

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 Thursday, 5 February 2009 at 9.30am
(Day 28)

1 THE PRESIDENT: Yes, CMDR Rush?

2

3 CMDR RUSH: Dr McArthur is here today, but so is
4 Mr Doohan, who was due to give evidence at 9.30.
5 Dr McArthur is content for Mr Doohan to be called first,
6 and then depending on how we go, with McArthur. I think
7 that LCDR Katter wants to say something.

8

9 LCDR KATTER: Sir, I was asked to mention something on the
10 transcript. During the examination of CAPT Arundel
11 (retired) on 20 January, you asked a question of
12 CMDR Renwick as to whether there was any use of a signal
13 lamp or lamps by *Kormoran*. That question is at
14 TRAN.023.0097 of the transcript.

15

16 CAPT Arundel had indicated, prior to that point in the
17 transcript, that there may have been a repetition of the
18 PKQI signal on what he described as a Varta lamp by
19 *Kormoran*.

20

21 The only indication that we have been able to turn up
22 at this stage is in Dr Graham's 2008 version of his book.
23 At page 113, there is a mention or a reference there, as we
24 understand it, to the use of a lamp by *Kormoran*, which
25 refers to the report of Durnford of 4 December 1941. The
26 report of Eldridge dated 28 January 1942 continues to refer
27 to *Sydney* signalling using her lamp, but of course
28 CAPT Detmers' interrogation indicated that no signal lamp
29 was used.

30

31 THE PRESIDENT: Does the Durnford report refer to the use
32 of signal lamps?

33

34 LCDR KATTER: Last evening, we tried to cross-reference
35 that. The War Cabinet's minutes of Durnford's
36 correspondence also said it was mentioned there, and
37 there's no mention there. We're trying to get to the
38 bottom of that. CAPT Arundel has been in further
39 communication with us. In that regard, if acceptable to
40 you, he may wish to make a further submission on that
41 point.

42

43 THE PRESIDENT: The present situation is that we don't
44 have any evidence of *Kormoran* using a signal lamp?

45

46 LCDR KATTER: That's correct, sir.

47

1 CMDR RUSH: I call Mr Doohan.

2

3 <JOHN WILLIAM DANIEL DOOHAN, affirmed: [9.39am]

4

5 THE WITNESS: I would like to ask a couple of questions,
6 if I could, to start with.

7

8 THE PRESIDENT: The position, just so that everybody is
9 clear, is this: this Inquiry is conducted in a fairly
10 structured form.

11

12 THE WITNESS: If I can add to that, it's a structure
13 I don't understand.

14

15 THE PRESIDENT: I'm about to tell you what it is, if you
16 will just listen to what I'm about to say. It is
17 structured in a form so that it is fair to everybody and so
18 that I can get, as best I can, all the information that
19 I need. For that purpose, I called last year for public
20 submissions and a time limit was put on those submissions.
21 As a result of that, you have exercised your right to give
22 me submissions, and I have them and I have read them.

23

24 The purpose of today's proceedings is for those
25 submissions to be analysed so that I can determine whether
26 there is merit in them, truth in them, or whether they do
27 not have substance. That is my task.

28

29 So the way this is structured is that you have had
30 your chance to put all your submissions in, and I have them
31 and they are voluminous. CMDR Rush will now ask you some
32 questions to see whether I should regard those submissions
33 as entirely accurate and supported, or whether I should
34 have some doubts about them, or whether I should form a
35 view that they are without a great deal of substance.

36

37 That is the way that the Inquiry has been structured,
38 so that it is fair to everybody and so that I can get all
39 of the material that I need. What will happen is that
40 CMDR Rush will ask you some questions and you will be given
41 a chance to respond to them. Do you understand that?

42

43 THE WITNESS: I understand it.

44

45 THE PRESIDENT: Thank you, CMDR Rush.

46

47

1 <EXAMINATION BY CMDR RUSH:
2

3 CMDR RUSH: Mr Doohan, would you state your full name and
4 address to the Commissioner, please?

5 A. My name is John William Daniel Doohan. My address is
6 [REDACTED]
7

8 Q. Are you retired?

9 A. Most certainly.
10

11 Q. But have been, over many years, a keen researcher into
12 the loss of *HMAS Sydney*?

13 A. Since the beginning of the 1950s. I had a lot of
14 contact with the *Sydney* myself as a seaman in 1941.
15

16 Q. Mr Doohan, did you in fact join the Merchant Navy when
17 you were just over 14 years of age?

18 A. That's correct.
19

20 Q. And served on a fleet oiler during --

21 A. That was my first ship. It was a Navy oiler.
22

23 Q. A Navy vessel during the first years of the War?

24 A. With a merchant crew and Reserve Officers on the
25 Bridge.
26

27 Q. Was that *Kurumba*?

28 A. Yes.
29

30 Q. Later on, did you join the Army and serve in
31 New Guinea?

32 A. No, I stayed on until 1944 as a seaman in the Pacific
33 and the Atlantic and various other places. I was on ships.
34 I came home in 1944 and I joined the AIF. I was discharged
35 in New Guinea at the beginning of 1946. I went back to sea
36 again for a while after that. I became interested in
37 facets of certain things - Pearl Harbor, to start off with,
38 which started me off, at the beginning of 1950. It led to
39 information which involved the *Sydney*. I also had personal
40 association with the *Sydney* in 1941. Thus, I knew the ship
41 that I was dealing with.
42

43 Q. Your involvement has extended to the formation, in
44 more recent times, of a group called the End of Secrecy on
45 *Sydney*?

46 A. I convened that.
47

1 Q. You remain convener of that, as I understand it.

2 A. Yes, I do.

3

4 THE PRESIDENT: Q. Who else belongs to that group?

5 A. Actually, the group itself was made up initially of
6 the bereaved, who wanted to get some answers on *Sydney*. We
7 had a small committee, if you like. One was a Mrs Betty
8 Bell, who was the widow of Engineer Junior LEUT Schoch.
9 Her name was Schoch at the time; she became Betty Bell.
10 She helped me a lot and became the other - not the
11 controller; there's no control, but the actual handling of
12 the End of Secrecy on *Sydney* group was mainly done by
13 myself.

14

15 Q. Are there any other members of the group now, apart
16 from yourself?

17 A. Only some of the bereaved. Actually, all of the
18 bereaved who are still around and some of the extended
19 family are very much involved in following this through.
20 We support the End of Secrecy on *Sydney* group. So we are a
21 very active group.

22

23 Q. Mr Doohan, as to the submission that you provided to
24 the Commission of Inquiry, with a request that we reference
25 your submissions to the Parliamentary Inquiry, if I can
26 firstly try to summarise, you allege a massive cover-up in
27 relation to the loss of *Sydney*?

28 A. Absolutely, I do. I don't recant on that one.

29

30 Q. You allege that that cover-up includes an attempt to
31 hide the involvement of a Japanese submarine in that loss?

32 A. Yes. It's a pretty broad question you have to ask,
33 and it does include that, but I don't recall ever having
34 said that that was a submarine. I'll say right now that
35 I'm absolutely certain in my own mind that it was, and
36 there's certainly evidence which you'll have to ask as to
37 how I come to that conclusion.

38

39 Q. The cover-up was organised so as to ensure Japan was
40 brought into the Second World War?

41 A. You are starting off in that era, are you?

42

43 Q. That's where I'm starting.

44 A. If you are starting off in that era, I can answer
45 broadly, because you would have to bring in such things as
46 the *SS Automedon* and the history, and I don't know how much
47 you know about that. If you are going back to that era,

1 you are going back before my interest in the *Sydney* and the
2 cover-up on the *Sydney*.

3
4 Q. May I ask that PINQ.SUBS.009.0043 be displayed on the
5 screens.

6 A. CMDR Rush, could I just state that I have some
7 evidence I was bringing up this morning, which is relevant
8 to what you are saying.

9
10 In the high frequency direction finding tracking of
11 the *Kormoran*, or the *Steiermark* at the time, which became
12 the *Kormoran*, one of the people who was very involved and
13 very significant in the HFDF tracking in the *Kormoran* was a
14 person by the name of Reg Lander. I obtained from him,
15 four or five years ago, before he died, a documentary, and
16 he gives his evidence, but I was such a hurry to leave this
17 morning that it got left on the mantelpiece. I want to
18 present that to the Commissioner. I intended to do that,
19 because I think you should have it. He is dead now, but
20 this is evidence that you should hear. Could we make some
21 arrangement afterwards about picking that up?

22
23 Q. Most certainly. During the course of this morning,
24 I'll ask you particularly about that tracking and
25 Mr Lander.

26 A. Yes.

27
28 Q. Firstly, what appears at a difficult angle on the
29 screen in front of you is part of the submission that you
30 provided to the Commission of Inquiry. I want to go to
31 page 0047, to the left side of the page.

32 A. Could I also say, CMDR Rush, that I had a lot of
33 material in that 1998 Inquiry, and every effort was made,
34 and part of my ASI0 file - I don't want to drag you into
35 that one, but I have to let you know that I have standing a
36 full standing with ASI0 as being a national security risk,
37 and my file is available to you any time you like. But I'm
38 not a national security risk. That seemed to dog me right
39 through the 1998 Inquiry. People like Barbara Winter had
40 some sort of liaison with, I believe, Navy --

41
42 THE PRESIDENT: Q. Mr Doohan, I can cut you short on
43 this. I am not interested in whether you are or you are
44 not a national security risk.

45 A. I am not a national security risk.

46
47 Q. I'm not going to assume that you are, but it is a

1 matter which is of no concern to me in this Inquiry.

2 A. It is to me, sir.

3

4 Q. I will judge your material on its integrity, not on
5 what someone may say about you.

6 A. My integrity is quite okay, sir, and what I am telling
7 you this morning is --

8

9 THE PRESIDENT: I understand that. I just want you to
10 know that it is not a matter that you need worry about.

11

12 CMDR RUSH: Q. If I can ask you, sir, to go down to the
13 last paragraph before 20 February 1998.

14 A. Can I break in once again, Commissioner? I understand
15 that this is not on the agenda, but I would like to ask,
16 first of all, what the powers of this Commission are, eg,
17 in relation to penalties which may be imposed and what
18 constitutes relevant offences which may be imposed by the
19 Commission?

20

21 THE PRESIDENT: Q. Mr Doohan, I did explain to you the
22 processes of this Inquiry. It is not for you to ask
23 questions of me or of CMDR Rush.

24 A. No questions at all?

25

26 Q. No questions at all. If you wouldn't mind just
27 answering the questions that are asked of you.

28 A. Sir, I have one more and I'm not trying to impose on
29 you in any way whatsoever. I'm here to give evidence.
30 I have been for many years. You have had correspondence
31 from me where I've explained why I can do certain things
32 and can't, and I'm not going into that.

33

34 But the Commissioner, that's yourself, has publicly
35 made known, to my knowledge, that he has a personal belief
36 that no cover-up has occurred in the *Sydney/Kormoran*
37 affair. Therefore, what I'm saying is that there is a
38 cover-up. I have evidence of a cover up. So how will that
39 affect your judgment? You've already made your judgment,
40 as far as I understand.

41

42 Q. Mr Doohan, it has been said by the Federal Court that
43 it is usual for people, whether they be judges or
44 commissioners, not to sit in a vacuum; that as they hear
45 more and more about the topic upon which they are
46 inquiring, it would be nonsense to suggest that they do not
47 form a preliminary view, but being of a judicial mind, one

1 leaves it open until the totality of the evidence is
2 received, and one then makes a final view. My mind is not
3 closed about any matter. I hope that is clear.

4 A. That's clear.

5
6 THE PRESIDENT: Yes, CMDR Rush?

7
8 CMDR RUSH: Q. You say there in the bottom paragraph:

9
10 *And this writer believes that abandonment*
11 *of SYDNEY, to ensure those US goals, is why*
12 *she and her 645 martyrs are still*
13 *classified as Threat to National Security,*
14 *Threat to Foreign Government, Threat to*
15 *Defence of the Commonwealth ...*

16
17 over 55 years on, when you wrote it. Is that still your
18 view of the nature and the extent of the cover-up?

19 A. Even more so - with the evidence which I have been
20 able to get from there, which the Commissioner has, it is
21 even more so my view.

22
23 Q. It is a cover-up that you say involves the RAN since
24 the loss of *Sydney* and continuing?

25 A. Would you repeat that, please?

26
27 Q. Sorry. It's a cover-up that you say involves the
28 Royal Australian Navy since the loss of *Sydney* and
29 continuing?

30 A. I would say that it involves certainly the Defence
31 Department, Defence Signals Directorate; certain areas of
32 Navy must know, and I think quite a number of Navy people
33 I have spoken to are quite angry about it.

34
35 Q. Does it involve the Government as well?

36 A. Yes, of course it does, in my view and on the
37 evidence, it must do.

38
39 Q. To complete it, does it involve the United Kingdom
40 Government?

41 A. Very much so.

42
43 Q. And the US Government?

44 A. Yes, and you can find that in the history.

45
46 Q. And the cover-up, since it began, has continued at the
47 behest of those entities?

1 A. It has continued. I don't see how, for example,
2 relevantly - in 1998, we had an Inquiry. If you look back,
3 you'll find that I had some small part in that Inquiry
4 eventually being hurriedly convened.
5

6 Putting it in simple terms, there was no conclusion,
7 and the major statement said that you have to get used to
8 these people, because only one lot of people know anything
9 about this, and those are the Germans - nearly all Nazis to
10 a man, anyway.
11

12 Therefore, we now have the Defence Department running
13 another Inquiry, which is this Inquiry, which I call
14 Inquiry No. 2. The Commissioner will disagree with this,
15 because the Commission's independent. I cannot see the
16 Defence Department, which had a lot of contact with me
17 through the Federal Parliament as well - and it's all on
18 the record - now turning around and saying, "Yes, we
19 covered up this first lot when we didn't know what we were
20 doing" and then coming to a different conclusion this time.
21 So I have to say that I don't believe the Defence
22 Department, to give it a name, and other people as well.
23

24 Q. Do you think the findings of the wrecks of the *Sydney*
25 and the *Kormoran* and the nature of the Inquiry into those
26 wrecks could shed any light in relation to the loss of
27 *Sydney*?

28 A. It is perfectly obvious it shows that they're there.
29 They know where they are, but knowing where they lie does
30 not tell you what occurred. So it is claimed, you only
31 have Fritz's - the Germans' - view of it, and the evidence
32 of most of those people has been shown to be false.
33

34 If you go back through the interrogation notes for a
35 start, one of the major things of the *Sydney/Kormoran*
36 action was that when the action started, the weapon that
37 created the most disturbance at the time was a 3.7
38 anti-tank - you know about that one. The master gunner on
39 that was a man by the name of Jacob Fend. He did
40 marvellous things. He knocked off the *Walrus* and he
41 knocked everybody out on the Bridge, no problem.
42

43 Jumping ahead a bit, when they got to the PoW camp in
44 Victoria, Detmers called Fend out of line and pinned on him
45 the Iron Cross First Class for his marvellous job and his
46 bravery in doing that. The official interrogation says
47 that Jacob Fend wasn't even on that gun; he was on the port

1 gun. He never fired a shot on the port side. That's in
2 the interrogation. Also, he never saw the *Sydney* until he
3 got into a lifeboat in the dark hours and he saw *Sydney*
4 burning, so he says.

5
6 So that is just one example of many of the lies that
7 were told. One of your main witnesses, Heinz
8 Messerschmidt, has told two massively different stories.

9
10 Q. As I understand it, it is part of your theory that
11 upon the *Kormoran* sinking, some 70 sailors may have been
12 transferred to *HMAS Sydney*?

13 A. That was a conclusion I was trying to - working on the
14 logic of it, my belief at that time - and it has not
15 changed a great deal; it has changed in some aspects of
16 it - is that *Kormoran* lost 80 men. Even that is in doubt;
17 I think there may have been more, but they admit to 80 men.
18 They admit, for example, to 75 being on a raft about
19 20 feet long - wounded men, 75 of them.

20
21 Q. Just --

22 A. I must say this, sir, because you want to hear what
23 I have to say about it.

24
25 Q. I do. Putting aside the numbers, I'm just concerned
26 to understand your theory. You put a premise forward that,
27 in your view, it is possible that 70 injured personnel from
28 *Kormoran* ended up in the sick bays of *HMAS Sydney*?

29 A. Yes, I did put that in, but not as an absolute fact.
30 If you read it again, you'll find that I said this was the
31 only hospital around the place for a couple of hundred
32 miles, and if they had been taken aboard anywhere, it might
33 have been aboard the *Sydney*. But I didn't say it was;
34 I said it was possible. Also, there were 75 of them that
35 were dumped in the water from a float that held 26 men
36 packed like cigarettes.

37
38 THE PRESIDENT: Q. Mr Doohan, is it your view that in
39 the encounter, *Sydney* sank *Kormoran* and members of
40 *Kormoran*'s crew, injured or otherwise, were then put on
41 *Sydney*?

42 A. I suggested that could be possible.

43
44 Q. Do you maintain that?

45 A. Still the same - I don't know now.

46
47 Q. Your theory is that that may have happened and that,

1 thereafter, *Sydney* was sunk by a Japanese submarine?

2 A. That's my personal belief.

3

4 Q. And that as a result of being hit by a torpedo from a
5 Japanese submarine after *Sydney* had sunk *Kormoran*, *Sydney*
6 was lost?

7 A. Sir, I have to go back a little on that, because there
8 was actual evidence from Heinz Grossmann --

9

10 Q. Putting aside the evidence, I'm trying to understand
11 what you say the evidence leads to and what is the
12 conclusion you reach. As I understand it from reading your
13 material, it was that there was a battle between *Sydney* and
14 *Kormoran*; *Sydney* was successful; *Kormoran* was sunk;
15 survivors from *Kormoran* were taken on board *Sydney*; *Sydney*
16 was then hit by a torpedo from an accompanying Japanese
17 submarine, which caused *Sydney* to sink, so the people who
18 had been taken from *Kormoran* onto *Sydney* were lost with
19 *Sydney*. Is that the summary of your position?

20 A. That could be a supple of summaries. As far as the
21 people going aboard the *Sydney* was concerned, that was
22 never a hard and fast statement of mine. I put it as a
23 possibility, that there was only one area where wounded men
24 could have been taken, and that would have been *Sydney*, who
25 would have done it as a matter of decency, anyway. But as
26 far as the Japanese submarine goes, that has to be put
27 under a different label.

28

29 THE PRESIDENT: We will come to that in due course.

30

31 CMDR RUSH: Q. Is it your theory, Mr Doohan, that the
32 Australian Government recognised Japanese involvement in
33 the sinking of *Sydney*?

34 A. Yes, it is my belief. It is not a theory. It is my
35 belief.

36

37 Q. It hid that knowledge to ensure that a couple of weeks
38 later, Japan was brought into the War?

39 A. In everything I've written on that, it was to do with
40 the signals and our reading of the Japanese codes. The
41 circumstances of *Sydney*'s interception of *Kormoran*, instead
42 of *Kormoran* intercepting the *Aquitania* - that is where it
43 all lies.

44

45 Q. You theorise, I think, that the Japanese submarine was
46 I-124?

47 A. No, I haven't, never have done. I have suggested that

1 I-124 could have been one, because her duties led her into
2 Australian waters immediately the balloon went up. If you
3 read it carefully, you'll find that I have never said it
4 was I-124. What I have said is that I-124 is lying up
5 there 40 miles out of Darwin, unflooded, and a time capsule
6 probably in her radio shack of lots of things that went on
7 at that particular time, but I have never said that I-124
8 was the boat.

9
10 Q. Are you aware of any material to suggest that in
11 November 1941, there was any Japanese submarine operating
12 in the Indian Ocean?

13 A. Only what I have read from, for example - I can't
14 think of the title now - more than one area, but one
15 particular quasi-official person did say that there were up
16 to 12 submarines in 1940-41 off the Australian coast that
17 were definitely not German; they were not Italian; they
18 were not ours, of course, and they would have been
19 Japanese. That's in the record. I can go no further than
20 that.

21
22 When I went to sea, I was 14 years of age. I didn't
23 have all that intelligence being imparted to me. Most of
24 what I have found out on that material, apart from what
25 I learned during the War myself, was that - the whole thing
26 of my involvement with the *Sydney*, I was with the *Sydney*
27 for a while, while she was home ported in Fremantle. We
28 moored ourselves together sometimes, just about.

29
30 Q. Is that source you refer to a book?

31 A. It is a book. It has a Japanese title. It will come
32 to me in a while, I hope.

33
34 Q. The American Government after the War established a
35 Records Office, which you may be familiar with. It
36 produced a number of monographs in relation to the
37 movements of Japanese submarines.

38 A. Yes.

39
40 Q. Those monographs indicate where the various parts of
41 the Japanese submarine fleet were in November 1941, and
42 none are in the Indian Ocean. Do you accept that, or do
43 you reject that, or is that a cover-up?

44 A. I reject it. I reject it. One of the major examples
45 of that would be the I-124 itself, which was a subject of
46 cover-up by the American OP - what was the codename of that
47 group again? Was that OP20?

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Q. I couldn't tell you.

A. This is relevant to what you are asking me, I think - do I accept the monograph?

Q. Monograph 102 in relation to the Japanese submarine.

A. No, I don't accept that at all. Most of the Japanese submarine records were done over again. They destroyed most of theirs at the end of the War, in August, about that time.

The I-124 actually served as a cover for the United States, and this is on the record. A man who is here now, Michael McCarthy of the West Australian Museum, has all this information as well. The I-124 was set up in a false history by the United States, and it is on the record, so they could use that as an excuse to say that the I-124, which was sunk in February 1942, had been entered by them - she was in about 40 fathoms of water, and still is, still there for anyone who wants to look at her - that they actually opened her up and got out the code books, and that is how they knew about the Japanese intending to attack Pearl Harbor. They used that as an excuse.

