miles on a clear day, and he would call an alert from  
18 the Crows Nest.

19  
20 The Watch-Keeping Officer on the Bridge would alert  
21 the Principal Control Officer, his senior, also on the  
22 Bridge, who would alert the Captain, who was just one deck  
23 below. So in that sense I mean an alert. It would be up  
24 to the Captain then to decide whether to go to Action  
25 Stations or not. On most occasions, he didn't, because  
26 they identified quickly, or they had on record what ships  
27 were on their VAIs and they had recognition books with most  
28 ships, and they were able to pick from a long distance out  
29 what sort of a vessel this was, and on many occasions it  
30 didn't go further than a simple alert.

31  
32 Q. If there was suspicion, though, the ship may have gone  
33 to Action Stations?

34 A. She would go to Action Stations.

35  
36 Q. You also used the phrase "special routine" or the  
37 plural of that, "special routines".

38 A. In that section?

39  
40 Q. You referred to that in your evidence in terms of, as  
41 part of this process subsequent to an alert, there were  
42 special routines, or a routine, that may have been  
43 undertaken?

44 A. The ship would normally be in what was called Cruising  
45 Stations with half its armament closed up and ready, not on  
46 alert. Probably the blokes were all asleep, anyway, but  
47 they would be at their Action Station in the turrets and



1 down below.

2

3 Q. But, as you said, if there was suspicion with regards  
4 to the ship, the ship would go normally to Action Stations?

5 A. Yes.

6

7 Q. And then subsequent to that, there would be a special  
8 routine?

9 A. Oh, I see. I don't quite know what I was referring to  
10 there. Yes, I'm sorry. The sort of routine would be the  
11 Captain of A turret or the Officer in Charge of A turret  
12 would check his guys as they came in to action. There  
13 would be about, I don't know, a dozen or 14 of them,  
14 I think. They would all come in and he's say, "Raider  
15 present", so-and-so, so-and-so, and he would count and  
16 check them through and then he would routinely report to  
17 the Director Control Tower that A turret was closed up and  
18 ready for action. That would be that sort of routine.

19

20 Q. You also mentioned the context that a special routine  
21 might involve the lowering or potential lowering of a boat?

22 A. Most unusual. That would only be on decision of the  
23 Captain, who would say, "Man the sea boat", and there would  
24 be a special group of people who did that, but if he had  
25 any idea of lowering a boat, that would only be to inspect  
26 the other ship.

27

28 Q. If the ship had gone, to use your word, on "alert" as  
29 a result of a suspicious ship and gone to Action  
30 Stations --

31 A. I don't think the alert relates to a suspicious ship.  
32 An alert would relate to any ship. But the moment a thing  
33 becomes suspicious, it would be Action Stations  
34 immediately. The whole ship would close up Action  
35 Stations.

36

37 Q. And if the ship was at Action Stations and a boat was  
38 to be lowered, that would require the movement of certain  
39 crew to --

40 A. Oh, of course it would. Therefore, it would be an  
41 unusual event.

42

43 Q. And the ship would remain at Action Stations while  
44 those crew moved into a position to lower that boat?

45 A. Yes, it would depend, I guess, on who is designated to  
46 man the sea boat. I can't see that happening. I don't  
47 think - yes, well, there could be an occasion when the

1 Captain would decide A, B and X turrets remain closed up,  
2 man the sea boat from Y turret, or something like that.

3

4 Q. And that would be the case even if there was the  
5 contemplation of lowering a boat, that is, that certain  
6 crew may need to move into that position while the ship  
7 remained at Action Stations?

8 A. Oh, yes, sure.

9

10 THE PRESIDENT: Q. Was it really the position that boat  
11 crews were taken from turret crews?

12 A. They were from all over, sir.

13

14 Q. Not from turret crews, surely?

15 A. Not usually, no.

16

17 LCDR KATTER: Q. They may have been taken from  
18 personnel --

19 A. All right, if I were Captain, I would probably  
20 allocate 4-inch gun people to that, or the 0.5 guns, the  
21 smaller guns, and leave my turrets fully closed up. But  
22 that would be a matter for judgment of the particular  
23 Captain. They would all have a different routine.

24

25 Q. It is possible, isn't it, that the ship could go to  
26 Action Stations prior to making its flag signals when  
27 encountering a suspicious ship?

28 A. Yes.

29

30 LCDR KATTER: Thank you. I have no further questions,  
31 Commissioner.

32

33 THE PRESIDENT: Is there anything arising?

34

35 CMDR RUSH: No, sir.

36

37 THE PRESIDENT: Q. Thank you, Mr McDonald.

38 A. Sir, could I make one other point?

39

40 Q. Yes.

41 A. If you take a look at that diagram you have, you'll  
42 find a little red mark on it. What that tells us is that  
43 Detmers reported his ship in one position, and two and  
44 a half hours later he was in another position. He says  
45 that he was doing 14 knots for two and a half hours, but  
46 14 knots, sir, would have taken him down there  
47 (indicating), and that's the little red mark on my diagram,

1 showing, I trust, to you, sir, that therefore he had to  
2 have stopped somewhere along that way, because it's  
3 a half-hour passage.

4  
5 Q. Yes. Thank you, Mr McDonald.

6 A. Good. May I go home now, sir?

7  
8 Q. Yes, indeed. I heard that you were a 90-year-old who  
9 was unwell. That doesn't seem to me to be the case at all.

10 A. Thank you. Well, I tried.

11  
12 THE PRESIDENT: Is Mr McArthur next or not?

13  
14 CMDR RUSH: He is, yes, sir.

15  
16 THE PRESIDENT: We will adjourn until 2 o'clock.

17  
18 THE WITNESS: May I sit in, sir?

19  
20 THE PRESIDENT: Yes, of course. Anybody can sit in at any  
21 point of time and listen to everything, and if you miss  
22 anything, all that is said in this Inquiry is made public.  
23 It is put on the website every night, so that nobody can  
24 say that they were not informed about what is happening in  
25 this Inquiry.

26  
27 I will adjourn until 2 o'clock.

28  
29 <THE WITNESS WITHDREW

30  
31 LUNCHEON ADJOURNMENT

32  
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