Q. From a submarine that was sunk in February 1942?

A. Yes. The idea of it was that that was their excuse as to why they did not know before 7 December Hawaiian time, but they did know afterwards when they opened up the I-124, which they never did, and nobody ever has yet. The Australian Navy has examined that ship a couple of times, and she has never been opened up. Everything is still in there. As I say, it's a time capsule. If you want to pull it up to the top, you might learn a lot.

Q. In the tactical sense, do you say that the Germans and the Japanese were cooperating prior to Pearl Harbor in 1941?

A. They were cooperating, definitely, right through 1940 in the circle of German raiders at (indecipherable) Atoll, for a start.

Q. I appreciate that German raiders or the supply ships were being --

A. Yes, they're the ships.

Q. I mean in the tactical sense, have you any evidence of German and Japanese working together in that sense?

1 A. At that time, in a tactical sense, it was a tactical
2 sense, because they were allies. Although, as you know,
3 Japan was not a party member, she was still a member of the
4 Axis, and her ally, Germany - she was circling her ships
5 and repairing them in the Japanese mandates. You couldn't
6 get away from the fact that that is a wartime activity that
7 both are colluding with.

8
9 THE PRESIDENT: Q. I'm just trying to get the dimensions
10 of the cover-up that you allege. So far, you've told me
11 that there was a cover up by the Americans by the use in
12 some fashion of a Japanese submarine, the I-124. That is
13 by the American Government or the American Navy.

14 A. I think you have that, don't you, sir, in my
15 submissions I made at that time?

16
17 Q. Yes, I have that. You've also said that there was a
18 cover-up by, I think you said, the Navy or the Australian
19 Government, Department of Defence, with a view to involving
20 Japan in an attack on America.

21 A. Yes, and that has been exposed since.

22
23 Q. We will display on the screen CORR.014.0123. While
24 that is coming up, do you also allege that there was a
25 cover-up which started on the very day, indeed the very
26 moment, that *Sydney* was sunk?

27 A. Sorry, sir?

28
29 Q. I'll get this document so that you can read it. It is
30 your submission. This is a letter that you wrote to the
31 then Prime Minister, I think in 2003. If you go to the
32 middle of the page where it says, "Sir" --

33 A. "As repeatedly stated, the main points of this letter
34 are to briefly demonstrate" - is that where we are?

35
36 Q. Yes. You say that there's a cover up, as you set out
37 in five paragraphs:

38
39 *... to briefly demonstrate as simply as is*
40 *possible to yourself [the then*
41 *Prime Minister]:*

42
43 *that (a), the demise of "Sydney" was known*
44 *to elements of our Defence Forces at the*
45 *moment it occurred and by the medium of W/T*
46 *signals from "Sydney" herself;*
47

1 *that (b), a decision was made at about that*
2 *time to publicly suppress that*
3 *knowledge ...*

4
5 Namely, that the Defence Forces knew Sydney was lost the
6 moment she was:

7
8 *... and to not mount an immediate rescue*
9 *operation ...*

10
11 In other words, knowing that Sydney had been lost, the
12 Defence Force decided not to search for it:

13
14 *that (c), the deliberate failure to mount*
15 *rescue operations at that time was*
16 *responsible for numerous uninvestigated*
17 *deaths of "Sydney" personnel;*

18
19 *that (d), in support of such decision and*
20 *strategy, a further decision was made to*
21 *permanently suppress public awareness of*
22 *"Sydney's" 19 November signals and to*
23 *transpose those signals to later 4 December*
24 *date and emanating from allegedly different*
25 *agency;*

26
27 *that (e), that suppression entire operation*
28 *resulted in official falsification and*
29 *misrepresentation of relevant documents and*
30 *circumstances ...*

31
32 They are very serious allegations. It is an allegation of
33 a cover-up which says that the Defence Force knew
34 immediately Sydney was lost and took a decision not to
35 search for her. That resulted in the loss of Sydney's
36 seamen, and a further decision was taken to cover that up,
37 and in performance of that cover-up they falsified records.
38 That is another cover-up you allege?

39 A. Everything there I stand by, sir, on the evidence
40 which you have.

41
42 Q. Yes, I've read the evidence that you have put forward.

43 A. That is what I believed I was going to be questioned
44 directly on, and that's what I'm here for.

45
46 Q. I want to get clear in my mind the dimension of your
47 cover-up theory.

1 A. I stand by it, sir, on the evidence.

2

3 CMDR RUSH: Q. As I understand it, Mr Doohan, part of
4 that theory is that *Aquitania* sent a signal that it had
5 picked up German survivors, which was acted upon by a
6 flight of GCAPT Bourne in the area off Fremantle?

7 A. Commander, could you go through that again?

8

9 Q. Perhaps if I can ask you to go to your --

10 A. What you just said a while ago - I got most of it, but
11 I'd like you to do it again, to make sure I have it
12 properly. I've taken pain tablets, and I'm a little bit
13 slower.

14

15 Q. You are aware of GCAPT Bourne's assertions?

16 A. Very much so. I worked with him.

17

18 Q. GCAPT Bourne alleges that the loss of *Sydney* was known
19 about in fact on 19 November?

20 A. Yes, but GCAPT Bourne didn't know that until he met
21 me.

22

23 Q. GCAPT Bourne puts forward the proposition that on,
24 I think, 23 November he saw a message to the effect that,
25 in his view, the Navy had known about the loss of *Sydney*
26 since 19 November.

27 A. Not quite. On 23 November, which is the day that
28 *Aquitania* picked up her 26 people on a raft, Rick Bourne,
29 FLTLT Fletcher and two wireless air gunners were sent down
30 on a secret search from Pearce to look for the *Sydney* south
31 of Fremantle. So on 23 November, the official story was
32 that she was still late getting down from Indonesia. They
33 were sent on a special trip, a secret trip - this is on the
34 record --

35

36 THE PRESIDENT: Q. No, it is not on the record.

37 A. It is on the record, sir.

38

39 Q. It is what GCAPT Bourne has asserted, but there is no
40 record of any such flight.

41 A. Sir, it has been admitted. I have the actual history
42 of it here, or at least I should have. There is a record,
43 sir. There was a record that was in the record right up
44 until after the War, when an Intelligence officer in
45 Fremantle asked for the record to be made public so that
46 the public would know what happened to the *Sydney*. In
47 Guide No. 3, which, as you know, is the official bible on

1 the *Sydney*, or supposed to be, there was an entry in there
2 by Third Officer Westhoven, the history of it, and she
3 had - I'll do this as simply as I can --

4
5 THE PRESIDENT: Q. I am aware of Third Officer
6 Westhoven's account.

7 A. The alteration by Richard Summerell of the archives.
8 Westhoven was ordered to write an account of everything
9 when *Sydney* left Fremantle on 11 November until all the
10 whistles had stopped blowing altogether. In this report,
11 she had the fact, which has been proven to be a fact, that
12 a flight was carried out from a datum base from Rottneest on
13 23 November. Then in after years, when we started doing
14 it, *Sydney* became well and truly in the public image,
15 Richard Summerell actually altered that statement and he
16 put in square brackets actually the "24th". He changed it.
17 It was the 23rd and it has been admitted in the 1999 report
18 on the *Sydney* that, in actual fact, Summerell himself
19 admitted he altered that. He obviously thought that he was
20 correct on doing so. He was going on the official story,
21 on what I'm saying is the cover-up.

22
23 THE PRESIDENT: Q. He was going on the logbook.

24 A. That's all there, sir.

25
26 CMDR RUSH: Q. Can we deal with *Aquitania* and then come
27 to GCAPT Bourne. May I ask that CORR.014.0003 be brought
28 up on the screen, please. This is part of the submission
29 that you sent to us. In paragraph (c), if we go to the
30 fourth-last line, right at the end, it reads:

31
32 *... Friday, 21 November 1941; those*
33 *circumstances similar to official claim*
34 *that HMT *Aquitania*'s information, re her*
35 *capture of Kormoran survivors on*
36 *23 November, was also not available to Navy*
37 *until the same 27 November.*

38
39 Your allegation is, is it not, Mr Doohan, that Navy was
40 aware that *Aquitania* had picked up German survivors on
41 23 November?

42 A. Yes, I believe that's so. But what you have here is
43 that - I'll read the whole of (c), may I? I think it is
44 necessary to read the whole of (c).

45
46 Q. I want to suggest to you, first of all, that your date
47 is wrong, that *Aquitania* picked up German survivors on

1 22 November.
2 A. There were 26 survivors on the 23rd --
3
4 Q. The 23rd?
5 A. -- at 10 to 6 in the morning.
6
7 Q. If we can have NAA.026.0300?
8 A. Are we coming back to this one again?
9
10 Q. Yes.
11 A. It's on the screen now?
12
13 Q. I am right on it. We're just getting a signal. What
14 is being brought up on the screen, Mr Doohan, is a signal
15 to the Rear-Admiral Commanding Australia Station and
16 various other entities from the Australian Commonwealth
17 Naval Board of 27 November 1941. It reads as follows:
18
19 *Following received from Aquitania by V/S*
20 *through Wilsons Promontory. Begins. Have*
21 *intercepted your message stop.*
22 *22nd November ...*
23
24 It gives latitude and longitude:
25
26 *... rescued 26 Germans from raft. Wind*
27 *force 5. They report cruiser on fire ends.*
28 *Request detailed interrogation of prisoners*
29 *and early report by signal.*
30
31 So it is referring to a message received from *Aquitania*
32 when it was off Wilsons Promontory.
33 A. Yes, visual signals.
34
35 Q. That is, I suggest, the first evidence that anyone had
36 that there were prisoners on board *Aquitania*.
37 A. No, I don't believe that at all. It is necessary to
38 give some explanation for this.
39
40 Q. We will go through it and see where it goes.
41 A. We're coming back to it, are we?
42
43 Q. Yes. I want to go to another signal.
44 A. Why can't we get rid of that little bit now, sir?
45
46 CMDR RUSH: We'll come back to it. Could we have
47 SPC.006.0144.

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THE PRESIDENT: That 2230 is GMT, which is 0600 on the 23rd, H time.

CMDR RUSH: It is, sir.

THE WITNESS: We are coming back to these things, aren't we?

CMDR RUSH: Q. Yes. This is a signal from the Naval Board.

A. Naval Officer Commanding.

Q. To the Naval Officer Commanding - I think it is Muirhead-Gould in Sydney - the Naval Officer Commanding Sydney, and it is on 29 November, and the signal says:

Request you investigate reasons which guided Aquitania in not reporting by W/T recovery of enemy survivors or closing Rottneest PWSS and reporting by V/S.

There I suggest you have a signal from the Naval Board to the Commodore in Sydney saying, "When *Aquitania* berths in Sydney, we want you to investigate why we weren't told that Sydney had picked up *Kormoran* prisoners." That is dated 29 November.

A. And you are asking me to say what?

Q. Do you accept that signal?

A. No, I don't.

Q. Why not?

A. I don't accept it at all, and we need to have some explanation here as to why Rick Bourne was sent that same day down south and why a ferry battle - it has never appeared in the record, but it has appeared in the interrogation records - a ferry battle single-engine bomber was sent out after midday into the area and actually knew that there were Germans in the lifeboats at that time.

But as far as *Aquitania* not having sent signals in, the official story was that she was a merchant ship and she didn't have any ability to handle Navy codes. *Aquitania* was not an ordinary merchant ship. I was in another ship, the *Mauritania*, and we were under complete control of the Royal Navy. We had two sets of signals aboard: we had

1 merchant service signalling, and every one of those ships,
2 the *Mary*, the *Elizabeth* - they all had them - had their own
3 intelligence communication units inside the ship, with a
4 marine guard with a pistol in a holster, and you didn't
5 stop outside that door. They could handle everything to do
6 with Navy signals. They had to. Bear with me, sir.

7
8 THE PRESIDENT: Q. Mr Doohan, I don't want to stop
9 you --

10 A. But what I'm saying is absolutely essential, sir.

11
12 Q. The issue we are addressing is your proposition --

13 A. I want to get to the bottom of this cover-up, sir.

14
15 Q. -- that *Aquitania* reported the recovery of prisoners
16 when it occurred and that that was some basis for
17 GCAPT Bourne then being sent out on a search.

18 A. Absolutely, yes.

19
20 Q. What you have just been shown are some signals, which
21 show that, in truth, *Aquitania* did pick up survivors from
22 *Kormoran* at 6 o'clock on the morning of Sunday,
23 23 November. You have also been shown a signal dated the
24 27th, which says that when *Aquitania* gets to *Sydney*, as she
25 did on the 27th or 28th - I forget which --

26 A. The 28th.

27
28 Q. -- "Please investigate why she only informed
29 authorities for the first time of her picking up of
30 survivors when she passed Wilson's Promontory on the 26th",
31 as she passed around Victoria. That makes clear, I should
32 have thought, that she did not tell authorities on Sunday,
33 the 23rd, that she had picked up survivors from *Kormoran*.

34
35 If that were not clear enough, an Inquiry was in fact
36 held, as requested in the signal which is in front of you
37 now, and the Captain of the *Aquitania* made a statement, and
38 in that statement he explained why he had not informed any
39 authorities. Do you not accept any of that?

40 A. I'm aware of all that.

41
42 Q. You don't accept it?

43 A. I don't accept it, sir.

44
45 Q. You don't accept it because why?

46 A. Because there have been so many falsities, and the
47 SWACH log is a prime example. I want to get to that. The

1 South-West Area Combined Headquarters is a prime example.

2

3 Q. Just so that I'm clear, your suggestion is that you
4 don't accept it because you think the two signals you have
5 just been shown, and the fact of an Inquiry in Sydney as to
6 why *Aquitania* did not report the recovery of survivors, and
7 the statements made by the Captain of the *Aquitania* as to
8 why she did not are all, what, fabrications?

9 A. Yes, sir, but allow me to say this --

10

11 Q. Is that what you say?

12 A. We have to go back to one of your screens a couple
13 back to Crawford Addison Young, the Australian Navy
14 Signaller who was aboard *Uco*, for the delay in seven days.
15 You would have to go back to Crawford Addison Young, which
16 is in the material I've given you.

17

18 Q. We'll come to the question about whether the signals
19 were received on 4 December or 19 November later on, but
20 I'm just talking now about the *Aquitania* issue. Is it your
21 position that you do not accept any of the evidence which
22 I've just referred to, because you say that all those
23 records are falsified?

24 A. All the records that I'm dealing with are falsified.
25 Obviously, there were some that were not.

26

27 Q. What about the ones you have just been shown?

28 A. They have to be falsified, sir, because the people
29 aboard *Aquitania*, the Royal Navy people who really ran that
30 ship - they knew all about it. When they picked those
31 people up, they were not going to keep that a secret from
32 their own people ashore. What I want to say is that when
33 the *Aquitania* stopped that morning, they say she was not
34 due to go into Fremantle.

35

36 Q. Stopped where?

37 A. To pick up the 26 Germans, which she would never have
38 done. We were under strict instructions - and I have
39 experience of that. We were under strict instructions in
40 those ships, the *Mauritania*, which I was in, the *Mary*, the
41 *Lizzy*, the others, we were not to stop. We were --

42

43 Q. Pausing there, are you suggesting that *Aquitania* did
44 not pick up 26 --

45 A. No, I'm not.

46

47 Q. How did she pick them up if she didn't stop?

1 A. I'm suggesting that she was given instructions to go
2 and pick them up. That's what I'm suggesting. We're
3 getting here into a heck of a dramatic situation. I want
4 to give evidence, definitely. The documentation I've given
5 you shows that that seven days was a phoney.
6

7 Q. We'll come to that --

8 A. Yes, sir, we're always coming to it.
9

10 Q. We're just dealing with the *Aquitania* at this stage.

11 A. All right, sir. Can I say on the *Aquitania* that
12 I know that the *Aquitania* was going into Fremantle to be
13 refuelled after her run down from Singapore. I know that,
14 because I was in the refuelling ship and we were waiting
15 for her.
16

17 Q. So you are telling me now, are you, that after
18 *Aquitania* picked up the 26 survivors, she went into
19 Fremantle and was refuelled?

20 A. No, she didn't go in. She was supposed to, but she
21 didn't. We were waiting for her, and she didn't come in.
22 But she did continue on with her Germans, and she knew who
23 they were. It didn't matter what the Captain of *Aquitania*
24 thought; it was the people who were his controlling people.
25 Royal Navy controlled that ship, her movements.
26

27 If I can just explain, we carried thousands of troops.
28 I was in the *Mauritania*, and we carried thousands of troops
29 across the Atlantic. We were moved around around U-boat
30 packs, because we had thousands of American troops aboard.
31 They were the people who ran the ship, not the Captain. He
32 went from A to B, wherever they said A to B was. The
33 simple fact is that she was supposed to be calling in to
34 refuel at Fremantle. She didn't do it. Obviously, in my
35 view, a logical view, she was told to keep on going, "We
36 don't want those people here right now. We have to get our
37 stories straight." That's what I'm saying, sir.
38

39 Q. You are suggesting that *Aquitania* contacted Fremantle
40 or contacted whoever controlled her --

41 A. Contacted - I don't know.
42

43 Q. -- and said, what, "We have German prisoners on
44 board", and they said, "Do not go to Fremantle and refuel,
45 but keep on going"?

46 A. That's what I presume happened, because I'm not privy
47 to what they put on signal paper.

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CMDR RUSH: Sir, I tender the previous signal.

THE WITNESS: Sir, we should really come back to Crawford Addison Young.

THE PRESIDENT: Could we look at SPC.004.0255, please. I thought it was the report.

CMDR RUSH: We will come to that, sir. If I can tender the previous signal and the one of 29 November 1941 and ask that NAA.040.0070 be put up on the screen.

EXHIBIT #187 SIGNAL TO REAR-ADMIRAL COMMANDING AUSTRALIA STATION AND VARIOUS OTHER ENTITIES FROM THE AUSTRALIAN COMMONWEALTH NAVAL BOARD OF 27 NOVEMBER 1941, NAA.026.0300; SIGNAL FROM NAVAL BOARD NAVAL OFFICER COMMANDING TO NAVAL OFFICER COMMANDING, MUIRHEAD GOULD, IN SYDNEY, NAVAL OFFICER COMMANDING SYDNEY, DATED 29 NOVEMBER 1941, SPC.006.0144; SIGNAL TO NAVAL BOARD FROM NAVAL OFFICER COMMANDING SYDNEY, DATED 1 DECEMBER 1941, NAA.040.0070; SIGNAL TO SECRETARY NAVAL BOARD MELBOURNE, DATED 2 DECEMBER 1941, SUBJECT "RECOVERY OF ENEMY SURVIVORS BY HT AQUITANIA", WAM.028.0121

CMDR RUSH: Q. At the top of the page, Mr Doohan --
A. Could I have this enlarged a bit, please?

Q. Does that help?
A. A little more, if you can.

Q. Starting at the top, it is to the Naval Board from the Naval Officer Commanding Sydney dated 1 December 1941, and it refers to:

Your 0724/29. Captain Gibbons "Aquitania" states that after interrogating German survivors about noon local time 23rd November it never occurred to him that a cruiser would sink a raider without informing Naval authorities unless there was some special reason for maintaining wireless silence. He felt strictly bound by CAMSI No. 63 ...

That is concerning radio silence.

1 ... in case he should interfere with some
2 *Naval operation. Secondly he knew that*
3 *raider carried mines and decided not to*
4 *approach Rottneest in case he should take*
5 *his ship into dangerous waters. Thirdly*
6 *when he intercepted "Trocas" 1700/24 in*
7 *reply to ACNB 1052/24 he had already*
8 *rounded Leeuwin and as he could not add any*
9 *useful information decided to maintain*
10 *wireless silence. A written report will be*
11 *forwarded.*

12
13 Is that a cover-up?

14 A. I believe it's part of it, because I go back to my
15 statements a while ago. CAPT Gibbons was able to take a
16 ship from A to B. That was his complete responsibility.
17 The safety of the ship, as a troop-carrying unit, was up to
18 the Royal Navy Communications and Control aboard the ship,
19 which every one of them had.

20
21 Q. He gives a very pertinent reason there as to why he
22 may not approach Fremantle, doesn't he?

23 A. He had to have a pertinent reason; he had to have a
24 reason why he didn't go into Fremantle.

25
26 Q. So you think he made it up?

27 A. He didn't make it up. Somebody made it up for him.
28 I don't know who did it. That's my belief and that's what
29 you're asking me.

30
31 CMDR RUSH: I tender that signal.

32
33 THE PRESIDENT: I'll add that to the previous exhibit.

34
35 THE WITNESS: If you can show me exactly who sent the
36 signal - we know who sent it; it's got it on it - but the
37 bona fides of the people who put that signal together,
38 because it doesn't work in with what the *Aquitania* would
39 have done. I tried to tell you a little while ago that we
40 were never to stop, for a start, for Germans or otherwise.
41 Unless he was told, he wouldn't have done that.

42
43 THE PRESIDENT: Q. You are telling me what you think
44 *Aquitania* would have done.

45 A. I know what she would have done.

46
47 Q. We actually know what *Aquitania* did.

1 A. She was under orders, sir, never to stop. We went
2 through a big Arab dhow one time. They were drowning,
3 because we couldn't stop; we had to keep on going. You
4 only have to look at the history all the way through of
5 those ships. We were never allowed to stop, because they
6 were absolutely top priority, and they were looking ahead
7 to 1943 and 1944, when they had to carry the troops in to
8 take Europe back. All those things had to be taken into
9 consideration. You are not just dealing with a
10 penny-ante action. This whole thing, which in the end was
11 going to change the course of the War or the operation of
12 the War, would actually take any cover-up whatsoever, and
13 there were dozens of them during the War.
14

15 Q. Do you realise what your mental process is, Mr Doohan?
16 What you are doing is saying that this is what, in your
17 view, *Aquitania* should have or would have done --

18 A. She was under orders, sir.

19

20 Q. -- and therefore this is what must have happened,
21 without regard to what we know did happen. Therefore, you
22 say, what is recorded as actually happening could not have
23 happened, or didn't happen. That's just not a logical
24 process of reasoning.

25 A. Sir, I'm not saying that it couldn't have happened,
26 because things often happen that are not supposed to
27 happen. I'm saying that every one of those ships had a set
28 instruction: you don't stop; it doesn't matter what it is,
29 you don't stop. That should be quite easily proven to you.
30 You must know that. If you know the history of those ships
31 during the War, you would know that's a fact, and she would
32 not have stopped. I know that. I was only a young seaman;
33 I wasn't privy to what was going on up on the Bridge, but
34 we all knew it, we all knew what the facts were. If you
35 want to go into it and prove me wrong, just go ahead and
36 try to do it, or do it, if you can.

37

38 Q. The proof is there that she did in fact stop and she
39 did in fact pick up 26 --

40 A. She did stop, sir. Yes, she did.

41

42 Q. She did stop?

43 A. Yes, she did stop.

44

45 Q. Your theory that she would not have stopped is wrong.

46 A. No, sir, that is my belief and that of everybody else
47 that I've ever known.

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Q. How did she pick up the 26 prisoners?

A. She was given a signal to stop, because it was well known to us on the night of the sinking, 19/20 November - and you have documents that at least lead you into that - we knew what happened the same night. We knew that she was going on the 19th/20th through Dawson's signals and SQNLDR Eric Cooper's information to SWACH, South-West Area Command Headquarters, log after midnight of the 19th/20th.

THE PRESIDENT: I'm sure we will come to that. We can go on to the next topic, CMDR Rush.

THE WITNESS: We're always coming back to it, sir. That's the problem, and it loses me. Some of these things I don't want to give evidence on, because I don't have the knowledge. I just know what we all believe it was - certain things. But I'm not aware of everything that happened in this thing. I wish I were. I was just a young seaman. What I'm telling you now, I'm going on the evidence that I've given you and I'm going to stand by that.

THE PRESIDENT: I've read all that.

CMDR RUSH: If WAM.028.0121 could be brought up on the screens, and if I have not tendered the signal that is on the screen, if that could be done.

THE PRESIDENT: That can be added to exhibit 187.

THE WITNESS: I think we have to get back to the reason why there was a seven-day delay. You have to go back to Crawford Addison Young - all my material, it is all in there - as to why there was a seven-day delay, why there had to be a seven-day delay.

CMDR RUSH: Q. I have Mr Young's document. I'll come to it. What is here is a report, Mr Doohan, from the Commodore in Charge of the Naval Establishments, Sydney.

A. Was that Muirhead-Gould?

Q. Yes. To the Secretary of the Naval Board, Melbourne. It is dated 2 December 1941 and the subject is "Recovery of Enemy Survivors by *HT Aquitania*". If we go to paragraph 2:

CAPT Gibbons [the Master of Aquitania]

1 *stated that at the time he picked up the*
2 *survivors (2230 GMT on 22nd November,*
3 *1941), he had received no W/T messages of*
4 *any sort indicating that an action had*
5 *taken place, or that any ship was overdue,*
6 *or that there was any anxiety from a Naval*
7 *point of view. There were no signals about*
8 *the action received in "Aquitania" until*
9 *long afterwards. GBMS messages are*
10 *received and dealt with correctly in*
11 *"Aquitania".*

12
13 So on your view, what he has put there is really a fraud?

14 A. For a start, you have the GBMS, which is Merchant
15 Service. They are the only signals that CAPT Gibbons would
16 admit to knowing about, because as I said before, the
17 brains of the ship, the operations of the ship, a very,
18 very important unit of the troop-carrier, were handled by
19 the Royal Navy, not Gibbons.

20
21 Q. Insofar as that is saying that no signals had been
22 received, he was unaware of any Naval activity in the area
23 where he picked up, unaware because he had received no
24 signals until picking up German survivors, you would say
25 that that could not be right and that what is written there
26 is, in effect, a fraud?

27 A. Well, if I can put it into the terms as I see it, if
28 CAPT Gibbons had had the guts to stand up and say, "Look,
29 this isn't the case", CAPT Gibbons would have lost his four
30 stripes; he would never have got a job again in peacetime.
31 CAPT Gibbons was also a responsible Englishman who had -
32 what I'm saying is that CAPT Gibbons couldn't have said
33 anything else. That's what I'm saying.

34
35 THE PRESIDENT: Q. Are you suggesting that he lied?

36 A. Well, yes, technically it would have been so. But as
37 far as CAPT Gibbons - I don't know CAPT Gibbons; I never
38 met him, but he would also have had that overriding belief
39 that we had to win the War. Everybody had that. We had
40 it. Even I did. If you had to do something, you did it.
41 CAPT Gibbons would have finished his whole career. There's
42 more than one example of this. That's what I'm saying,
43 sir. What do you expect? Do you expect to have two lots
44 of evidence - one saying yes, one saying no - from the same
45 people who are trying to get the same story across? That's
46 what I'm saying.

47

1 CMDR RUSH: Q. So you say that CAPT Gibbons lied?

2 A. Yes, technically, yes, but CAPT Gibbons would have
3 excused himself.

4
5 Q. You believe that he lied for the reason of protecting
6 his career?

7 A. No, he lied - he didn't tell the truth, anyway, on the
8 basis of his instructions that, "This is far bigger than
9 you, CAPT Gibbons, far bigger."

10
11 Q. So he gave this account because you theorise that this
12 was bigger than him because of the necessity of bringing
13 Japan into the War?

14 A. Yes, I do, and I do that on the evidence which we
15 have, and had then, as a matter of fact.

16
17 Q. A couple of more paragraphs. The report sates:
18

19 *3. The survivors were picked up at 2230*
20 *GMT on 22nd November, 1941 ... They were*
21 *turned over to the Staff Captain for*
22 *interrogation - the "Aquitania" proceeded*
23 *on her voyage. No search was made for*
24 *other rafts or wreckage as Captain Gibbons*
25 *"did not know what else there might be*
26 *about" (meaning that another raider might*
27 *be in the vicinity).*

28
29 *4. It was not until nearly noon (local*
30 *time) that Captain Gibbons read the results*
31 *of the interrogation of the prisoners and*
32 *realised that there had been an action and*
33 *he says in his own words:*

34
35 *"It never dawned on me that there was*
36 *anything wrong with the Cruiser - I thought*
37 *'Well she has sunk this German ship, and*
38 *the Navy knows about it, and they have it*
39 *in their scheme of things, and they know*
40 *what they are going to do.'"*

41
42 That quote, that story, you say is, in effect, a
43 fabrication?

44 A. Yes, I do. A man would have been crazy to have gone
45 against the official story.

46
47 CMDR RUSH: Paragraph 5:

1
2 5. Captain Gibbons referred to CAMSI and
3 said that he felt bound by CAMSI 63
4 because:

5
6 "There had been no distress signals, no
7 enemy action signals, no Raider, no
8 Submarine, no Aircraft signals, or anything
9 hostile that I could clear myself with for
10 breaking Wireless silence. I felt that
11 I was bound by CAMSI No. 63 - Restriction
12 on the use of W/T. Furthermore, I had no
13 reason to suppose that anything out of the
14 ordinary had happened, beyond the vital
15 fact that a Cruiser had sunk an enemy
16 raider."

17
18 6. The results of the interrogation did
19 not convey to Captain Gibbons that the
20 Cruiser had been badly hit. He knew she
21 had been hit and two Germans had seen fire
22 in the Cruiser; they did not say the
23 Cruiser was on fire. He had no reason to
24 suppose the Cruiser had been burnt out.

25
26 I tender that document, sir.

27
28 THE PRESIDENT: I'll add that to exhibit 187.

29
30 THE WITNESS: All the information I have, and some of it
31 from the people on the *Aquitania*, is that those
32 26 survivors were immediately questioned by a fluent
33 German-language person. CAPT Gibbons may have said he
34 didn't know until after lunchtime, but by roughly 6 o'clock
35 those prisoners were already in the lounge being
36 interrogated. CAPT Gibbons must have been very, very lax
37 in not wanting to know about it until after he had his
38 lunch. These are other sides of the question that I guess
39 we're going to get back to. I would still like to get back
40 to Crawford Addison Young and the *Aquitania* to explain why
41 that seven days were needed when we didn't know what had
42 happened.

43
44 CMDR RUSH: Q. I will go to Mr Young, but I want to deal
45 with what is related to this and GCAPT Bourne. If we could
46 have PINQ.SUBS.019.0025 on the screen, please.

47 A. CMDR Rush, you just took it away from me then, but

1 there is a sentence there that as soon as they were picked
2 up, they were turned over to the Staff Captain for
3 interrogation. That would have been at 6 o'clock in the
4 morning. They came aboard at 10 to 6. So the
5 interrogation started by at least 6 o'clock in the morning.
6

7 THE PRESIDENT: Q. That's a very doubtful proposition.

8 A. It says so here, sir.
9

10 Q. It says that they were picked up at 6 o'clock and
11 turned over then to the Staff Officer. I would have
12 thought that the first thing to happen would have been that
13 they were given a drink of water and possibly food and made
14 sure they were medically fit and then interrogated.

15 A. That would be the ideal situation if you were an ideal
16 person. But that wouldn't be the case. Incidentally, of
17 the 26 in the raft, only two people I think had anything
18 wrong with them. The rest were all clean shaven, well fed
19 and everything else. That's in the record. They didn't
20 have to wait for a glass of water.
21

22 The instruction there is that they were turned over to
23 the Staff Officer for interrogation. That would mean,
24 okay, what happened? CAPT Gibbons has also said that he
25 feared there might be another raider, an enemy ship, in the
26 area. This is in some of the reports. Therefore, he
27 wanted the interrogation to be carried out right then and
28 there, not after lunch.
29

30 CMDR RUSH: Q. To accept your proposition, Mr Doohan, of
31 necessity it means that the Navy and the Government
32 deliberately did not go out and search for survivors of
33 *Sydney*?

34 A. Yes, sir. The evidence is here.
35

36 Q. No, but that is the effect of it?

37 A. That's what I'm saying.
38

39 Q. That the Navy and the Government deliberately left
40 survivors of *Sydney*, or potential survivors of *Sydney*, to
41 drown?

42 A. Yes, under pressure, and I say the pressure came from
43 the Admiralty.
44

45 Q. Because of the necessity of bringing Japan into the
46 War?

47 A. The necessity of preventing the Japanese even suspecting

1 that we were reading their diplomatic codes and their
2 straight Navy codes.

3
4 Q. And under pressure from Admiralty?

5 A. Absolutely.

6
7 Q. And the UK Government?

8 A. And our Naval Board, which was a creature of
9 Churchill's - our Naval Board. Every officer on the Naval
10 Board was somebody sent by Churchill. Admiralty controlled
11 it.

12
13 Q. This conspiracy involved all those Governments and all
14 those people and has been continued on to this day?

15 A. Sir, once we had had over four years of War with
16 Japan, it was not a thing that was in the public mind very
17 high, and that would have been taken into consideration.
18 Those signals you are talking about that were transposed on
19 4 and 5 November to leapfrog over 19/20 November and
20 Dawson's signals and SQNLDR Eric Cooper's sending of them
21 to SWACH headquarters at midnight, or about midnight that
22 night - they were then turned up as signals transposed to
23 4 and 7 December and they were supposed to be traffic on
24 the telegrams channel between Sydney GPO and Darwin GPO.

25
26 THE PRESIDENT: Q. We are going to come to that.

27 A. I hope we come to it soon, because I am getting very
28 mixed up here.

29
30 CMDR RUSH: Q. This is the supplementary submission of
31 GCAPT Bourne to the Parliamentary Inquiry. You see that he
32 states:

33
34 *At 1630 hours WST on Sunday 23 November*
35 *1941 Area Combined Headquarters, Fremantle*
36 *sent a warning message to RAAF Pearce*
37 *Operations Room as shown underlined and*
38 *starred in the Appendix.*

39
40 *This stated "Sydney 4 days overdue" ie*
41 *HMAS Sydney was not 2 days overdue nor 3*
42 *days overdue but definitely 4 days overdue*
43 *which dates back to Wednesday 19 November*
44 *1941, so that ACH Fremantle was aware that*
45 *HMAS Sydney had been involved in a battle*
46 *on that day and nothing more had been heard*
47 *since and if ACH Fremantle knew then no*

1 *doubt the ACNB would have been informed and*
2 *would also have known. It could have been*
3 *vice versa.*

4
5 Is that logic of GCAPT Bourne something that you accept?
6 A. Sir, I have to admit that when you were reading that,
7 I was also looking at the "Sinking of the *Sydney*
8 Guide No. 3". I apologise. Would you please let me have
9 that again?

10
11 Q. Perhaps I can summarise it. GCAPT Bourne says that
12 the Navy knew of the loss of *Sydney* on 19 November 1941.

13 A. Yes.

14
15 Q. On the basis of a signal received at Pearce on
16 23 November 1941 saying that *Sydney* was four days overdue.
17 Is that logic that you accept?

18 A. No, I know that's not what Rick Bourne would have
19 thought. I worked very closely with Rick Bourne.

20
21 THE PRESIDENT: Q. This is a submission of Mr Bourne, is
22 it not?

23 A. I understand that. I gather it is.

24
25 CMDR RUSH: That's what he has written, sir.

26
27 THE PRESIDENT: Q. This is what he wrote. This is what
28 GCAPT Bourne wrote.

29 A. Yes. What is happening here, sir, is that every few
30 minutes, we're going back to something, but we haven't gone
31 back. My mind is being cluttered with stuff, some of which
32 I had no personal knowledge of - or not "no knowledge" of,
33 but I had no experience with. I want to deal with the
34 experience that I have.

35
36 The material which I've given you is official
37 documentation to show - as an example, if I can put it this
38 way, the bottom line of the whole official story is that
39 there were no signals from *Sydney*. Would you agree with
40 that? That's the bottom line, that there were no signals
41 from *Sydney*. Therefore, the only ones who can give us any
42 information are the eyewitnesses, our German friends. That
43 is the bottom line.

44
45 What I want to get to - and I know you want to get
46 there, too - is the fact that once it is shown that that
47 story is not true, it is not correct, that there were

1 signals sent - we knew there were signals sent - then
2 you're going to be on a basis of really arguing with me and
3 showing me where I'm wrong. That is your job - to show me
4 where I'm wrong.

5
6 CMDR RUSH: Q. I'm not in the job of doing that. I'm
7 putting forward --

8 A. I think it is.

9
10 Q. - theories at the moment. We have been through
11 *Aquitania*. I want now to look at some of the signals
12 issues.

13 A. Yes, please.

14
15 Q. Before we look at that, I want to take you to a couple
16 of signals that were sent to *Sydney*.

17 A. Yes, sir.

18
19 Q. If NAA.026.0469 could be brought up on the screen,
20 please. This is a signal from the Naval Officer of Western
21 Australia to the Australian Commonwealth Naval Board and
22 *HMAS Sydney*. It reads:

23
24 *HMAS Sydney 0426 ...*

25
26 I'm not sure of the precise meaning of that

27
28 *HMAS Sydney has not yet arrived.*

29
30 On your theory, that is sent by the Naval Officer of
31 Western Australia to the Navy Board when Navy knew that
32 *Sydney* was lost?

33 A. Yes, and that is where you need to go right now to the
34 evidence of Crawford Addison Young.

35
36 Q. What theory do you give to the Commissioner to explain
37 that signal?

38 A. I have to have time to explain this; otherwise,
39 I might not even try.

40
41 Q. Is that part of the cover-up?

42 A. Yes, it is. Could I explain now so that you will
43 understand what I'm about?

44
45 Q. Yes.

46 A. Crawford Addison Young was a Navy Signaller who had
47 been --

1
2 CMDR RUSH: I will come to Young, I promise you. I tender
3 that signal, sir.

4
5 **EXHIBIT #188 SIGNAL TO AUSTRALIAN COMMONWEALTH NAVAL BOARD**
6 **AND HMAS SYDNEY FROM DNO WA DATED 21 NOVEMBER 1941,**
7 **NAA.026.0469; SIGNAL OF 23 NOVEMBER 1941 FROM NAVAL BOARD**
8 **TO SYDNEY REPORTING ETA IN FREMANTLE, NAA.040.0468; SIGNAL**
9 **TO SYDNEY ON 23 NOVEMBER 1941 AT 1436Z, NAA.040.0466**

10
11 CMDR RUSH: May we have on the screens NAA.040.0468.

12
13 THE WITNESS: Sir, can I break in once again before we get
14 to that? The simplest story in a couple of words that
15 I can put in here is that Crawford Addison Young was in the
16 DNO's office at the time that signal was sent, and it is in
17 the record. He was there. They knew on the morning of
18 21 November that he had picked up the action signals from
19 Sydney, and they knew it on the night of the 19th and 20th,
20 but they certainly knew on the morning of 21 November, that
21 Addison Young, in the DNO's office, had given the
22 information with all his gear, his telegraphist's gear -
23 they knew on 21 November that there had been an action on
24 19/20 November. That's what I'm trying to get in. It
25 might help you with your deliberations.

26
27 CMDR RUSH: Q. The signal of 23 November 1941 from the
28 Naval Board to Sydney, "Report ETA Fremantle" - estimated
29 time of arrival Fremantle - also was a signal that was,
30 what, created as part of the cover-up?

31 A. This is the one in front of me now?

32
33 Q. Yes.

34 A. That's Sunday. That was a Sunday. The time of
35 origin - I can hardly see it.

36
37 Q. It's "Report ETA".

38
39 THE PRESIDENT: Q. "1054Z".

40 A. "Report ETA Fremantle" - her report that she had sent
41 in was that she would be, as you know, certainly back in
42 Fremantle by the 20th.

43
44 Q. We know that, but what we have here is the Naval Board
45 sending a signal to HMAS Sydney on 23 November saying,
46 "Please report your ETA Fremantle"?

47 A. I see. That was sent out on the evening of that

1 Sunday.

2

3 Q. But according to you, the Naval Board knew that the
4 Sydney was lost on the 19th.

5 A. Yes, that's right.

6

7 Q. So this also must be fraudulent?

8 A. It has to be, sir. It is part of the cover-up. The
9 cover-up was to prevent Japanese having information that we
10 may be reading their codes.

11

12 Q. It was distributed to the 1st and 2nd Naval Members,
13 DCNS, DNI, MNS - I can't read the last one.

14 A. The 2nd Naval Member was here on the 18th listening to
15 signals coming through that Sydney was trying to identify a
16 vessel. That was on the 18th, the same day we believe that
17 three Officers from Perth would go to Geraldton. One of
18 them was LCDR Bailash; the other one was LTCOL Wolfenden;
19 the other one was SQNLDR McLane, who had just been given a
20 kick-up in rank, anyway. They were aware on the 18th that
21 something was going to happen off Geraldton.

22

23 Q. I understand that you say that all these people knew
24 on 19 November that Sydney was lost. All that is being put
25 to you now is a series of signals sent by people who you
26 say knew she was lost when they were asking her to report
27 her time of arrival?

28 A. Well, sir, as I say, this and the evidence does show
29 that it is a cover-up. What else could they do with that?
30 Could they be sending their signals the truth, that, "We
31 don't know where she is", or, "We do know what's happened
32 to her"? Sir, if you've got a cover-up, you have to have
33 paperwork to go with it.

34

35 Q. The obvious alternative is that they didn't know that
36 she had been lost.

37 A. When we get to that part of the documents you're going
38 to be relying on, documents 12A and 11A for a start, they
39 show completely where the cover-up was occurring. We
40 haven't reached there yet.

41

42 THE PRESIDENT: We'll get there.

43

44 CMDR RUSH: I tender NAA.040.0468, dated the 23rd. That
45 was sent at 1054Z on the 23rd.

46

47 THE PRESIDENT: That will become part of exhibit 188.

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CMDR RUSH: If NAA.040.0466 could be brought up on the screens, please.

Q. This is a further signal to Sydney on 23 November, this time at 1436Z on the 23rd reading:

Report your ETA at Fremantle by W/T via a commercial W/T station on 500 M/S and on 6610 M/S.

I'll try to simplify it - these are being manufactured?
A. What it says here is, "We don't know you're gone." That's what it says, "We don't know you're gone. Where are you?" What would you do if you knew they were gone? Are you going to say, "We know you're gone"? This says, "We don't know where you are. When are you going to get here?" They already knew on the 21st. This is the 23rd. They already knew, on the evidence you have there, which involves Crawford Addison Young, even on that, they already knew on the 21st that Sydney was gone.

Q. So these signals are being manufactured?

A. Yes, they are.

Q. And a cover-up?

A. Absolutely. Whatever I have to take for that, I'm prepared to go through with it. I want to see some truth.

CMDR RUSH: I tender that signal, sir.

THE PRESIDENT: That will be added to exhibit 188.

THE WITNESS: I'm in sympathy with the bereaved as well. I'm telling you exactly what I believe on the evidence. I'm not doing anything which is anti your situation or which is illegal, as far as I know. That's why I asked you what my rights are, because I want to know what they are. I'm prepared to stand up in any court and go with the evidence.

CMDR RUSH: Q. If we can go back to GCAPT Bourne, at PINQ.SUBS.008.0041, if we look at the right-hand side of the page, you see GCAPT Bourne puts this proposition:

It is in fact quite feasible that once Captain Farncomb had obtained the

1 *Aquitania's Staff Captain interrogation*
2 *notes and reports and discussed*
3 *Captain Gibbons earlier interrogations with*
4 *him that these were passed to Navy Office*
5 *where these two reports were completed in*
6 *addition to the Appendices to the main body*
7 *of my paper, Aquitania (2nd Edition). This*
8 *could explain the lack of signatures to*
9 *these reports and the CNS willingness to*
10 *give credibility to the first report. It*
11 *also adds weight to my belief that the CNS*
12 *and indeed the whole Naval Board were party*
13 *to the plan to cover up the fact that the*
14 *Aquitania did break radio silence and a*
15 *sufficient trail of documentation produced*
16 *to convince future historians that she did*
17 *not do so. It only remained for*
18 *Captain Farncomb to be convinced that it*
19 *was in the interests of the Navy and his*
20 *career prospects that this subterfuge using*
21 *his name should take place. In those days*
22 *there was a 50 year limit of the*
23 *declassification ...*
24

25 So GCAPT Bourne held the same theory as you in relation to
26 this cover-up?

27 A. Looking at this, basically this is entirely his view,
28 and I certainly was not opposed to his view, but it only
29 remained for CAPT Farncomb to be convinced that it was in
30 the interests of the Navy. I couldn't have anything to say
31 there at all, because I don't know CAPT Farncomb; I don't
32 know what he wants to think, and I would make no attempt to
33 assess what CAPT Farncomb thought. All I know is that any
34 person, a Captain or an Admiral, if you like, who stood up
35 at that stage of the game to say that this is a cover-up -
36 well, it's bye-bye for them. They would have to look for a
37 job after the War.
38

39 Q. Mr Doohan, you say, based on GCAPT Bourne, that there
40 was a flight undertaken by him, I think on 23 November?

41 A. He says so, too, and so does the record.
42

43 Q. There is no record of that flight, I suggest.

44 A. Oh, there is a record.
45

46 Q. Let us look at the record, so if we could have
47 RAAF.002.0006 on the screens.

1 A. It was never in the records, sir. It was never put in
2 the record.

3

4 Q. This is a chronological setting out of flights and
5 postings from RAAF Pearce over the time that we're talking
6 about, from 11 November 1941 through to 25 November 1941,
7 which is in front of you, and you will see that there is no
8 entry for 23 November, no movements of aircraft on that
9 day. Do you say that that is incorrect or that it has been
10 altered or that it does not represent what happened?

11 A. Remember, I was not RAAF at that time. I was in the
12 RAAF after the War, but I wasn't in the RAAF at that time.
13 This is entirely something from Rick Bourne. He is the
14 person who was involved. He is dead now. It was never in
15 the record. Rick knew that it was never in the record.
16 That was a secret flight.

17

18 If you read his statements and his stat decs in one of
19 my submissions to the 1998 Inquiry, you'll find that they
20 were puzzled. He and LEUT Fletcher, the aircraft's
21 Commander - Rick was second pilot, with two air gunners -
22 they wondered why they had been sent down, but it was a
23 secret flight. They were not to use the letters of the day
24 or anything. They were not to challenge any ships, which
25 was their job. They were a maritime unit. They were not
26 to challenge anyone. They were to report if they could see
27 Sydney between --

28

29 Q. Why was it a secret flight?

30 A. It was a secret flight.

31

32 Q. Why?

33 A. Because Sydney was, at that time, coming down from
34 Indonesia. She hadn't even got as far south as Fremantle.
35 On the morning they picked up 26 Germans in a raft, all of
36 a sudden - Rick was sitting in the ready room, as they were
37 on standby flight that weekend, wondering whether to do his
38 washing. It's all on his record.

39

40 Q. Why?

41 A. Let me please tell you. He's sitting there. Just
42 after breakfast, at a quarter to 8, Dick Fletcher walked in
43 and said, "Okay, off your bot, sport. We've got a job."
44 They went out to where the aircraft was parked, and their
45 instructions - it's all in what he's given you; it's in his
46 record - were that they were not to use their radio; they
47 were not to use any signals back; they were not to

1 challenge any ship they saw, which was their job, any time;
2 they were to look for *Sydney*.

3
4 Q. I'm aware of what is alleged by GCAPT Bourne as to
5 what he was told. I'm asking you to give some explanation
6 as to why it would be ordered to be a secret flight?

7 A. Obviously, they didn't want - you'll have to come back
8 to the *Aquitania*. You've just had Germans picked up at
9 10 to 6 in the morning. They were immediately
10 interrogated, and I believe you've read all their
11 interrogation notes.

12
13 Q. Unless I'm wrong, *Aquitania* picked up its prisoners on
14 the 22nd, not the 23rd.

15 A. *Aquitania*?

16
17 Q. Yes.

18 A. She picked them up on the 23rd.

19
20 THE PRESIDENT: Q. At 6 o'clock on the morning of the
21 23rd.

22 A. The 23rd was a Sunday. You are wrong and I'm right
23 there. Pardon me. I'm not having a crack at you, but
24 somewhere along the way I'm right. She picked them up on
25 the 23rd. The only way we could have known on that day -
26 there was not even supposed to have been knowledge that
27 there had been action - somebody told our people that the
28 action took place south of Fremantle. As it turned out,
29 the Germans who went to *Sydney* with the *Aquitania* are the
30 ones who gave that story, that the action occurred
31 130 miles south of Fremantle. I thought you knew that.

32
33 Therefore, if that were the case - and our people knew
34 it wasn't correct, anyway - why have they sent that
35 aircraft down on a secret flight? You will have to get
36 somebody who might be alive to tell you now. I presume --

37
38 CMDR RUSH: Q. You're saying that it was not only a
39 secret flight; it was sent to an area where the Navy knew
40 that the engagement had not occurred?

41 A. Yes, but I don't know why they did that.

42
43 Q. You don't know why they did that?

44 A. No. Maybe it was - maybe. I don't want to deal in
45 maybes. Maybe it was so they could give an explanation as
46 to why we did that while we were still - they wouldn't be
47 looking for *Sydney*, for a start, south of Fremantle when

1 they knew she was north of Fremantle.

2

3 Q. The very next day, a full-scale aerial search was
4 done?

5 A. On the 24th, on the Monday.

6

7 Q. The very next day, on the 24th a full-scale aerial
8 search started early in the morning and you say that
9 GCAPT Bourne undertook a secret flight on the 23rd for no
10 purpose and it is not recorded in the log.

11 A. He and Dick Fletcher and two WAG - wireless air
12 gunners - took a secret flight and I'm trying to get here
13 where it is in the official history of the sinking of
14 *HMAS Sydney* guide No. 3, I've got it here. I want to show
15 it to you.

16

17 Q. Tell me, did you ever think that GCAPT Bourne might be
18 right off the mark in what he was telling you?

19 A. No, I didn't. What I do know is that GCAPT Bourne,
20 and this is part of the stories you've got, didn't even
21 suspect anything right up until 1993 when he met me and
22 I had never ever met him before. He didn't know why, but
23 he had been insulted by Navy personnel because he suggested
24 there was something wrong. I didn't know he made the
25 flight, I didn't even know he existed. I'm sorry, but
26 I have to tell you this.

27

28 Q. Mr Doohan, if we can just look, so it's clear, on the
29 third-last entry on that page, on 24 November 1941
30 operations:

31

32 *In the morning 6 Hudson Aircraft operating*
33 *from PEARCE carried out a Diverging Track*
34 *Search to locate HMAS "SYDNEY", and in the*
35 *afternoon 7 aircraft flew cross country*
36 *from PEARCE to Geraldton.*

37

38 A. I know that one.

39

40 THE PRESIDENT: Q. They recorded the search on the 24th,
41 but they did not note either a flight or a search on the
42 23rd which had the same objective.

43

44 A. The evidence is that they did - a single flight.
45 A16-30 was the aircraft that did it. A16-30 did that
46 flight. But there was never a record allowed to be put
47 down on it. The one you are looking at now is a whole
flight of aircraft that were seen, couldn't be missed, but

1 the secret flight is on the record. That's all I can say.

2

3 THE PRESIDENT: I think it's time to have a break. We
4 will take a brief adjournment

5

6 **SHORT ADJOURNMENT**

7

8 THE PRESIDENT: Yes, CMDR Rush?

9

10 CMDR RUSH: Q. Just to complete a couple of matters
11 concerning GCAPT Bourne, it is your understanding,
12 I suggest that at the end of each day, the log was signed
13 off, the one on the screen, by the Commanding Officer of
14 the squadron?

15 A. For example, the flight on the 23rd would be signed
16 off as a flight. A secret flight, if that's what you mean,
17 I should not imagine would be signed out by anybody. It's
18 a secret flight.

19

20 CMDR RUSH: I tender that page of the log, which is
21 RAAF.002.0006.

22

23 THE WITNESS: Could I break in again? I don't know what
24 the program is here, but what I was telling you about -
25 this is Guide No. 3. Could I read out something?

26

27 *When HMAS Sydney left Fremantle, she was to*
28 *escort ...*

29

30 THE PRESIDENT: Q. I'll stop you if I may. I think what
31 you are reading from is the report prepared by the
32 Australian Archives.

33

34 A. That's correct.

35

36 Q. That is not evidence. That is somebody's summation of
37 what they saw of what was in the records.

38

39 A. It has been admitted by Summerville that he did do this,
40 he did alter this document.

41

42 Q. I have a copy of that. I understand that.

43

44 A. Could I read it out for the record?

45

46 Q. You don't need to.

47

A. Well, I would like to.

CMDR RUSH: Q. It is in your submission in some detail.

A. But I would like to read it out here. It will take

1 only a moment.

2
3 THE PRESIDENT: That will just waste our time. We don't
4 want to do that, thank you.

5
6 I'll mark that RAAF log as 189.

7
8 **EXHIBIT #189 CHRONOLOGICAL DETAIL OF FLIGHTS AND POSTINGS**
9 **FROM RAAF PEARCE FROM 11 NOVEMBER 1941 THROUGH TO**
10 **25 NOVEMBER 1941; RAAF.002.0006**

11
12 THE WITNESS: It says in square brackets that 24 November
13 was added to it, when it was in the original report as
14 23 November, and Summerville changed it, and I believe he
15 broke the law doing it.

16
17 THE PRESIDENT: Q. I understand that Westhoven was a
18 junior officer who, in 1945, was asked to write a report --

19 A. By a senior officer.

20
21 Q. I understand all that.

22 A. Rycroft, the senior officer, ordered her to make a
23 report.

24
25 CMDR RUSH: Q. Could we look, please, at RAAF.002.0026.
26 This is an operations record between, looking at the top of
27 the page --

28 A. Could we have that enlarged, please?

29
30 Q. -- 1 November 1941 and 30 November 1941, and it sets
31 out all the personnel that were involved in flights on the
32 24th. If we go back to the previous page, what we're
33 seeing is that on 24 November, a Hudson, if you go down to
34 A16-30, GCAPT Bourne flying diverging track south, same as
35 above, "No sightings". I suggest that the log goes through
36 to 28 November, indicating all the air crew, including
37 GCAPT Bourne, who were involved in searches for *Sydney*?

38 A. In other words, they are on the record.

39
40 Q. They are on the record.

41 A. Not one of those flights is a secret flight.

42
43 Q. That's right.

44 A. They are all open and above board. Why would you put
45 out a report on a secret flight?

46
47 THE PRESIDENT: Q. Why would you have a secret flight?

1 The problem you have is this, Mr Doohan: you have what was
2 then Flight Officer, I think, Bourne telling you that he
3 went on a secret flight. The problem with that story is:
4 one, there is no conceivable reason that I can think of why
5 should such a flight would be secret if they are going to
6 try and find *Sydney*; two, it is not recorded in any book,
7 and it should have been and would have been if it had
8 occurred; three, the log is a continuous log of all the
9 flights, and that flight is not there; four, the following
10 day, when they go on to search for *Sydney*, all the flights
11 which engaged that task are recorded. What you are asking
12 me to do is to accept a statement by --

13 A. A dead man.

14

15 Q. -- Flight Officer Bourne that he was instructed to go
16 on a secret flight, not recorded, looking for *Sydney*, when
17 the whole purpose of all the recorded flights the following
18 day are to find *Sydney*. Why they would not record such a
19 flight is quite beyond me.

20 A. Shall I give you the explanation that I have, sir?

21

22 Q. Yes.

23 A. On 21 November, it was known by the evidence and the
24 documents of Crawford Addison Young, the Navy Signalman who
25 was just transferred out of the *Uco* back into Navy, on the
26 morning of 21 November, before 9 o'clock, it's in his
27 record that he was in the DNO's office, telling them and
28 giving them the evidence that he had picked up the signals
29 from *Sydney*; she was in action only 30 hours before.
30 That's on the 21st.

31

32 So it's not surprising that on the 23rd - they brought
33 a report out many years later when questions were asked as
34 to what are they hiding? They are hiding the fact that on
35 21 November, they knew *Sydney* was gone, the same as they
36 knew it on the 19th and 20th, but let that ride for a
37 while.

38

39 We can prove absolutely they knew on 21 November that
40 *Sydney* had gone. Crawford Addison Young's information was
41 not allowed out until seven days later, which is exactly
42 the same as the *Aquitania*, the same effect. It is there,
43 sir. That is the reason why that would be a secret on the
44 23rd. Have a look down there, because the Germans on the
45 *Aquitania* had said that the action took place 130 miles
46 south of Fremantle. That is what they went down there for,
47 possibly, although they knew it wasn't the case, so I can't

1 say why they did it, really, but I am just answering your
2 question.

3

4 Q. Can you give us an explanation as to why, if they were
5 told on the 21st that *Sydney* was lost, they waited until
6 the 23rd to conduct a secret flight and not have a secret
7 flight on 21 or 22 November, but have one on 23 November,
8 and then have a public flight, non secret, on the 23rd?

9 A. All I'm saying is that the evidence is there that they
10 knew on the 21st, and that will come eventually and we will
11 get there, we will be looking at this stuff - they knew on
12 the 21st in the morning before 9 o'clock when Crawford
13 Addison Young, being where he was not supposed to be, they
14 were certainly not going on the 23rd to say, "Yes, we knew
15 on the 21st." That's all the reason you need to have as to
16 why the 23rd flight must remain secret, because they
17 already knew, and it is proven they knew on the 21st that
18 *Sydney* was gone, and they knew that on the evidence of
19 Crawford Addison Young who took the signals. That is all
20 on the record and it is also in the record that he was in
21 the office. I've given you that information.

22

23 CMDR RUSH: Q. Mr Doohan, accepting that proposition for
24 the purposes of the question that they knew on the 21st,
25 why did they delay a secret flight to the 23rd, send the
26 secret flight to where they knew the ship was not and then
27 have a full-scale search on the 24th?

28 A. That's why we are having an Inquiry to find out why
29 these lies were being told - and lies they are and lies
30 they were. Can I ask one question, please, otherwise
31 I won't get around to asking it? Isn't it a simple thing -
32 we all agree *Aquitania's* movements here are important to
33 either disproving or proving what I'm saying - why can we
34 not just ask the record that all the ships, the
35 troop-carrying ships, the large ones, were under
36 instructions never to stop. That has to be a formal order
37 to them all, because we all knew it was on. Why can't we
38 just check that one out? Once you know that *Aquitania*
39 cannot stop, then that verifies what I'm saying that it
40 would not have stopped.

41

42 THE PRESIDENT: Q. Just think about that for one minute.
43 We know she did stop.

44 A. Yes, we know.

45

46 Q. Because she picked up some prisoners.

47 A. How did she know they were there?

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Q. She came across them.

A. It's a big and massive ocean, sir; I know.

Q. Let's put these two things. She did stop because she picked up prisoners and, secondly, we have consulted the records, and we have a statement, as part of a formal inquiry conducted in Sydney on 28 November, when she arrived in Sydney, as to why she had not told anyone that she had picked up the survivors.

A. Yes. Once again, it's not possible --

Q. Your thesis is: (a) she couldn't stop but she did pick up survivors and (b) that, having done so, she then told the Naval authorities, although they had an inquiry to find out why she didn't tell the Naval authorities. Just think about that for a minute. Do you not see the inconsistency in what you are saying?

A. This is why I go back to what I just spoke about with CMDR Rush. She was definitely under instructions, the same as every one of those big ships were, not to stop. She did stop, so that indicates to me and a lot of other people that she was ordered to go to a certain set of coordinates to pick up people that they knew were there. The same day that she went there, an aircraft flew out from Pearce, a Fairey Battle that was normally used for towing drogues for aircraft, for air-to-air firing and ground-to-air firing. This is factual. That flight went out only after Rick Bourne's flight occurred in the morning. As I say --

Q. I'm familiar with that story. It is a story which is advanced by GCAPT Bourne in his submissions to the Parliamentary Inquiry. When you look at it closely, he has his days wrong by two. The flights are recorded and his recollection is wrong.

A. It was a secret flight.

Q. It wasn't a secret flight.

A. Well, you know that sir, I don't.

CMDR RUSH: Q. As part of this, you say that there was a Fairey Battle aircraft sent out on 23 November from Geraldton?

A. They have never admitted that.

Q. That's what you say.

A. There were two of them in Geraldton, and I didn't know

1 that until I met GCAPT Rick Bourne in 1993 I think.

2

3 Q. And that was flown by FLGOFF Davey?

4 A. No, FLGOFF Davey did fly the other one. There were
5 two. The one we're talking about, there's no record of her
6 flying that day, and in a secret operation I don't see how
7 there could possibly be a record that you could find or
8 I could find.

9

10 Q. This is another secret operation?

11 A. Yes. They happened. They happened all the time.

12

13 Q. Could we look at PINQ.SUBS.018.0007. This is a
14 submission to the Parliamentary Inquiry from a Mr David
15 Vincent. Perhaps if we go to the next page and if the
16 left-hand side could be enlarged, please. Mr Vincent
17 describes himself at the bottom of the page as an aviation
18 researcher:

19

20 *There is an earlier claim of an RAAF*
21 *"cover-up" (GCAPT Bourne's Submission ...)*
22 *which I would like to also comment on. At*
23 *the centre of this story is the activities*
24 *of a Fairey Battle target tug aircraft said*
25 *to have been seen by Kormoran survivors the*
26 *same day ...*

27

28 A. This is in the interrogation notes they did see a
29 yellow and black bomber. They were painted yellow and
30 black.

31

32 Q. We will come to that.

33

34 *The pilot, Mr David Daly, is still alive*
35 *and I contacted him after re-reading this*
36 *particular submission.*

37

38 *Mr Daly has confirmed that his aircraft,*
39 *L5779 (not L5775 as stated originally,*
40 *later said to be L5570, which is also*
41 *incorrect) was ordered from Geraldton to*
42 *Pearce for towing duties on 23 November*
43 *1941 as indicated in No. 4 Service Flying*
44 *Training School's records. The purpose of*
45 *Daley's visit there appears, from his*
46 *logbook entries, to be to provide a towed*
47 *target for the Wirraways of No. 25*

1 Squadron, as the words "Wirraway" and
2 "quarter" can faintly be seen on the
3 photocopy that has been sent to me, as can
4 part of a word which may be "attack". The
5 probable explanation of this is that the
6 expectation was that the Wirraway pilots
7 would be undertaking quarter attacks
8 against the towed target drogue. The copy
9 of the left-hand side page of Mr Daly's
10 logbook for the period 18-27 November 1941
11 that was provided to me is enclosed with
12 this submission.

13
14 Whilst the passage of time since November
15 1941 has not been kind to Mr Daly's memory,
16 there is no indication from his logbook
17 entries or what he has told me that
18 suggests he was involved in anything other
19 than "towing duties". If he did participate
20 in searches for survivors of the
21 Sydney/Kormoran encounter, neither the date
22 nor particulars of that flight have been
23 recorded.

24
25 Then on the adjacent page is the entry to the log that is
26 described in this submission. That is the Fairey battle
27 aircraft of 23 November and that describes its activities,
28 doesn't it?

29 A. That's one of two Fairey Battle aircraft. Mr Daly,
30 apart from his loss of memory over time is quite correct.
31 He did do those things. He did tow a drogue or Wirraway
32 aircraft, air-to-air firing. There were two of them.

33
34 Q. This is another secret flight that does not appear in
35 the records?

36 A. Absolutely. You have one secret. Why break up the
37 secret by telling the truth for part of it? This is crazy.

38
39 Q. I tender the submission of Mr Vincent and its
40 attachments, sir.

41
42 **EXHIBIT #190 SUBMISSION TO PARLIAMENTARY INQUIRY FROM**
43 **MR DAVID VINCENT AND ATTACHMENTS, PINQ.SUBS.018.0007 & 0008**

44
45 THE WITNESS: CMDR Rush, if there were no cover-up, there
46 would not be any problem, we would have none of this stuff.
47 What you are saying is that cover-ups don't occur. You

1 know and I know that you can go to about 100 of them - big
2 ones - in World War II, and this is a big one.

3

4 CMDR RUSH: Q. Can we look at RAAF.001.0018, which is
5 the operations record book of No. 4 Special Flying Training
6 Squadron at Geraldton?

7 A. This is not my expertise. You are throwing stuff at
8 me and we're always going to come back to something else,
9 but we never get back to it; we never get there.

10

11 Q. We're coming to Mr Young.

12 A. I can't help you much here. Let's deal with stuff
13 that I can help you with.

14

15 Q. Let's deal with the record. In relation to this, you
16 see the entry on 27 November 1941, and the third entry:

17

18 *F/O DN Daly, Battle aircraft L5779 returned*
19 *from duty at PEARCE.*

20

21 That is the 27th when it returned and 23 November up the
22 top is the entry when it went. I've taken you in the wrong
23 entry, but 23 November 1941:

24

25 *FLGOFF DN Daly, Battle aircraft L5779,*
26 *crew 2, departed to PEARCE on target towing*
27 *duty.*

28

29 The official record, you say, does not properly record what
30 went on.

31 A. No. Daly's record, there's nothing wrong with it. He
32 has two planes, he flies one of them. There is another one
33 you don't hear about that was there and a German saw a
34 black and yellow bomber fly over their planes. That was
35 (indecipherable) boat. One of those was LEUT Bunjes and
36 the other one was a man called Hemmerich, in their
37 interrogation notes. That black and yellow bomber flew -
38 they knew it was a bomber, because they knew what our
39 planes were.

40

41 CMDR RUSH: If I could tender the operations record,
42 4 SFTS Geraldton.

43

44 **EXHIBIT #191 OPERATIONS RECORD BOOK OF NO. 4 SPECIAL FLYING**
45 **TRAINING SQUADRON AT GERALDTON, RAAF.001.0018**

46

47 THE WITNESS: The mere fact of black and yellow, which is

1 not a normal colour, if the Germans were safe enough to say
2 that it was a black and yellow bomber, you can be certain
3 they saw a black and yellow bomber, and they were the only
4 ones about.

5
6 CMDR RUSH: Q. You say that Bunjes, the German, in his
7 interrogation said that he saw that on 23 November?

8 A. That's right, and just about that time, in that day
9 they also saw *Aquitania*, a four-funnel ship.

10
11 Q. Can we have NAA.012.0764. You see at the bottom of
12 the page there, we have the interrogation record,
13 Mr Doohan, of SBLT Bunjes, and if we can go over the
14 page --

15 A. And not a member of the party.

16
17 Q. -- right down to the bottom paragraph?

18 A. Yes, on Friday morning they saw a big freighter.

19
20 Q. This is the interrogation record of Mr Bunjes:

21
22 *On Friday morning (21st) they saw a big*
23 *freighter which didn't see them. On*
24 *Saturday morning a big four funnel ship,*
25 *probably the "AQUITANIA", at a distance of*
26 *from 7 to 8 miles, on Monday morning a*
27 *bomber aeroplane circled round them, on*
28 *Tuesday morning tanker passed without*
29 *seeing them, and on Thursday morning*
30 *another aeroplane (black and yellow marks).*

31
32 The Thursday morning was the 27th of November.

33 A. Well, these interrogation notes which I have, and
34 other people have them, too, are on a Sunday. He and
35 Hemmerich saw a black and yellow bomber. They knew it was
36 a bomber and it was black and yellow.

37
38 THE PRESIDENT: Q. It says on Thursday; it does not say
39 Sunday?

40 A. It says Thursday here, sir, but it doesn't say it in
41 the interrogation notes.

42
43 Q. That is the interrogation notes.

44 A. There are a lot of interrogation notes. The only way
45 to prove what I'm saying is to go right through the
46 interrogation notes and find out where Bunjes and Hemmerich
47 saw this on the Sunday and on the same day they saw the

1 *Aquitania*, which brings us to that day.

2

3 Q. That is the only reference --

4 A. There are others, sir.

5

6 Q. That's the only reference in Mr Bunjes'
7 interrogations --

8 A. There are others, sir.

9

10 Q. -- of black and yellow aircraft?

11 A. Yes, but there is definitely an interrogation note
12 where they all saw it on the day - a little later or
13 earlier on that day they saw the four-funnel ship and there
14 was only one four-funnel ship in the world that day and
15 that was the *Aquitania*, so that's the day they saw it, on
16 the 23rd, four funnels. There weren't any other
17 four-funnel ships.

18

19 Q. If you look at the record, what is said to be four
20 funnels, in fact it is two.

21 A. At that time?

22

23 Q. No, GCAPT Bourne refers to a four-funnel ship; in fact
24 it is a two-funnel ship if you look closely at the document
25 he was referring to.

26 A. I'm just saying that I don't know of any other
27 four-funnel ship, sir, except the one that went down in
28 1912 when it hit an iceberg and a couple of others of the
29 same type at that time.

30

31 CMDR RUSH: I tender the interrogation notes of Mr Bunjes.

32

33 **EXHIBIT #192 INTERROGATION RECORD OF SBLT BUNJES,**
34 **NAA.012.0764**

35

36 THE WITNESS: If I may, sir, Bunjes was a member of a
37 raider crew. Bunjes was as guilty as anybody else, if
38 there was anything that can be proven against him - Bunjes
39 was one of them. Why should he turn around and say
40 something that went along with someone who disagreed with
41 what they did? You have to remember that the Germans all
42 said that they didn't have any motorised boats which were
43 armed. In actual fact there's total proof they did have
44 motorised boats.

45

46 THE PRESIDENT: Q. That's another one of your theories.
47 We'll come to that in due course.

1 A. I hope so, sir.

2

3 CMDR RUSH: Q. We'll deal with Mr Crawford Young,
4 WIT.023.0018, if that could be brought up on the screen,
5 please. Is this the note that you are referring to?

6 A. David Young, son of Crawford Young. Crawford Young's
7 son is sitting in the audience there and can be called upon
8 to give some information on this, as far as the
9 documentation goes:

10

11 *David Young, son of Crawford Young, Petty*
12 *Officer telegraphist of the UCO ...*

13

14 THE PRESIDENT: Just read it to yourself.

15 A. I thought I was meant to read it.

16

17 CMDR RUSH: Q. I will tender it and it will be on the
18 website.

19 A. Where do we go from there, sir?

20

21 Q. I just want to look at it. This is an account
22 apparently given by Crawford Young, or PO Crawford Young,
23 telegraphist, to his son, David Young?

24 A. Yes.

25

26 Q. Mr Crawford Young is asserting, what, that he was on
27 *Uco*?

28 A. He had been put aboard *Uco*. He had been signed out of
29 the Navy and had been signed into the merchant service,
30 which he had done several times before. He was doing
31 special jobs, obviously. He was assigned to the *Uco*. The
32 DNO, the District Naval Officer was personally responsible
33 on higher orders to have him assigned out of Navy, into the
34 maritime and into the *Uco*. He was then signed on as a
35 merchant seaman. He went to Darwin with the tug *Kelat*, a
36 coaling hulk. He came back and the reason for that I don't
37 go into. He came back and on the night of the 19th/20th he
38 picked up the signals from *Sydney* that it was in action.

39

40 Q. Where is it claimed that he picked up the signals?

41 A. It's claimed in his own information.

42

43 Q. Where was he?

44 A. He was aboard *Uco*, and *Uco* arrived back in Fremantle
45 30 hours later on the morning of the 21st early at a
46 quarter to 8 before the DNO sent a signal to Melbourne
47 "Sydney has not yet arrived." He already had the

1 information that she had been in action, and that's in the
2 documentation.

3

4 Q. What was that information, the message from Sydney?

5 A. The message from Sydney was that she was in action,
6 and he listened to her signals and he was absolutely
7 suffering from the fact that he was not allowed even to
8 answer them in his own words, and it is on the record.

9

10 Q. There is reference, if we go down the page:

11

12 *He had produced a report that went to the*
13 *Navy.*

14

15 *There were notes re Signal eg*

16

17 *"Tug UCO Pos 26 45 S 113 20 E. Heard faint*
18 *signal QQQQ (R) QQQQ message unintelligible*
19 *figures badly sent etc" this has seemingly*
20 *been dismissed.*

21

22 Where is the message, first of all, that Sydney was in
23 action?

24 A. It's accepted that Aeradio Geraldton also picked up
25 these signals, but it's in the evidence given to his
26 family - this is Crawford Young - that he heard the
27 signals, and he could not answer them. As a matter of
28 fact, as his son will be able to tell you, he died
29 believing that he should have - he had a weight of guilt
30 upon him. Someone in this whole shebang - and you don't
31 have to be Germans or Nazis to be believed. I'm an ex
32 servicemen and a lot of ex servicemen are involved here and
33 we are being dragged through the mud while Nazis - Heinz
34 Messerschmidt was a storm trooper and they were the people
35 who were killing Jews and breaking windows in Germany.
36 This is the actual person who is giving you information.
37 Listen to a few ex servicemen from Western Australia and
38 give us a bit of credibility on what's written.

39

40 THE PRESIDENT: Q. Mr Doohan, this is your chance to
41 place any material you have before me. You've taken that
42 opportunity. There's a great bundle of material you've
43 given me, but pejorative comments like that don't help.

44 A. I am trying to help, sir.

45

46 Q. I want to take evidence from anybody who can assist me
47 in my task and I have to weigh that evidence. If the

1 document that you are relying on is this document --

2 A. What is that one?

3

4 Q. It's on the screen in front of you. It says "Fordey
5 Young received a message from *Sydney*." There is nothing in
6 there about what that message said or when it was received.

7 A. Sir, wouldn't have been an important message when
8 *Sydney* on the 21st --

9

10 Q. I'm just trying to work out the basis on which you
11 have said all the things you've said about the message
12 which you say Mr Crawford Young received was. If it is
13 based on this document, there is nothing in here, other
14 than "Fordey Young received a message from *Sydney*."

15 A. If he received a message from the *Sydney* when *Sydney*
16 is a mystery ship, they don't know where she is, and Fordey
17 young, or Crawford Young, arrives in the DNO's office and
18 he's been on a job for Navy. He's been transferred out of
19 Navy, because it is a hush-hush job, nothing to do with the
20 *Sydney* of course, and he comes back, and he's hardly likely
21 to say, "There's no problem about *Sydney*. I received
22 messages from her, I listened to them."

23

24 Q. No doubt we'll go through the sequence. This is the
25 start of it. We have a document here, which is signed by
26 Mr Ean McDonald, who gave evidence yesterday, and which
27 purports to record what Mr David Young, the son of
28 Mr Crawford Young, told Mr McDonald at some unspecified
29 time. And what he records is that Mr Crawford Young, known
30 as Fordy Young, received a message from *Sydney*. There is
31 no date, no time. But it is said he was on the tug *Uco*?

32 A. Just reading this, if you'll allow me:

33

34 *PO Tel Young had been seconded to the*
35 *Merchant Navy aboard UCO because her*
36 *telegraphist was absent ...*

37

38 I won't go into that, because I don't know whether that's
39 true or not about being absent:

40

41 *"Fordy" Young received a message from*
42 *SYDNEY.*

43

44 CMDR RUSH: Q. Mr Doohan, if I can stop you. This is on
45 the screen. Everybody in the Commission of Inquiry can
46 read it, and it is going to be tendered and will appear on
47 the website.

1 A. Can I just get rid of it now? Can I read this
2 quickly, because Fordy Young received a message from
3 Sydney:

4
5 *He made no reply because he was nearby and*
6 *afraid of submarine or other possibility.*
7 *He felt the signal would have been*
8 *generally heard but he carried a burden of*
9 *guilt for ever for not letting SYDNEY*
10 *people know he had heard them. He had in*
11 *mind that his orders were to maintain radio*
12 *silence.*

13
14 THE PRESIDENT: Q. We can all read it.

15 A. What I'm saying, sir, obviously as far as he's
16 concerned he's listening to an action. It says nothing
17 else. Why has that signal never been brought up in the
18 argument? The signal has been a secret itself. I have a
19 copy of documents, Navy documents, that make clear he was
20 in the DNO's office and he would most certainly have had to
21 put that information in, and as a Navy telegraphist and
22 certainly in the jobs he was doing, some of them were
23 special obviously, because he had been used in a few
24 Merchant Navy ships, seconded out of Navy to merchant ships
25 and then signed out of Merchant Service back into Navy and
26 he did that pretty often. So why would his signal not be
27 taken seriously when they are wondering where the ship is,
28 a light cruiser? That speaks for itself.

29
30 CMDR RUSH: I tender the statement of Mr Ean McDonald
31 concerning Mr David Young, son of Crawford Young,
32 WIT.023.0018.

33
34 **EXHIBIT #193 STATEMENT OF MR EAN MCDONALD CONCERNING**
35 **MR DAVID YOUNG, SON OF CRAWFORD YOUNG, WIT.023.0018**

36
37 THE WITNESS: Can I say, sir, that David Young is in the
38 audience here. I'm quite sure that he would be prepared to
39 take an oath - I think he would. You would have to ask
40 him, but he is here in the room.

41
42 THE PRESIDENT: I'm sure somebody will speak with him.

43
44 CMDR RUSH: Q. We didn't know he was here, obviously,
45 sir.

46 A. It's on the record, I would say.
47

1 Q. Some other matters. We'll try to keep moving.
2 A. Are we coming back to the other things you have thrown
3 into the discard later on?

4
5 Q. Are we coming back to what?
6 A. Are we coming back to the areas when you say that you
7 will attend to them later on? I notice in the transcript -
8 I'm not criticising you - you say to people many times,
9 "We'll come back to it," but you never come back to it.

10
11 Q. I've come back to Mr Young. What else would you like
12 to come back to?

13 A. In this particular case Mr Young is here, and I am
14 asking that he be spoken to, if he's willing to.

15
16 Q. You wanted me to come to Mr Young and I've done that.
17 What other particular matter that we've discussed this
18 morning do you wish to come back to?

19 A. You've mentioned it several times. I have said, "Will
20 we be coming back to it later on?" You say, "Yes." I am
21 hoping we will.

22
23 Q. Come back to what?

24 A. For example, back to Fordy Young, the documents --

25
26 THE PRESIDENT: Q. We just dealt with Mr Crawford Young.

27 A. Well, I don't doubt that it is, but we also have
28 documents that I've put in here where he shows that he is
29 in that office on 21 November and the official record said
30 he wasn't there until seven days later, the same as the
31 signals from *Aquitania* are discounted because she didn't
32 give them until seven days later. Several days later the
33 Japanese fleet were sailing out to attack Pearl Harbor.

34
35 Q. Mr Doohan, please, just control yourself and answer
36 the questions.

37 A. I'm under control, sir. I've been having this for a
38 long time and am --

39
40 Q. We really have to concentrate on matters relating to
41 *HMAS Sydney*.

42
43 CMDR RUSH: Q. One of the matters that you put forward,
44 Mr Doohan, concerned the direction of a ship, you say, to
45 the search area. I think you referred to --

46 A. Would it be the *Automedon* you are looking for?
47

1 Q. HMAS Gunbar.

2 A. Yes, a minesweeper. John Turner.

3

4 Q. You say that was directed to search for Sydney and the
5 direction occurred either on 20 November or 21 November.

6 A. This is the material you have on Gunbar. This is
7 material in a statement, I take it, from Mr John Turner?

8

9 Q. Mr Turner?

10 A. That is right. That's what John Turner says.

11

12 Q. CORR.014.0131.

13 A. I typed that stat dec out for him. I have a copy of
14 it here in my bag.

15

16 Q. It is a statement that apparently was provided by
17 Mr Turner to you; is that right?

18 A. That's correct.

19

20 Q. It says:

21

22 *1. In November 1941 I was serving as a*
23 *member of the Royal Australian Navy aboard*
24 *HMAS "Gunbar", a minesweeper at that time*
25 *based on Fremantle.*

26

27 *2. On Saturday November 22nd, 1941, I was*
28 *due to be married to my present wife. My*
29 *leave, as I recall of about 2 weeks, had*
30 *been granted. All wedding arrangements,*
31 *including the church ceremony, had been*
32 *made. The ship's company intended to be*
33 *present as guests at the ceremony and*
34 *afterwards.*

35

36 *3. On the morning of either Thursday*
37 *November 20 or Friday November 21st, 1941,*
38 *HMAS "Gunbar" was ordered immediately and*
39 *urgently to sea, instructed to search for*
40 *survivors of HMAS "Sydney", wreckage and/or*
41 *oil slicks. Those were the instructions,*
42 *as I recall, made known to the ship's*
43 *company generally.*

44

45 *4. "Gunbar's" ability to remain at sea was*
46 *confined to a maximum of 6 to 7 days ...*

47

1 He states:

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Therefore, we were officially expected to be back in Fremantle by about the following Thursday, 27th or Friday 28th November. My marriage leave was immediately postponed, for a week, until Saturday November 29th, 1941. I contacted my wife-to-be and all wedding arrangements were postponed until November 29th.

That is put forward as another instance of Navy being aware, I take it you contend, of the loss of *Sydney*?

A. Yes, but you would have to ask John Turner about that. He signed the stat dec, he made the stat dec. I merely typed it out for him. I knew who he was. He obviously had no reason to lie. He was Australian, so maybe he did lie.

Q. We do have the Navy War Office diary for the relevant dates concerning ships.

A. Yes, I know all that.

Q. I would ask that we go to NAA.073.0103.

THE PRESIDENT: Q. While that's happening, did it occur to you that that document does not fit very well with your conspiracy cover-up theory, because here you have a gentleman saying, if it be true, that the whole crew was told on the 20th or 21st that they were going to search for *Sydney*, which is a day or two before CAPT Bourne says he went out on a secret flight, which was kept secret because no-one wanted it known that *Sydney* was lost?

A. Are you asking me a question?

Q. Did it occur to you that is entirely inconsistent with the view that you have expressed that Navy was engaged in a cover up where you have, if this statement be accurate --

A. Sir, that is his view. He made the statement - any statements that were being made were taken from Heinz Messerschmidt, take note of that - we all take note of that. I took note of that. But you also notice in the material I sent to him - this is not verbatim - the reason I put this in is because there's been a lot of doubts about the real movements of *Gunbar*. That's the only reason I put it into my material, to be looked at on the basis of somebody who says, "Okay I was in this ship and this is what it was." But another person in that ship, and I'm

1 sure you've got the record there, tells a different story.
2 But that's not my story. This is just some material.
3 I didn't know what to throw out of the window and there
4 seemed to be some basis - as a matter of fact, there is a
5 person sitting in the back there who had Navy rank, and has
6 known me for quite a number of years and has heard all
7 these theories before. I think he would possibly be quite
8 prepared to make some comments on this. I can see him
9 sitting there now - not on that particular thing --

10
11 Q. Let's try and deal with your evidence before we break
12 for lunch first, if we can, Mr Doohan. This is from the
13 Navy War Office diary, entries for Wednesday, 26 November.

14 A. She was in Albany, wasn't she?

15
16 Q. Under "Minesweeping", "*HMAS Gunbar* arrived Fremantle
17 0835H from Albany"?

18 A. Because there were some doubts about her movements, a
19 crew member, who I have no reason to believe he was lying -
20 he had no reason to, and incidentally the dates of his
21 marriage and going to shore are completely correct, and
22 they are borne out. I had nothing to do with whether that
23 is true or false. The probability or possibility was that
24 it might be true.

25
26 THE PRESIDENT: We're just investigating at present
27 whether it is or not.

28
29 CMDR RUSH: Q. If NAA.073.0108 can be brought up on the
30 screen, it would appear that the ceremony must have been in
31 the morning, Mr Doohan.

32 A. I don't know.

33
34 Q. On Saturday, 29 November, under "Minesweeping", the
35 bottom entry before "Hospital Ships":

36
37 *HMAS "GUNBAR" sailed Fremantle 1430K for*
38 *"SYDNEY" Search Area.*

39
40 A. For the Sydney.

41
42 THE PRESIDENT: Q. It says "*Sydney* search area".

43 A. The information to me was that either on the 21st or
44 the 22nd - I'm going from memory, I'm not looking at the
45 letter now - they were ordered to take on stores, and that
46 they were ordered to the north somewhere about a latitude
47 in line with Carnarvon. If you read that letter right

1 through, he states quite clearly he had no idea where they
2 were, he was engine room crew, but on that date --

3
4 THE PRESIDENT: I will mark that document exhibit 194.

5
6 **EXHIBIT #194 RECORD OF MOVEMENTS OF HMAS GUNBAR,**
7 **NAA.073.0108**

8
9 THE WITNESS: -- the 21st or 22nd, they were sent off.
10 I have no reason to disbelieve him or to say it's a fact,
11 because I don't know. The point is that he made the
12 statement, and every statement should be looked at and
13 crossed off as proven or disproven.

14
15 CMDR RUSH: Q. Mr Doohan, in your submission to the
16 Inquiry you state that you were involved in 1991 in
17 lobbying the then Minister to investigate the *Heros Carley*
18 float?

19 A. Yes, that was Nick Bolkus.

20
21 Q. You are aware that the Australian War Memorial
22 reported in 1993 concerning that investigation?

23 A. Yes.

24
25 Q. And the conclusions of that report, if I can bring it
26 up, COI.002.0016, and go to 0047. The first paragraph of
27 the discussion at the end of the report states:

28
29 *Our investigation indicates that the*
30 *composition and morphology of the*
31 *projectiles which struck the Carley float*
32 *is consistent with pieces of exploded*
33 *munitions similar to other pieces of*
34 *munitions in the AWM collection. The*
35 *projectiles are assumed to be from*
36 *"incoming" munitions from the Kormoran as*
37 *it is highly improbable that the Sydney's*
38 *ammunition fired at Kormoran would have*
39 *exploded so close to Sydney.*

40
41 *According to Hogg and Weeks, by the*
42 *beginning of the 20th Century, the*
43 *"jacketed" bullet was the standard military*
44 *ammunition for rifles and machine-guns;*
45 *lead bullets only survived in revolver*
46 *cartridges. Germany introduced the pointed*
47 *bullet in 1905. The "boat-tailed" or*

1 streamlined bullet required for machine-gun
2 accuracy and maximum range was developed in
3 the 1920s. In the 1930s the Germans
4 produced the 7.92mm calibre ammunition
5 system, for rifles and machine-guns. The
6 standard ammunition for use with German
7 machine-guns right through the second world
8 war was the copper alloy jacketed,
9 lead-filled 178gr weight bullet with a
10 muzzle velocity of 676m/s. If, as
11 proposed, the float was shot at by
12 machine-guns any projectiles from the
13 German weapons then in use would be
14 expected to have penetrated the relatively
15 soft body of the float with clean entry and
16 exist holes. No such holes were found and
17 nothing discovered and removed from the
18 Carley float has any morphological or
19 metallurgical resemblance to the type of
20 machine-gun bullets that could have been
21 used during the Naval action in November
22 1941.

23
24 A. You are referring now to the report on the
25 investigation of the Carley float?

26
27 Q. Correct.

28 A. Which it probably says there - and I'm not looking for
29 kudos - that I had a great involvement in having that
30 investigation undertaken in the first place. Professor
31 Dudley Creagh was the expert metallurgist who put that
32 report together, with other persons of the War Memorial
33 staff. But that was put into circulation, and while that
34 was being done, Professor Dudley Creagh then recanted and
35 said that there was not any relationship with those
36 shrapnel pieces or whatever; that they were pieces of the
37 Sydney's own steel and brass. And he made two public
38 statements on that, but still that report is in the public
39 domain, the way they put it in the first place. Nobody has
40 tried to publicly - Professor Creagh was the metallurgist,
41 the expert on the first one - after he had agreed to the
42 first one, he said, "No, that's not so, the material in the
43 Carley float was from the Sydney's own steel and brass."

44
45 You have the angle of the flight of shrapnel. You've
46 got the same argument now with a man who had a round hole
47 through the back of his head, and the small calibre bullet

1 was lodged in the inside of the frontal bones, and
2 I believe that's now been changed around - I'm not too
3 certain about this - to a piece of shrapnel that hit him
4 outside in the front. Maybe I'm wrong there. We've got
5 the same thing.

6
7 Q. Let us just deal with --

8 A. We have got the same thing, sir.

9
10 Q. Maybe you are wrong or right. Can we have
11 CORR.014.0072. You say in this part of your material
12 provided to the Commission of Inquiry, Mr Doohan, as
13 follows:

14
15 *However, just after publication of the AWM*
16 *1993 Report, the team's metallurgical*
17 *expert analyst, Professor Dudley Creagh [of*
18 *Canberra National University Defence*
19 *Studies], in 2 published interviews*
20 *formally repudiated those initial*
21 *conclusions, insisting that the fragments*
22 *were pieces of SYDNEY'S structural steel*
23 *and brass, with no similarity whatsoever to*
24 *"exploded munitions".*

25
26 I want to suggest to you that Professor Creagh published
27 nothing; that Professor Creagh was interviewed I think on
28 Radio 2CN?

29 A. I have a copy.

30
31 Q. If we can have CORR.020.0053. The Commission of
32 Inquiry got in touch with Professor Creagh as a consequence
33 of what you put in your submission, and on 4 February he
34 replied to the Commission of Inquiry. We sent him a copy
35 of the relevant extract from your submissions, Mr Doohan,
36 as follows:

37
38 *Dear Joshua,*

39
40 *In Re: matters raised by Mr J Doohan*

41
42 *The human memory is, I regret to say, a*
43 *frail and fragile thing.*

44
45 *I am now in my office at the University of*
46 *Canberra, and have gone through my files on*
47 *the HMAS Sydney. I found, yellowed and*

1 almost illegible from the passage of time,
2 a photocopy of a letter (the photocopy made
3 by Mr J Doohan) of a letter he sent to me
4 on HMAS Sydney Forum 1997 Committee
5 letterhead on 22 November 1997. I never
6 received an original.
7

8 In this letter he refers to an interview
9 I gave to Ms B Bashford from 2CN in 1996 on
10 the subject. So I must have given an
11 interview, and this should be on the audio
12 files of 2CN.
13

14 But having read what was in the report, and
15 in particular its findings (in particular
16 Figure 15), I cannot see that what I said
17 was a repudiation of the report. The
18 report finds, inter alia, that:
19

20 1. If the Carley float indeed was on the
21 inventory of the HMAS Sydney it did not
22 suffer fire damage and must have been lost
23 overboard prior to the fire mentioned by
24 Detmers ...
25

26 2. The machine gun bullets issued to the
27 Kriegsmarine would be expected to have
28 penetrated the Carley float cleanly, yet no
29 such clean entry/exist holes were found.
30 There is no evidence that the Carley float
31 was subjected to machine gun fire when it
32 was in the water.
33

34 3. Examination of the angle of trajectory
35 and divergence of projectiles shows that
36 the origin of the damage lay close to the
37 Carley float. It is assumed that this had
38 been secured to the deck at the stern of
39 the ship.
40

41 4. Metallurgical analysis showed that
42 there were similarities in iron content
43 between the samples removed from the Carley
44 float, but there were major differences in
45 alloying elements. (I comment here that
46 there are very many types of steel, and to
47 say that this steel is similar to that

1 *steel it is necessary for all the alloying*
2 *elements to be the same, and be present in*
3 *the same quantities. The report stated*
4 *that there were "major differences".*

5
6 *I said in the long forgotten radio*
7 *interview that "There was no correlation at*
8 *all between German ordnance and what was*
9 *there. What was there ... was consistent*
10 *with ship's steel and ship's brass." In*
11 *other words, the fragments which were*
12 *removed were most probably spallation*
13 *products caused by the impact of*
14 *projectiles nearby.*

15
16 *I cannot see that this was a "repudiation"*
17 *of what was in the report as alleged by*
18 *Mr Doohan.*

19
20 *I apologise for being a forgetful witness.*

21
22 *Yours sincerely,*
23 *Dudley Creagh.*

24
25 A. I said in the long forgotten radio interview, that
26 quote, "There was no correlation at all between German
27 ordnance and what was there." Going further,
28 Professor Creagh did make a full page - I think it was in
29 the Listening Post, he had a full page interview, and I get
30 the Listening Post like every returned serviceman, and in
31 that he stated that there was no relationship whatsoever;
32 that the material was Sydney's ship steel and ship brass.
33 I think it is in the Listening Post, but I've got one at
34 home.

35
36 All I know is what the report says. I know what
37 Creagh said. Also Creagh made another statement. In the
38 statement to 2CN he also made it clear that he didn't have
39 a clue about that action at all. I've got that, too.

40
41 Q. He's a metallurgist, isn't he?

42 A. He's a metallurgist. That's his claim.

43
44 CMDR RUSH: I tender that.

45
46 THE PRESIDENT: I'll mark as exhibit 195 the three
47 documents referred to: COI.002.0047, CORR.014.0072 and

1 CORR.020.0053.

2
3 EXHIBIT #195 AUSTRALIAN WAR MEMORIAL REPORT OF 1993,
4 CORR.002.0047; PART OF MATERIAL PROVIDED TO COMMISSION OF
5 INQUIRY BY MR DOOHAN, CORR.014.0072; REPLY TO COMMISSION OF
6 INQUIRY OF PROFESSOR CREAGH DATED 4 FEBRUARY, AS A
7 CONSEQUENCE OF WHAT MR DOOHAN PUT IN HIS SUBMISSION TO
8 COMMISSION OF INQUIRY, CORR.020.0053

9
10 CMDR RUSH: Q. Mr Doohan, in your submission, you've
11 referred to and provided documents concerning a report of a
12 Pastor Wittwer and his conversations, I think in 1951 or
13 1951 - I'll come to it --

14 A. Ivan Wittwer.

15
16 Q. With Heinrich Heinz Grossmann?

17 A. That's right.

18
19 Q. If we go to CORR.014.0003, in the middle of the
20 page at (e), you say:

21
22 *Australian Security Intelligence*
23 *Organisation (ASIO) claims that Heinrich*
24 *[Heinz] Grossmann, Lutheran Pastor Ivan*
25 *Wittwer - alleged ex-Kormoran ...*

26
27 A. That is Grossmann, who is the alleged crewman.

28
29 Q.

30 *... alleged ex-Kormoran crewman was never a*
31 *known subject at any time of ASIO records,*
32 *or any official record which should*
33 *relevantly warrant ASIO attention;*
34 *Australian Federal Police being also a*
35 *relevant agency, and also is Australian*
36 *Immigration Department.*

37
38 Then over the page, down the bottom at (e):

39
40 *Emphasised particularly; one copy of Pastor*
41 *Ivan Wittwer's 4pp Stat Dec re [Heinz]*
42 *Grossmann, to FADAT 1998 ...*

43
44 You also included a copy of the Eyre Peninsula Tribune and
45 other material. At the bottom of the page, you refer to:

46
47 *1952 "Secret and Personal ASIO File Notes*

1 *ex-Director General of Security"*
2 *[Brigadier] Spry to Secretary Dept of*
3 *Immigration THE Heyes ...*

4
5 And you comment:

6
7 *ASIO, in 1998 submission to [the*
8 *Parliamentary Inquiry] denied knowledge of*
9 *Grossmann ...*

10
11 And denied knowledge of any interview?

12 A. No, they didn't actually. In that particular
13 submission to the Inquiry to Foreign Affairs, Defence and
14 Trade, which was run by the Defence Department, they didn't
15 say they didn't know of him. They said they may well have
16 interviewed him. But because they did not have to keep
17 their records at that time until the Archives Act came in
18 in 1983, they are not denying that they interviewed him.
19 They said, "We may well have interviewed him, but we didn't
20 keep the records." You can imagine burning those records,
21 can't you? "We didn't keep the records; we may have
22 destroyed them, or we may have passed them on to the
23 Defence Department." So it's not exactly what you are
24 saying there.

25
26 THE PRESIDENT: Q. He was just reading what you wrote.

27 A. That's the submission that they put to the FADAT
28 inquiry. I presume you are coming to the information
29 I gave you, copies of their six-page file --

30
31 Q. All I'm saying is that CMDR Rush read out what you
32 wrote?

33 A. At that time, sir, but this follows on. But then
34 I also supplied --

35
36 Q. Are you telling me now that what you wrote then is
37 wrong or not? You wrote this:

38
39 *ASIO, in 1998 submission, to FADAT Defence*
40 *sub-Committee Sydney (2) inquiry denied*
41 *knowledge of Grossmann ...*

42
43 A. That's true. They denied knowledge of him. They
44 said all they knew was he was a gunner from the *Kormoran*.
45 That's all they knew. They didn't know who he was, but in
46 1951, when he came out to work for the Snowy Mountains
47 Electric Scheme - the Snowy Mountains Hydro-Electric

1 Scheme, he came out under the forged papers of his brother
2 Waldemar Grossmann, who was killed before Stalingrad in the
3 Army. It's necessary for me to say this, or else you just
4 let it go by.

5
6 CMDR RUSH: Q. The effect of it is that it was claimed
7 by Wittwer that he had spoken with Hans Gerhard Grossmann,
8 who was really Heinz Grossmann?

9 A. He knew him as Heinz Grossmann. That was his
10 brother's name.

11
12 Q. If we can go to CORR.014.0097, this is apparently a
13 statutory declaration. It is not signed, but this is
14 material provided to you by Ivan Wittwer; is that correct?

15 A. I have a copy here. I have my own copy. Ivan
16 Wittwer --

17
18 THE PRESIDENT: Q. The only question was: was this
19 provided to you by Mr Wittwer?

20 A. Yes, but I was about to say that this appeared in my
21 submission, because Wittwer asked me when I put in my
22 submission to Foreign Affairs, Defence and Trade, so I did.
23 So this is in my submission.

24
25 CMDR RUSH: Q. If we can go to the third paragraph,
26 where he states:

27
28 *I am aware that ASIO ... will deny any*
29 *correspondence or testimony from me.*
30 *However, I was angered when some speaker on*
31 *radio, I believe the Monday before Anzac*
32 *Day, laid the blame for fate of his ship*
33 *squarely on the Captain for approaching so*
34 *close "broadside on" to the raider. He was*
35 *compared unfavourably with Collins.*

36
37 *I claim that the Captain and crew of the*
38 *Sydney have gone to their deaths with a*
39 *reputation untarnished by history.*

40
41 *Now to some specific questions. Hans*
42 *Grossmann was actually Gerhard Heinz*
43 *Grossmann. He came as a contracted*
44 *labourer to the Snowy Mountains*
45 *Hydro-Electric Authority. His brother,*
46 *Waldemar Heinz Grossmann, was lost on the*
47 *Russian front so he applied for emigration*

1 *under his brother's name.*

2

3 I take it from a reading of that that Grossmann applied for
4 status in Australia under the name Walter Heinz Grossmann -
5 Waldemar Heinz Grossmann?

6 A. I haven't seen those documents.

7

8 Q. He also apparently went by the name of Hans Grossmann.
9 There seem to be three names there?

10 A. Wittwer knew him only as Heinz Grossmann, and both of
11 them were Heinz Grossmann, because Waldemar and Gerhard
12 both had the middle name of their father, Heinz, and there
13 appeared to be quite a lot of confusion about the fact that
14 both had "Heinz".

15

16 Q. You rely on this statement of Pastor Ivan Wittwer to
17 connect this Heinz Grossmann to the *Kormoran* and,
18 therefore, Wittwer's account of what Heinz Grossmann said
19 to him having some bearing, for the Commission of Inquiry,
20 on the circumstances of the loss of *Sydney*?

21 A. Well, yes, but this is Ivan Wittwer's account to the
22 same Defence Department Inquiry, which didn't get anywhere
23 anyway, but the point of it is that I am the carrier of
24 this to the FADAT Inquiry. What are you asking me?

25

26 Q. You said this, I suppose, as the carrier. We are
27 trying to investigate the account, so you would understand
28 that the account that this Grossmann gives, we need to
29 understand if it can be a valid account or not a valid
30 account.

31 A. Of course. I wouldn't have been able to say it was.
32 I carried that, because this was a stat dec. I had no
33 reason at all, because Ivan Wittwer was an upright
34 character. He was a holder of the Order of Australia, so
35 somebody must have thought he was okay. I put it in
36 because he wanted me to, and because he felt strongly about
37 it - as strongly as I did, probably.

38

39 Q. There are just two matters dealing with it, Mr Doohan.
40 The Commission of Inquiry has evidence, as recently as this
41 week, from Mrs Glenys McDonald of her research and
42 investigations into Gerhard Heinz Grossmann.

43 A. I'm not surprised with McDonald's, the fact that she
44 was not telling the truth. She was using material of
45 course that she knew was not that of an eye witness. If
46 you look in her book you'll find about five pages where she
47 tries to slander me, too.

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THE PRESIDENT: Q. No, don't --

A. It's part of it, sir.

CMDR RUSH: Q. Mrs McDonald has informed the Inquiry of her investigations that Heinz Gerhard Grossmann and Waldemar Grossmann never left East Germany after the Second World War.

A. I know what she put.

Q. You don't accept that?

A. You obviously accept her.

Q. No, I'm just asking if you accept it?

A. Look, I have no proof whatsoever that Heinz Grossmann, who came out to the Hydro-Electric Scheme - what I do know, which is fact, is that he was interviewed by Brigadier Spry --

Q. That's the other matter I want to come to?

A. -- and some Navy Officers, according to Ivan Wittwer. It's never been challenged unless you have something there now. What I'm carrying it through for is that in the 1998 Inquiry ASIO put in their submission that they didn't know who he was except he was a gunner from the *Kormoran*. They had nothing to do with him. You have documents which I've given you, six pages of them, that they did know who he was, they had him on file. The story was that he was sent back to Germany. They didn't send him back to Germany in 1951, and in 1952 they lost track of him in Wollongong. I'm saying that ASIO are lying their heads off that they didn't know anything about Grossmann.

Q. There are two matters arising out of that. If we go to the third-last paragraph on that page:

Grossmann was a "con man" who cleverly worked himself into a position as representative of all the Germans.

Perhaps the rest of that is not relevant.

A. It's very relevant.

Q. The next paragraph:

I had occasion to call on Grossmann on the evening of 13/5/51. I keep no diary, but

1 *remember this date because through my brain*
2 *as I was driving went the silly rhyme we*
3 *learned at school: "That horrid 13th day*
4 *in May was Desmond Dare's unlucky day, he*
5 *broke a glass in 13 bits, his cat had 13*
6 *female kits."*

7
8 Grossmann goes on to describe he was in a tent with a few
9 others:

10
11 *The Pfarrer was not a great favourite among*
12 *many of the hardened survivors of the*
13 *Russian front. Heinz was drinking coffee,*
14 *as most of the Germans did, consisting of*
15 *three spoonsful of coffee heavily laced*
16 *with rum. During the time I spent with him*
17 *he became quite drunk and told his tale.*

18
19 That is a tale of torpedos and submarines and the like.
20 The next page --

21 A. Can I make a statement? This is --

22
23 THE PRESIDENT: Q. Just a minute.

24 A. This is the second part of Grossmann's story, because
25 Grossmann was interrogated aboard *Aquitania*.

26
27 Q. Just hold your breath for a minute and we'll go
28 through this in sequence.

29
30 CMDR RUSH:

31
32 *I went back the following morning when he*
33 *was sober and asked if this was true. He*
34 *retold it as I repeated it at Cleve and*
35 *which was correctly recorded by the*
36 *Tribune, except for use of term "flagship",*
37 *which I did not use. I believe*
38 *HMAS Australia was flagship.*

39
40 *I repeated the story on a subsequent*
41 *Thursday evening to senior constable*
42 *Holmesby. His wife Margaret was my*
43 *schoolteacher in year 7 and when in*
44 *Canberra I had a standing invitation to an*
45 *evening meal with them. I retold the*
46 *story, after which Hec (senior constable*
47 *Holmesby) suggested I tell Colonel Spry*

1 *what I had heard.*

2

3 *Spry came around immediately and took me*
4 *into his car where I told my tale which*
5 *I have not changed since 1951. Some time*
6 *later, about three weeks I think, I was*
7 *asked to nominate a neutral place where we*
8 *could talk. I suggested the YMCA Building*
9 *in Canberra Civic Centre. The room was on*
10 *the upper floor.*

11

12 So just looking at that chronology or sequence of events,
13 we have Grossmann detailing an account to Wittwer on 13 May
14 1951; on a subsequent Thursday evening to Senior Constable
15 Holmesby and then Spry being contacted and coming around to
16 Holmesby's vehicle in a car [sic]?

17 A. Also in a - sorry, I jumped ahead of you.

18

19 Q. The Commission of Inquiry has also requested a report
20 from ASIO in relation to this matter, Mr Doohan.

21 A. That's correct.

22

23 Q. And they have replied as follows, and perhaps I might
24 need this to go on the projector. This is a letter of
25 7 January 2009 directed to myself, and I can say it is from
26 Mr David Fricker, the Acting Director-General of ASIO.
27 Despite the "Dear John" reference, I've never met the
28 gentleman.

29 A. He's - they told a lot of fibs sometimes.

30

31 Q. There are a number of questions asked of ASIO, and the
32 response was as follows in relation to the ASIO
33 Headquarters:

34

35 (A) *ASIO Headquarters*
36 *ASIO Headquarters was located in Sydney*
37 *in May 1951. The Melbourne office became*
38 *the ASIO Headquarters in July. The*
39 *Headquarters remained in Melbourne until it*
40 *moved to Canberra in 1986.*

41

42 (B) *Col Spry's office*
43 *Colonel Spry would have been based in the*
44 *Headquarters in Sydney.*

45

46 (C) *Rank of Col Spry*
47 *Colonel Spry was ranked Colonel in 1951.*

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You are aware that Pastor Wittwer said he had to sign a secrecy declaration?

A. Yes, I'm aware of that.

Q. And a reference to the secrecy declaration, states:

(D) Wittwer's secrecy declaration

It is unlikely that source or informant records would have been destroyed.

Source/Informant records are kept in perpetuity.

Our indices, which would identify whether we ever had a record on a subject, are never destroyed. If by some strange administrative anomaly or aberration Wittwer's record was ever destroyed, the index records that we hold would still identify the fact that we would have had a record of this person at some stage. A search of these old records has been conducted and there is no reference to anyone with the surname of Wittwer. This search also encompassed numerous spelling variations of his name.

(E) Wittwer the subject of ASIO interest Comprehensive searches were also conducted across all relevant databases regarding this person and no records were identified. These searches also encompassed spelling variations.

(F) Gerhard Grossmann Searches were conducted for Gerhard Grossmann aka Waldemar Heinz Grossmann. These searches did not identify any records. These searches also encompassed spelling variations.

(G) (i) Likelihood of Col Spry visiting a private home in 1951 Records indicated that Colonel Spry was not in the country for the majority of May. He departed Australia on 8 May and returned on 16 June 1951. It is therefore impossible

1 for him to have met Mr Wittwer during the
2 dates identified in Mr Wittwer's
3 submission.

4
5 (G) (ii) Meeting in the YMCA Canberra,
6 early June 1951

7 The record of any meeting identified in
8 Mr Wittwer's submission would have been
9 located on the files for Mr Wittwer. As it
10 has already been identified that ASIO never
11 held records on this person, that avenue of
12 research does not exist.

13
14 Searches have been conducted for any file
15 that has HMAS Sydney within the title, as
16 it is likely, according to business
17 practices, that any interview record would
18 have been placed on the file relating to
19 that subject. However, this search also
20 returned no results - there are no records
21 concerning the HMAS Sydney II within ASIO's
22 archives.

23
24 Finally, searches were conducted for any
25 records concerning ASIO's liaison with the
26 Snowy Mountains Hydro Electric Authority or
27 with Sir William Hudson. These searches
28 also failed to locate any record of this
29 interview ever taking place.

30
31 If we accept that, it casts some doubt on the precision of
32 the account of Pastor Wittwer, does it not?

33 A. You would have it there, the submission of ASIO in
34 1998, and they said "we may have" - they don't deny that
35 they interviewed Grossmann. They don't deny in their
36 submission that they interviewed Grossmann. They say "not
37 verbatim but we may well have interviewed but we did not
38 have to keep records at that time, because the Archives Act
39 didn't come in until 1983". But they still say that they
40 may have - they are not denying that they interviewed him.
41 What they are saying is, "We may have destroyed the
42 record", or, "We may have passed it on to the Defence
43 Department of the day." Now, that's in their submission.

44
45 I gave you a six-page extract from ASIO's secret and
46 confidential files or whatever where they make it quite
47 clear that they had a file on Grossmann, and it is

1 Wittwer's Grossmann, they had a file on him, and they lost
2 track of him in Wollongong in 1952.

3
4 Q. Let's look at what you provided.

5 A. But, also, that - go ahead. I don't want to get all
6 mixed up again.

7
8 THE PRESIDENT: I will mark these documents as
9 exhibit 196 --

10
11 THE WITNESS: At the same time - I beg your pardon,
12 I didn't know that the Commissioner was still talking. Can
13 I continue. Can I add a small bit to that? Not only was
14 ASIO admitting that they knew all about Grossmann and what
15 a threat he was, and they say there why he was a threat,
16 that he was writing this letter to the secretary of the
17 Immigration Department about the same Grossmann, who was
18 obviously Wittwer's Grossmann, and the Immigration
19 Department were taking legal action against him for a
20 false --

21
22 CMDR RUSH: Q. We will go through each page of the
23 material that you provided to us.

24 A. I'm trying to get it on the record now, that he had
25 tried to defraud the Immigration Department with false
26 papers. This all has to be taken into consideration. ASIO
27 were not telling the truth about it. I can show you they
28 weren't telling the truth about me too.

29
30 Q. Let us see what you provided to us. The first one is
31 CORR.014.0101. I am not going through it, but that's a
32 copy of the Wittwer article in the Eyre Peninsula Tribune.

33 A. Yes.

34
35 **EXHIBIT #196 STATUTORY DECLARATION, UNSIGNED, PROVIDED TO**
36 **MR DOOHAN BY IVAN WITWER AND OTHER DOCUMENTS,**
37 **CORR.014.0003 AND 0004, CORR.014.0097 AND 0098,**
38 **CORR.014.0101 TO CORR.014.0104 INCLUSIVE**

39
40 CMDR RUSH: Q. This is a letter to Pastor Wittwer dated
41 22 October 1951.

42 A. I have a copy on my file.

43
44 Q. What it refers to, if we go down to about the
45 fifth-last line?

46 A. Could we start at the top line, please?

47

1 Q. At 0102:

2
3 *I am sorry that I had to worry you in*
4 *regard to the Snowy River facilities, but*
5 *as Grossmann apparently was quite unaware*
6 *of the actual position, and as ostensibly,*
7 *he had made a special trip to Bonagilla*
8 *under the impression that he would obtain*
9 *the necessary information here, I felt that*
10 *it would be best to ring you, so that*
11 *clarity is achieved. He appeared to be*
12 *greatly relieved to know that you are*
13 *prepared to continue to handle this matter.*
14 *Grossmann appeared to me all you indicated*
15 *he would be. If he actually told Merrigan*
16 *all the things he claims he told him, I am*
17 *not surprised at all that Merrigan is not*
18 *particularly keen to assist in this matter.*
19 *I have the definite impression that*
20 *Grossmann is a man who has to be watched*
21 *rather carefully, otherwise he may create*
22 *such a feeling of tension between the Snowy*
23 *River authorities and the Germans that any*
24 *endeavour on our part to help the men may*
25 *be construed as an endorsement of*
26 *Grossmann's somewhat dubious method of*
27 *approach.*

28
29 It goes on to discuss Pastor Wittwer's salary, a living
30 allowance, et cetera. That's from his pastor.

31 A. What it does, Commander, it shows that Grossmann is
32 Wittwer's Grossmann. Then, if you care --

33
34 THE PRESIDENT: It shows the Grossmann they are referring
35 to is the person that Wittwer knew as Grossmann, although
36 he probably wasn't.

37
38 CMDR RUSH: Q. It shows that the person that was
39 purporting to be Hans Grossmann, or Waldemar Grossmann --

40 A. Or Heinz Grossmann.

41
42 Q. -- was the same one that Wittwer was referring to?

43 A. Yes, it does, and this is confirmed by the report
44 which I have given you there, the ASIO report.

45
46 Q. I'll go through every page you've given us.
47

1 THE PRESIDENT: Only on this topic.

2
3 CMDR RUSH: Yes, sir.

4
5 Q. At page 0103, it says:

6
7 *Commonwealth of Australia.*

8
9 This is the Department of Immigration:

10
11 *Notes on interview with Wittwer*

12
13 *1) Grossmann ...*

14
15 A. Sorry, note that the Department of Immigration can
16 find Wittwer on their records but ASIO can't. They are all
17 dealing with the same matter.

18
19 THE PRESIDENT: Maybe because ASIO never interviewed him.

20
21 CMDR RUSH: Q. If we accept what is written in the ASIO
22 correspondence that I've read, ASIO had never had anything
23 to do with him?

24 A. That's not correct, sir - not correct.

25
26 Q.
27 *Grossmann: (leader of Germans in Snowy*
28 *River) ...*

29
30 A. That's the man.

31
32 Q.
33 *Saw Wittmann, but declined offer of German*
34 *Pastor. Not popular with authorities, who*
35 *tried to discredit him. Not very good type*
36 *in many respects.*
37 *Raise question of support for Wittwer's car*
38 *purchase.*
39 *... self-supporting next year?*

40
41 *2) Inform Wittwer of amount of refund of*
42 *his cheque.*

43
44 A. Just to explain this, "Grossmann, leader of Germans in
45 Snowy River", okay, that defines him there. "Saw
46 Wittmann" - "Wittmann" not "Wittwer". They are talking
47 about another pastor who the authorities were trying to put

1 on the Germans and get rid of Wittwer. This is Wittmann.
2 And here we have - you haven't read this - you haven't read
3 it out, but we have notations Wittmann, who was the pastor
4 they were trying to supplant Wittwer with.
5

6 Q. The handwriting "Wittmann", you understand was of
7 Pastor Wittwer's.

8 A. This is a notation by Wittwer:

9
10 *Wittmann wanted me replaced with the*
11 *genuine "German".*
12

13 Wittmann wanted Wittwer replaced. That's the gist of the
14 message.
15

16 Q. I understand that is the gist of a message concerning
17 Pastor Wittwer, Grossmann and Wittmann raised with the
18 Department of Immigration.

19 A. That's correct. In other words, to carry that
20 further, the Department of Immigration was well aware of
21 this, and in the paperwork you have there, the
22 six-page passage from ASI0, the --
23

24 THE PRESIDENT: We're just going through these documents
25 one by one.
26

27 CMDR RUSH: Q. The next document is 0104, which is a
28 letter --

29 A. We're coming back to the other one, I guess.
30

31 Q. This is the way they were provided, I think.
32 CORR.014.0104, 15 April 1952.

33 A. This is the one.
34

35 Q. It is a letter from Spry to Heyes, the Secretary of
36 the Department of Immigration.

37 A. Yes.
38

39 Q.

40 *I refer to my memorandum of 29th February,*
41 *1952, which dealt with the personal cases*
42 *of Nazi migrants employed by the Snowy*
43 *Mountains Hydro-Electric Authority,*
44 *referred to me by your department.*

45
46 *2. I have consulted with the Authority*
47 *regarding some matters of general security*

1 *interest. In particular I would like to*
2 *raise the question of alien absconders from*
3 *work, to which they made particular*
4 *reference.*

5
6 3. *I learn that the Snowy Mountains*
7 *Hydro-Electric Authority suffers a great*
8 *deal from New Australian labour absconders*
9 *who although directed to employment there*
10 *subsequently leave without permission and*
11 *without giving any future address.*

12
13 *I am given to understand that the Authority*
14 *notifies them as absconders but that no*
15 *action is taken to deal with any of them on*
16 *this account. Whilst the question of*
17 *action against absconders from work is not*
18 *one for me, I would strongly recommend that*
19 *action should be taken to enforce penalties*
20 *against aliens who fail to notify change of*
21 *address, as this is a matter which is of*
22 *direct concern to me in that reasonably*
23 *accurate information as to the whereabouts*
24 *of aliens is essential for the discharge of*
25 *my responsibilities for the internment of*
26 *certain aliens in time of war or*
27 *restriction upon the movements of others.*

28
29 That is dated 15 April 1952. Insofar as it relates to any
30 investigation, association, or anything else with Waldemar
31 Grossmann, Hans Grossmann or Heinz Grossmann, a year after,
32 it would seem, Wittwer spoke with Grossmann, how does it
33 connect ASIO with that?

34 A. All this paperwork that you are reading, you've only
35 read the covering letter there. There are another six
36 pages that deal with Grossmann. The point I make is that
37 Grossmann is the subject of the Department of Immigration.
38 Spry's concern is that he is dealing with aliens such as
39 Grossmann, and the threat that they might present to the
40 country.

41
42 This particular Grossmann is of interest to ASIO, and
43 he's also of great interest to Immigration. As a matter of
44 fact, if you go further back in the papers you are reading
45 now, you'll find they are taking legal action against him.

46
47 It is impossible to deny that ASIO is well involved

1 with this Grossmann when you read the last few pages of
2 what you've got there. They know all about Grossmann.

3
4 THE PRESIDENT: Q. "The last two pages of what you've
5 got", are you saying that we haven't come to it yet?

6 A. I'm just jumping the gun. I don't know what's going
7 to happen here. I like to bring it up so that we know it's
8 going to come. If I can finish that, ASIO is well aware of
9 Grossmann; ASIO is well aware, and so is Immigration, they
10 are working on it together, and yet ASIO in 1998 put in a
11 submission that they know nothing about this Grossmann
12 except that he was a gunner on the *Kormoran*.

13
14 And then in the papers you are going to read now,
15 I believe, they suddenly find that they do know all about
16 Grossmann, and he's a danger, because he's causing great
17 concern. He's also involved with a couple of unions which
18 are involved with the Communist Party. You read all that
19 and you find they are very interested in Grossmann - not,
20 as they say, "We don't know anything about him." We know
21 where he is, but he disappeared in Wollongong. I think he
22 got a pair of cement boots, but anyway, that's where he
23 disappeared.

24
25 THE PRESIDENT: We will adjourn until 2 o'clock

26
27 **LUNCHEON ADJOURNMENT**

1 **UPON RESUMPTION:**

2
3 **CMDR RUSH:** Sir, this morning when I went to the ASIO
4 correspondence from the Deputy Director, I neglected to
5 observe that the correspondence is marked "Restricted".
6 From the point of view of Counsel Assisting, I can see no
7 reason why it should be, but that is the way it is. We
8 will make representations to the organisation to have that
9 restriction lifted, but at the moment I have to ask, sir,
10 that there be an order made in relation to it and that it
11 be marked as a confidential exhibit. We will move on that
12 forthwith.

13
14 **THE PRESIDENT:** Yes, very well. Pursuant to section 62 of
15 the Defence Inquiry Regulations 1985 and otherwise I make
16 an order directing the non-publication of the document
17 referred to this morning as an "ASIO report". It will
18 become confidential exhibit 2 and is not to be published.

19
20 **EXHIBIT #2 CONFIDENTIAL ASIO LETTER, EXHC.002.0001**

21
22 **CHANNEL 10 REPRESENTATIVE:** I am representing Channel 10.
23 Just to clarify that, is that the actual letter in response
24 to CMDR Rush?

25
26 **THE PRESIDENT:** It is the letter from ASIO which was read
27 out.

28
29 **CHANNEL 10 REPRESENTATIVE:** And the detailed quote, "There
30 are no records concerning *HMAS Sydney* in ASIO's file"?

31
32 **THE PRESIDENT:** Yes, that's correct. That letter or its
33 contents are not to be published. If the restriction is
34 lifted, I will revoke the order that I have made.

35
36 **CMDR RUSH:** Q. Mr Doohan, to complete the record that we
37 were going through of the material that you provided,
38 I think we had been to the letter of Heyes, Secretary of
39 the Department of Immigration, the letter written by
40 Director-General Spry of 15 April 1952. Then the next one
41 was 0105, which is a memorandum, "Director-General". Where
42 does this one come from?

43 A. This came from the same file, but Spry was writing to
44 the Secretary of the Immigration Department.

45
46 Q. So it is out of the Immigration file?

47 A. It was actually an ASIO file. It was a letter to the

1 Immigration Department but has come through the ASIO file.

2

3 Q. Just to clarify that, sir, this was something that was
4 on a file that you searched at Immigration?

5 A. It was on a file that was dropped off the back of
6 a truck. That's all I know.

7

8 Q. I'm sorry?

9 A. It's a file that was made available to me.

10

11 THE PRESIDENT: Q. By whom?

12 A. It was made available by a person in Sydney, who is
13 a journalist.

14

15 Q. And who was that person?

16 A. His name is Watt, Mr Max Watt, who is German by birth.

17

18 THE PRESIDENT: Have you made any inquiries whether there
19 is any restriction on these documents?

20

21 CMDR RUSH: I haven't, sir.

22

23 THE PRESIDENT: I should mark them as a confidential
24 exhibit until you do.

25

26 CMDR RUSH: I agree, sir.

27

28 THE PRESIDENT: Yes, all right.

29

30 CMDR RUSH: We will have to take other steps in relation
31 to its publication, but I will ensure that those are done.

32

33 THE WITNESS: Sir, I have circulated that fairly widely.

34

35 THE PRESIDENT: Q. I'm sorry?

36 A. I have circulated that fairly widely.

37

38 Q. Have you?

39 A. Yes, I have.

40

41 THE PRESIDENT: Perhaps it is pointless my considering
42 making an order if it has been circulated.

43

44 CMDR RUSH: Save that it does refer to people's names.

45

46 THE PRESIDENT: Yes. In relation to the document
47 CORR.014.0105, I shall make an order pursuant to

1 regulation 62 that the six names referred to in paragraph 1
2 not be published, nor should there be publication of any
3 material which might identify those six persons.

4
5 CMDR RUSH: Later in this material, sir, there is a person
6 referred to I think as Heinrich Grossmann. No such person
7 by that name thus far has been referred to in evidence.
8 For the moment, sir, I'm going to have to ask that the
9 order apply to that person, until there is some
10 explanation, if it be possible, to ascertain just who we're
11 talking about.

12
13 THE PRESIDENT: Yes. In relation to the document headed
14 "Inquiries concerning German migrants", CORR.014.0107, 0108
15 and 0109, I shall make an order that the names of the
16 persons referred to in paragraphs 8, 19, 20, 21, 22 and 25
17 not be published. You might make some inquiries as to
18 whether that restriction can be removed.

19
20 CMDR RUSH: I will, sir.

21
22 Q. It doesn't stop us dealing with it here, you
23 understand, Mr Doohan?

24 A. Yes.

25
26 Q. This is a memorandum of 14 February 1952 dealing with
27 certain names and concerning investigations of persons,
28 communists, Nazis, concerned with the Snowy Mountain
29 Hydro-Electricity Scheme?

30 A. Yes, that's correct.

31
32 Q. If we could go to 0107 to 0108, there is reference in
33 paragraph 19 on page 0109 to a person called Heinrich
34 Grossmann, who is a person who has a first name which is
35 different from Hans, Heinz, Waldemar that we have thus far
36 discussed?

37 A. Heinz can be a derivation or diminutive of Heinrich.

38
39 THE PRESIDENT: It may be or it may not be. We don't know
40 yet.

41
42 CMDR RUSH: Sir, at this stage may I tender those two
43 particular pieces of correspondence - 0105 and 0107 - on
44 a restricted basis, and I will make the inquiries.

45
46 THE PRESIDENT: Yes. I will mark those two documents at
47 this stage as confidential exhibit 3.

1
2 EXHIBIT #3 CONFIDENTIAL DOCUMENT BARCODED CORR.014.0105,
3 SIX NAMES REFERRED TO IN PARAGRAPH 1 NOT TO BE PUBLISHED,
4 NOR SHOULD THERE BE PUBLICATION OF ANY MATERIAL WHICH MIGHT
5 IDENTIFY THOSE SIX PERSONS; DOCUMENTS BARCODED
6 CORR.014.0107, CORR.014.0108 & CORR.014.0109, NAMES OF
7 PERSONS REFERRED TO IN PARAGRAPHS 8, 19, 20, 21, 22 & 25
8 NOT TO BE PUBLISHED
9

10 CMDR RUSH: Q. Mr Doohan, one of the matters that I said
11 we would go back to is I think what you've described as
12 Mr Lander --

13 A. Reginald Lander.
14

15 Q. -- who claimed to be tracking signals off the Western
16 Australian coast?

17 A. Yes, tracking a German raider, the name of which he
18 didn't know at the time.
19

20 Q. As I understand that proposition, it is to the effect
21 that Mr Lander, who worked at that time I think with the
22 PMG --

23 A. He had worked with the PMG, but at that stage of the
24 game, I'd have to look at his material again - he had been
25 earlier a PMG technician.
26

27 Q. He was working, he claims, with a facility that was
28 tracking communications sent by HFDF?

29 A. That's correct. It was a new system. It was the
30 cathode ray system, a brand new system.
31

32 Q. He claimed that the base where he was operating from
33 was the Qantas flying boat base at Rose Bay in Sydney?

34 A. He was operating from two bases - one was in western
35 Sydney and the other one was at Rose Bay.
36

37 Q. One at Rose Bay and one at Holdsworthy?

38 A. At Holdsworthy, the Army camp, Army area.
39

40 Q. For there to be any substance in what Mr Lander says,
41 there first of all has to be a radio signal coming from the
42 raider?

43 A. There has to be, yes.
44

45 Q. And the records that have been searched in Germany of
46 *Kormoran's* radio transmissions demonstrate this: firstly,
47 that they were very few and far between and that the last

1 signal she sent prior to the engagement was on 27 October
2 1941. If that be correct, for the purposes of any
3 tracking, it would be impossible to track any ship if it
4 wasn't signalling.

5 A. What are you inferring there?
6

7 Q. If you accept for the purposes of the question that
8 the last signal sent by *Kormoran* was on 27 October 1941,
9 there would be no tracking of *Kormoran* down the Western
10 Australian coast between that date and the date of the
11 engagement on 19 November?

12 A. Not necessarily. If *Kormoran*, as I believe she was,
13 I believe, merely acknowledging a signal sent to her, which
14 would be a very short signal, and that need not be recorded
15 whatsoever. It's a very short signal, in other words,
16 which would be identified as "signal received". If she
17 didn't do that, the signals would keep on coming until she
18 confirmed that she had them.
19

20 Q. Every signal that *Kormoran* sent, every one, in 1941
21 was a short signal?

22 A. No, not necessarily. I'm talking about the ones from
23 about 11 November. All this was at a time when *Aquitania*
24 had been kept back in Singapore for eight days. She was
25 kept there, and it is known, there is evidence of the
26 Germans as well, that *Kormoran* was waiting for the
27 *Aquitania*; she was waiting for her, and she would have to
28 wait until she was told that *Aquitania* was leaving
29 Singapore, where she had been kept back deliberately. So
30 when she got a signal, she would have to reply to that
31 signal. Otherwise, the message would keep on coming
32 through. There are people here who could tell you that
33 would be correct.
34

35 THE PRESIDENT: Q. You said that it was known that
36 *Kormoran* was waiting for *Aquitania*. I should make it clear
37 to you that I don't know that at all.

38 A. The Germans said so, sir.
39

40 Q. Excuse me. I have no evidence at all which would
41 support that proposition.

42 A. We can give you the evidence from the records that the
43 Germans themselves said that they were waiting for the
44 *Aquitania*. That's in the record.
45

46 Q. Which records are you referring to?

47 A. I'm talking about, for example, Dredge's record,

1 Signalman Dredge on the *Aquitania*.

2

3 Q. Signalman Dredge of the *Aquitania*?

4 A. Of the *Aquitania*. And also the interrogation record
5 carries it, that they definitely mentioned that, "We were
6 waiting for the *Aquitania*." I'd have no doubt that that's
7 correct. It's certainly in the record.

8

9 CMDR RUSH: Q. Are you referring to the interrogation
10 records?

11 A. Interrogation records as well.

12

13 THE PRESIDENT: Q. There's nothing in the interrogation
14 records that would suggest that.

15 A. Sir, the Minister who was responsible for that
16 actually had arranged that I be given a copy of a file,
17 which was subsequently renumbered 1/15/2, and that was made
18 up of records in Garden Island here in Western Australia,
19 because I was causing quite a lot of bother by asking
20 certain things. So this record, which was made up of
21 several files, was put together as one file and
22 redesignated as 1/15/2. That was sent on, okayed and
23 released to the archives of Western Australia with
24 instructions that a copy be sent to the West Australian
25 Maritime Museum, to the Curator, Michael McCarthy, and that
26 he should then photocopy a full copy and hand it on to
27 John Doohan.

28

29 They were the instructions that would be in the record
30 of the Victoria Park Archives. That's the file I'm talking
31 about. There is a lot in that file. There was not a lot
32 of files. There was a file that would not worry anybody
33 too much, but as a matter of fact it was quite significant.
34 It's in there, including Bunjes' and Hemmerich's statement
35 about the black and yellow bomber, for example. There's
36 a lot in the file.

37

38 Q. I have read those. What I said was that there is
39 nothing in the interrogation notes of the German prisoners
40 that I have seen that indicates that *Kormoran* was waiting
41 for the *Aquitania*.

42 A. That is not from the 1/15/2.

43

44 Q. Anyway, if you have some documents which indicate
45 that, you might make them available to the Inquiry.

46 A. I'll do that.

47

1 CMDR RUSH: Q. A couple of other matters, Mr Doohan. If
2 we go to your submission at CORR.014.0093, this is a letter
3 from a submission that you put to the Federal Minister. At
4 the bottom of the page --

5 A. This refers to Commodore Trotter.

6
7 Q. I think this paragraph probably doesn't, but the last
8 one:

9
10 *Minister, finally "taking off" the*
11 *proverbial gloves, I clearly profess my*
12 *belief, on ample evidence, that Sydney's*
13 *Company met its end by foul play in which*
14 *Kormoran's survivors played a part.*

15
16 Your allegation is, is it not, that the Germans machine
17 gunned the survivors of *Sydney* in the water?

18 A. I didn't say the Germans did it. I never, ever did.
19 I just said that they had the motorised boats which carried
20 the machine guns and that they denied having those boats,
21 and the German record itself shows that they did have those
22 boats.

23
24 So what I said actually was not that the Germans did;
25 I would have referred to Grossmann's evidence to Spry in
26 1951. He made two statements - one aboard the *Aquitania*
27 and the second one to Spry, according to Wittwer, and
28 obviously it appears to be correct - and Grossmann
29 described how a Japanese submarine which was with them -
30 and, incidentally, another German gave evidence that there
31 was one with them, but that's as far as it goes. Whether
32 he was telling the truth or not, this is what Grossmann put
33 before ASIO, that the action started at 10 kilometres, the
34 action itself, 10 kilometres, which is definitely different
35 from the official story. But I can't comment on that
36 except to say that he said that.

37
38 THE PRESIDENT: Q. Mr Doohan, on what you have just
39 said, I should make clear to you that I know of no account
40 given by a German sailor which said that they were
41 accompanied by a submarine of any sort. If you have any
42 document which suggests that, I would be grateful if you
43 would make that available to me.

44 A. The only document I have is the statement by
45 Grossmann, the three-page statement, which was given by
46 Ivan Wittwer. This was definitely involving ASIO, because
47 ASIO have already, in the documents we're talking about

1 now, the latest documents, Grossmann was definitely
2 a subject for ASIO with Immigration, and it is the same
3 Grossmann that Wittwer is talking about.

4
5 CMDR RUSH: Q. Is the only source for the proposition
6 that you are putting forward the account allegedly given to
7 Pastor Ivan Wittwer in 1951 by a person who purported to be
8 Heinz Grossmann?

9 A. On this, on the face of it, that's what it would seem
10 to me.

11
12 Q. Apart from that letter, is there anything else?

13 A. There's more than "anything else", Commander, because
14 the whole of the *Sydney* mystery relies on one claim, the
15 official claim, there were no signals. That's where we've
16 got to get to - the signals.

17
18 Q. I'm not asking about signals. I'm dealing with
19 a specific point.

20 A. I'm following through what you told me, what you said
21 to me.

22
23 Q. Apart from what we've discussed as Grossmann in the
24 Wittwer letter, do you rely on anything else for the
25 proposition that survivors of *Sydney* were machine gunned in
26 the water?

27 A. That's exactly what Wittwer said, because he was told
28 that, but told it by Grossmann. What I'm saying is that
29 everything that the Germans said has been taken as gospel.
30 This is something that has come down from that time. ASIO
31 know about it. Whether they accept it or not, they know
32 about it, as at least something which is very relevant to
33 be either proven or disproven. This is something you don't
34 appear to be doing. You appear to be trying to disprove
35 everything which is not a German statement.

36
37 THE PRESIDENT: Q. We're not trying to disprove
38 anything. What I'm trying to do is to determine what the
39 facts are.

40 A. The fact is, sir, that that is evidence.

41
42 Q. When I have found that, I will make a report.

43 A. It is evidence that has been put forward and it either
44 has to be decided, determined, or just thrown out the
45 window - one of the two - three, actually.

46
47 CMDR RUSH: Q. At 072 of your submission, Mr Doohan -

1 I can't find the matter of relevance there, Mr Doohan.
2 I might move on to the signal.

3
4 THE PRESIDENT: I'm looking at the document which is the
5 unsigned, undated statutory declaration of Ivan Wittwer,
6 CORR.014.0097, and that merely refers to a story published
7 in the Eyre Peninsula Tribune on 1 May 1997. Is that
8 right? So if you want to find out what it is that
9 Pastor Wittwer says he was told by the person who went
10 under the name of Grossmann, you have to read the newspaper
11 article.

12
13 CMDR RUSH: Yes, sir, I do think there is another account
14 that has been provided to the Commission of Inquiry, and
15 I don't remember by whom. I think there is a submission by
16 Pastor Wittwer to the Parliamentary Inquiry.

17
18 THE PRESIDENT: Yes. Thank you.

19
20 THE WITNESS: Which incidentally was in my submission.

21
22 CMDR RUSH: Q. Thank you. Mr Doohan, is it your opinion
23 that the SWACH log has been interfered with?

24 A. It is my opinion, because I can show you in the SWACH
25 log where it has been used to give a false account of the
26 *Sydney/Kormoran* affair, and that's a serious question.
27 I know I could go for that one, and I stand by it.

28
29 Q. Where do you say that the SWACH log has been
30 interfered with?

31 A. It has been interfered with over 12 to 15 pages, but
32 in particular areas on 4 November, 7 November, 19 November,
33 20 November, and then it goes on, it's all relevant, until
34 we get to the 4th and the 7th, where those signals are
35 transposed from 4 to 7 November, so they piggyback over the
36 19th/20th as if it didn't exist, and then they lob on 4 to
37 7 December, and then the next day, Hawaii time, on the 7th,
38 Pearl Harbor is surprise attacked, and everything went into
39 NFA, "no further action". There was no further action
40 until 23 October 1945, where the Naval Intelligence
41 Director stated that there were to be no more statements
42 made on the *Sydney*, and particularly on the loss of the
43 *Sydney's* crew. So that's the area we're moving into.

44
45 Q. Let's look at the entry for Saturday, 6 December, at
46 NAA.016.0070.

47 A. The major ones are 4 November and 7 November.

1
2 Q. I'll come to that. If we can come in a bit closer,
3 the entry for 0054:

4
5 *Signalled CWR: Information received from*
6 *Darwin that short wave broadcast overheard*
7 *on 4th of December was from PMG Sydney to*
8 *PMG Darwin. In view of confusion caused*
9 *request information whether this is regular*
10 *or authorised channel: 0054 2/6.*
11

12 A. That is one of the parts brought forward from the same
13 dates of November and lobbed over to land on the same dates
14 in December, and we can prove that just by examining it.
15

16 Q. How do we prove that by examining it?

17 A. By examining the log itself and examining the material
18 which I have put in to Commissioner Cole. It's all there.
19 And there's only one way you can prove it, which is by
20 examining it with the intention of proving it or disproving
21 it. That's all I'm asking for, is someone to try and
22 disprove it or prove it. That's what I've been here for.
23

24 Q. So from your position, do you accept that that was an
25 entry that was made on 6 December at 0054?

26 A. To start off with 4 or 7 December - sir, can I just
27 give a quick resume of why this is, how it happened? It
28 might help.
29

30 THE PRESIDENT: Yes.

31 A. In the early morning of 4 November at 4 SFDS, RAAF
32 Station in Geraldton, night flying exercises were taking
33 place. Four pilots, at about 1 in the morning, were doing
34 night flying exercises when the instructors on the ground
35 noticed a fifth set of lights entering into their circuit.
36 He immediately warned the pilots that they have a fifth set
37 of lights that moved into their circuit. When that
38 material went out, the fifth set of lights headed off for
39 Africa somewhere, out to sea.
40

41 Okay, then immediately they started to search to
42 locate suspected raider. It is relevant to tell you this,
43 that at that time the official claim was that there was no
44 raider in the Indian Ocean. The next morning, you have
45 a search of Navy and Air Force, a big search, to locate
46 suspected raider.
47

1 Q. That was 6 November, was it?

2 A. That was 4 and 7 November - sorry, the night of
3 3/4 November, so we call it 4 November.

4
5 Q. But the big search which you said took place the next
6 day was on what date?

7 A. On 4 November.

8
9 Q. On 4 November?

10 A. And the reason for that was that the *Queen Elizabeth*
11 and the *Queen Mary* were just coming in to fuel in
12 Fremantle. I know that, because I was on the Navy oiler
13 that fuelled them. That immediately started off a search
14 for a suspected raider, a heavy search, Naval and
15 Air Force. *Sydney* was involved in it.

16
17 Then we have a couple of days until the 6th/7th, we'll
18 call it 7 November, when another unidentified aircraft
19 appeared in the early hours of the morning over Pearce RAAF
20 Station. That immediately boosted the search for the
21 suspected raider. So they are the two dates we're talking
22 about - the 4th and the 7th.

23
24 Q. And that's all recorded in the logs, is it?

25 A. That's according to the log, too, absolutely. That
26 appears on those dates, on 4 November and 7 November. It
27 also brings in people's names who were involved, Navy and
28 Air Force.

29
30 CMDR RUSH: Q. On your account, Mr Doohan, the aircraft
31 flying over Geraldton was from a raider?

32 A. Well, certainly the authorities believed it was.

33
34 Q. And the aircraft from the raider had its navigation
35 lights on?

36 A. Yes, it did.

37
38 Q. Do you think that's a likelihood?

39 A. I think it's an absolute certainty, because if I was
40 going to fly an enemy aircraft in enemy airspace and I know
41 that they have the facility to know there's an aircraft up
42 there, I'm certainly going to be flying my lights. But
43 that's only me.

44
45 THE PRESIDENT: Q. Presumably that aircraft would have
46 to land at sea at night?

47 A. Well, it was doing that. They had Arado aircraft.

1 *Kormoran* had two Arado aircraft, float planes, and they
2 used to land. They were adept. Ahl was a pilot and
3 Diebitsch was a pilot. They were fully qualified pilots.
4

5 Q. Landing at sea at night?

6 A. I've seen it happen at sea. I've been at sea with
7 American cruisers, and they've landed their Curtis float
8 planes at night, provided it's a moonlight night. If they
9 didn't have moonlight, they used flares. It's simple - not
10 for me, but for them, yes. You have to have had some
11 experience on a ship at sea in wartime, to at least have
12 a little bit of sailing at sea. I don't know how many
13 people in this room were doing that.
14

15 CMDR RUSH: Q. You say that *Sydney* was diverted to look
16 for a raider?

17 A. *Sydney* was diverted to look for that raider, and
18 that's also in the log.
19

20 Q. In what log?

21 A. In the SWACH, South-West Area Combined Headquarters
22 log.
23

24 Q. To look for a raider?

25 A. To locate a suspected raider and *Sydney* is named there
26 as having been involved in that search. A couple of weeks
27 later, *Sydney* is believing that there is no raider in the
28 Indian Ocean. Well, do you expect me to believe that?
29

30 Q. I'm not sure, but I'm not sure what you're referring
31 to by "intelligence saying there was no raider in the
32 Indian Ocean".

33 A. The authorities were saying afterwards there was no
34 raider. Until people started questioning the whole *Sydney*
35 story, there was no raider. To the knowledge of the
36 authorities, Navy and Air Force, there was no raider. But
37 on 4 November, when this aircraft incident occurred,
38 immediately they went into a full search to locate - not
39 just look for, but locate suspected raider. Why am I to be
40 doubted, or why should I be called out of order if
41 I believe that they suspect there is a raider out there?
42 Besides which, we were with *Sydney*. We used to dock near
43 *Sydney*, end to end, and some of the blokes aboard *Sydney*
44 were actually saying openly, "There's a raider out there.
45 We've been told by the skipper."
46

47 Q. If we look at the Combined Operational Intelligence

1 Centre Weekly summary for 17 November 1941 at NAA.011.0038,
2 if we can go to 0039 at the bottom of the page.

3 A. "Unidentified aircraft", yes.

4

5 Q. It states:

6

7 *WA - Unidentified Aircraft - A full report*
8 *has been received from Western Area in*
9 *reference to the reports of a light*
10 *(considered to be from the cabin of an*
11 *aircraft) observed at 1430Z/3 at Geraldton*
12 *and a light moving across the sky near RAAF*
13 *Station Pearce (WA) at 0300H/7. After full*
14 *examination of the reports it is considered*
15 *extremely doubtful if in either case the*
16 *light observed was from an aircraft.*

17

18 A. Well, that doesn't appear - this is not the SWACH log.
19 This is not the Western Australian SWACH log.

20

21 THE PRESIDENT: Q. This is the intelligence summary.

22 A. This is the intelligence summary, but that hasn't been
23 handed out to everybody. The SWACH log, which we know is
24 the SWACH log, which is in the Canberra Museum now, is the
25 one I'm talking about. I can show you a copy of it right
26 now, or the relevant pages. I can show it to you right
27 now. This is not the same report. The SWACH log, the
28 Western Australian SWACH log, states definitely that the
29 search is convened to "locate enemy raider", and not only
30 one statement, but several.

31

32 CMDR RUSH: Q. What date or what entry are you referring
33 to for that proposition?

34 A. Do you want me to get it out? I'll get it out.
35 You'll have to wait a moment for me to get it out.

36

37 Q. Give us the date and we'll bring it up for you.

38 A. The dates are 4 November --

39

40 Q. 4 November?

41 A. And they deal with a man called Wesche, who didn't
42 exist in the story.

43

44 THE PRESIDENT: Just a minute and we'll have the SWACH log
45 of 4 November shown.

46

47 CMDR RUSH: NAA.016.0001, page 40 of the log.

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THE WITNESS: This is not the same log as I have. It's a different log altogether.

CMDR RUSH: Q. I'm sorry?

A. This is not the SWACH log that I have and that every member of the various groups had. This is a different log, Commander.

THE PRESIDENT: Q. Let's have a look at the SWACH log first.

A. If you could find page 88, it would help. Sir, I'd like to compare it with what I have here.

CMDR RUSH: Q. I think you'll find what you want here at 0430, Mr Doohan.

A. Doesn't look like it to me.

THE PRESIDENT: Q. Do you see it there at 0430, Mr Doohan?

A. I'm still looking, sir. It's at the bottom of the pile. Page 88 - could I hand this to you.

Q. I think you will find that it is on the screen.

A. What do we have on the screen now, Commander?

Q. We have a copy of page 88.

A. Well, this is not page 88 of mine.

Q. May I see that document?

A. Yes, I'll pass it up. Can you find the name Wesche on page 88?

CMDR RUSH: Q. At 0255:

F/O Wesche on duty.

A. Oh, it's the same page. It doesn't look like it.

Q. At 0420:

Rang Pearce to contact op officer.

At 0430:

Contacted op officer and gave him warning of operation for 4/10. Signal sent to

1 *Pearce.*

2

3 A. That's on mine as well.

4

5 Q. "(R) CWR".

6 A. Yes, this is the same.

7

8 Q. And then it goes on:

9

10 *Object locate suspected raider ...*

11

12 A. That's right.

13

14 Q.

15 *... 2045 Z/3. This operation was decided*
16 *on the report from Geraldton, that night*
17 *flying pilots saw the light of an aircraft.*

18

19 A. Yes.

20

21 Q. And what I just took you to from the Combined
22 Operations Intelligence report was that that was fully
23 investigated, and, in the opinion of those that had
24 investigated it, was not an aircraft?

25 A. Well, the SWACH log says it was. Which one do you
26 believe?

27

28 Q. When you refer to *Sydney*, as a consequence of that
29 report, *Sydney* cleared away for the *Queen Mary* coming into
30 Fremantle?

31 A. That's correct. It says so here.

32

33 Q. So the point is what?

34 A. Well, the point is that at that time it's on the
35 record - it's on yours as well - that we have an aircraft.
36 Obviously, it happened. We have an alarm raised by an
37 aircraft which was not supposed to be there. It
38 immediately created a search, "locate suspected raider".
39 Therefore, we have a contradiction of the official story
40 that they suspected nothing in the Indian Ocean of
41 a raider.

42

43 THE PRESIDENT: Q. There's no contradiction. There is
44 a report that somebody saw a light; they thought it came
45 from an aircraft; they thought the aircraft might have come
46 from a raider; so they said, "Search and see if you can
47 locate a suspected raider." They did the search. They

1 didn't find one. And the intelligence people said, having
2 fully investigated it, "We don't think it came from an
3 aircraft."

4 A. Taking it page by page like that, okay, you could
5 argue that, but take the whole situation, the reports,
6 remembering that in the centre of that report on the
7 19th/20th is Dawson's report of the signals from *Sydney* on
8 the 19th/20th.

9
10 Q. That's a different issue. We'll come to the question
11 of Dawson's reports.

12 A. Those dates, sir, immediately appear, the 4th and the
13 7th disappear on everything else. They're on here, but
14 then the 4th and the 7th, if we follow this through in the
15 log itself, become the 4th and 7th of December.

16
17 Q. No, they don't.

18 A. They do, sir.

19
20 Q. This is 4 November, and you were shown a little while
21 ago 4 December.

22 A. Well, that's what it was transposed to - from
23 4/7 November to 4/7 December. They were the same signals
24 being picked up on the night of the 19th/20th on
25 a civilian --

26
27 Q. Mr Doohan, there are three things. You were shown
28 initially the logbook for the early December period, the
29 6th and the 7th.

30 A. And it looked different at that stage of the game.

31
32 Q. You then said, "Let me tell you the whole story." The
33 story starts back in early November when you said there was
34 a search for a raider.

35 A. That's correct.

36
37 Q. We've looked at the logs, and there was a search for
38 a raider. Right?

39 A. Yes, there was.

40
41 Q. We also know that by 17 November the question of
42 whether the lights came from a raider or not had been
43 investigated and it was determined that they thought they
44 didn't. If we now go back to the early December log, we
45 will see - and perhaps we should do it - the signals that
46 cause you concern, which you say, as I understand you
47 presently, ought to be entered on 4 --

1 A. December.

2

3 Q. On 4 or 19 November?

4 A. No, sir, 4 and 7 November were the aircraft over the
5 two bases.

6

7 Q. Yes. That relates to whether or not they saw aircraft
8 and whether or not they came from a raider.

9 A. Fifteen days later - and this is relevant - which is
10 the 19th/20th, we have the reports from Signalman Dawson,
11 passed on by his superior officer, SQNLDR Eric Cooper,
12 passed on to SWACH log, of the signals picked up from
13 *Sydney* on the night of the action.

14

15 Q. That's what you say. Whether they are or not is
16 another issue, but that's what you say.

17 A. Then we have the 4th and 7th transposed to December.
18 In the log, you will suddenly find - and of this I'm quite
19 certain - that they are fusing the actions of
20 19/20 November. They are fusing those actions, that these
21 are signals that were heard in a hostel in Geraldton - this
22 is being said in December, that those signals were heard in
23 a hostel in Geraldton on the night of 19/20 November by
24 Dawson, Signalman of the RAAF. It suddenly appears then on
25 the 4th and the 7th - I can't tell you any further than the
26 7th, because the next day, or some hours into the Hawaiian
27 time, we had the attack on Pearl Harbor.

28

29 But if you go through those dates from 4 November to
30 4 and 7 December, you will find that they are fusing all
31 the happenings of that first aircraft over, the happenings
32 of 19/20 November when Dawson and company received these
33 signals in a hostel in Geraldton. They are all then fused
34 on 4th and 7th, they all happened together on 4 and
35 7 December, but nothing to do with *Sydney*. They then say
36 the word "Sydney" is the City of Sydney. "Darwin" was also
37 in the signals on the 19th/20th, so they used "Darwin" and
38 "Sydney", except they made Sydney City the "Sydney", not
39 *Sydney HMAS*.

40

41 What you have to do - and this is what I've been
42 trying to get at - is look at it in its entirety, and you
43 will see that it's set out that the whole thing was set
44 together to give a totally different story.

45

46 Q. You may not have been here, but we have been through
47 these signals and whether they were received on the 19th or

1 the 4th, as the log shows, with I think two other
2 witnesses. The question is, CMDR Rush, are you going to do
3 it a third time?

4 A. Well, certainly, sir, it's something that has to be
5 decided on.

6

7 Q. I realise that. It will be decided on, you may be
8 sure of that. I'm just saying that it has been analysed
9 already with two other witnesses.

10

11 CMDR RUSH: Q. In other words, we're aware of the
12 proposition --

13 A. Yes, it is a proposition.

14

15 Q. -- and we have been through the logs and the entries
16 and the material of the written signals before they went in
17 the logs.

18 A. Right, but what I'm saying is that it has to be looked
19 at in its entirety from the log and also other evidence,
20 which I can't go into now without confusing myself and
21 confusing everybody else, but you have something there
22 which you could not deny has to be worked out.

23

24 Take the jump, the quantum leap. You have 645 men
25 here. The Germans lied their heads off - and I stand by
26 that and the record shows that they did. 645 men died in
27 suspicious circumstances. Not one of them was found, only
28 one with a bullet through the back of his head. But that's
29 all there, and there's no time limit on that.

30

31 THE PRESIDENT: Q. Mr Doohan, you may be sure that
32 I will closely analyse the logs and the signals which were
33 received and they will be set out in great detail in my
34 report, and I will also address in great detail the reasons
35 why there were no survivors.

36 A. Well, there's a lot more than that, sir. At least
37 I've raised enough here today to make it generally aware to
38 the public that there's a lot about the Sydney story that
39 isn't correct and hasn't been told. A lot of lies have
40 been told.

41

42 Q. That's why we're having an Inquiry and that's why I've
43 been asked to write a report about it.

44 A. I understand that.

45

46 THE PRESIDENT: Yes, CMDR Rush.

47

1 CMDR RUSH: Sir, I don't propose to go through that again.

2
3 THE PRESIDENT: Very well.

4
5 CMDR RUSH: You certainly have the argument and the
6 material that Mr Doohan puts forward, and I don't have any
7 other questions for Mr Doohan, sir.

8
9 THE PRESIDENT: Yes.

10
11 CMDR RUSH: May Mr Doohan be excused?

12
13 THE PRESIDENT: Yes.

14
15 THE WITNESS: Before I go, is there any prohibition on my
16 handing to anybody else the written material which
17 I've provided to you to do what we've just been talking
18 about?

19
20 THE PRESIDENT: Q. There is in relation to the material
21 in respect of which I made a confidentiality order.

22 A. That's the one you made a while ago?

23
24 Q. Yes, that's right. There are the five pages in
25 respect of which --

26 A. ASIO.

27
28 Q. The ASIO matters.

29 A. That's the only one you mean?

30
31 Q. We hope that that will be lifted in due course. At
32 this stage, that is the only restriction --

33 A. That is the only restriction you put on it.

34
35 Q. If I may say so, all of your submissions are already
36 available to the public.

37 A. I understand that.

38
39 Q. They are on the internet.

40 A. That's what I have here, just a copy of it. I have
41 that. I know it's there.

42
43 THE PRESIDENT: Thank you very much.

44
45 <THE WITNESS WITHDREW

46
47 CMDR RUSH: Sir, may we have a five-minute adjournment?