

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

On Friday, 6 February 2009 at 9.45am
(Day 29)

1 LCDR KERR: Good morning, sir. Before I call
2 Mr Christian, yesterday during Mr Doohan's evidence he
3 mentioned a Mr Crawford Addison Young and identified that
4 Mr Young's son, David, was in the courtroom. I spoke to
5 Mr Young Junior yesterday about some of the comments that
6 had been attributed to his father. Mr Young was unable to
7 provide any further information that would substantiate
8 that, apart from what was heard yesterday by this
9 Commission.

10
11 THE PRESIDENT: Thank you.

12
13 LCDR KERR: I call Mr Brett Christian.

14
15 **<BRETT RONALD CHRISTIAN, affirmed: [9.47am]**

16
17 **<EXAMINATION BY LCDR KERR:**

18
19 LCDR KERR: Q. Mr Christian, would you please tell this
20 Commission your full name, your professional address and
21 your occupation?

22 A. Brett Ronald Christian. My professional address is
23 276 Onslow Road, Shenton Park, Western Australia.

24
25 Q. And your occupation?

26 A. Publisher and editor.

27
28 Q. You are the owner and editor of the Subiaco Post; is
29 that correct?

30 A. It is Post Newspapers. Subiaco Post is one of the
31 papers that we publish.

32
33 Q. Over the years, in that particular newspaper, you have
34 published a number of articles and letters concerning
35 *HMAS Sydney*?

36 A. Yes, we have, yes.

37
38 Q. In answer to a summons served upon you by this
39 Commission, you have provided copies of some of those
40 articles and letters?

41 A. Yes.

42
43 Q. I would like to take you to a number of those and ask
44 you some questions about them. Before I do, it's the case,
45 isn't it, that you have on at least one occasion travelled
46 to north-western Western Australia in the area of
47 Dirk Hartog Island?

1 A. Yes, I have.
2
3 Q. With other people - Mr David Angwin?
4 A. Yes.
5
6 Q. And I think Mr Les Hall?
7 A. Les Moss.
8
9 Q. To search for evidence of bodies buried in that area?
10 A. Well, they were searching; I was observing.
11
12 Q. How many times have you accompanied anybody up there,
13 sir?
14 A. I've been there three times, to different areas.
15
16 Q. And each time with Mr Angwin?
17 A. No.
18
19 Q. Who have you travelled with?
20 A. The first time I went with Mr Barry Thompson,
21 a dentist from Geraldton, and our pilot, Tony Rees.
22
23 Q. That was the first time, you said?
24 A. That was to Dirk Hartog Island.
25
26 Q. On the second occasion?
27 A. The second occasion was with Les Moss and David
28 Angwin.
29
30 Q. And the third occasion, sir?
31 A. With those two again.
32
33 Q. If we could return to the first time with Mr Thompson
34 and Mr Rees, do you remember when that was?
35 A. It was autumn 2007, I believe, probably about May.
36
37 Q. And the second occasion?
38 A. About a year later, almost exactly a year later, yes.
39
40 Q. On the third occasion?
41 A. I think it was July 2008.
42
43 Q. On any of those occasions, did you or the people whom
44 you were with find any evidence of bodies being buried in
45 that area?
46 A. Certainly not, no.
47

1 Q. Are you aware as to whether there are going to be
2 further inquiries made by those people in that area?

3 A. Mr Angwin has already been back this year.
4

5 Q. Have you any knowledge of whether or not he found
6 anything?

7 A. He's told me he found nothing, nothing.
8

9 Q. If I could bring up, please, SUBM.008.0004. You will
10 see that on the screen in front of you, sir.

11 A. Yes, I can.
12

13 Q. It's a letter from Mr Jim Blythe dated 6 July 2001 to
14 Dr Michael McCarthy of the West Australian Maritime Museum.
15 It concerns, as you're probably aware, sir, a claim by
16 Mr Blythe that he was told by his father - if we could turn
17 to the second page, please - he talks about his father's
18 practice of trying to find a wavelength to send weather
19 information. At the top paragraph on the page:
20

21 *It was normal practice for lighthouse*
22 *keepers to tune in the radio set before*
23 *making the weather transmission in order to*
24 *pick up the precise frequency and in doing*
25 *so [his father] picked up a very clear and*
26 *loud transmission in what [his] father*
27 *described as Japanese dialogue. The reply*
28 *was also heard loud and clear in the same*
29 *dialogue.*
30

31 How did you come to have this letter, sir?

32 A. Mr Blythe sent it to me to pass on to John Samuels.
33

34 Q. You'll note in that letter, sir, that there is no date
35 referred to by Mr Blythe of when his father is said to have
36 heard this?

37 A. That's right, yes.
38

39 Q. If we could bring up SUBM.008.0079, as I understand
40 it, sir, this is an article written by you?

41 A. Yes. Yes, it looks like that, yes.
42

43 Q. If we could move to the second page of that document,
44 about halfway down the page:

45 *This week a researcher came forward with*
46 *evidence of loud, clear signals in Japanese*
47

1 *being monitored at the North West Cape*
2 *lighthouse just as the Sydney engaged the*
3 *Kormoran.*

4
5 A. That's right.

6
7 Q. That's a reference to Mr Blythe's letter?

8 A. I believe it is, yes, yes. Oh, no, no; I interviewed
9 Mr Blythe.

10
11 Q. You interviewed him?

12 A. Yes.

13
14 Q. That's when he told you that it occurred at the same
15 time as the *Sydney* --

16 A. Yes, that was his assertion, sure.

17
18 Q. Did you make any checks of the lighthouse record, sir?

19 A. No. I took his word that he'd been searching for the
20 log. He'd had great interest in his father's writings.

21
22 Q. Are you aware that he was unable to find the log,
23 according to him?

24 A. Yes, he told me that, yes.

25
26 THE PRESIDENT: Q. Could we go back to the previous
27 letter, please, at SUBM.008.0006. At the bottom of page 3
28 of the letter from Mr Blythe dated July 2001 it says:

29
30 *I have recently been told that this*
31 *information was very sensitive at the time*
32 *and that "higher authority" ordered the*
33 *Captain of the Cape Otway to ignore the*
34 *bodies sightings.*

35
36 In your discussions with Mr Blythe, did you inquire about
37 that matter?

38 A. I don't recall, sir. It was some time ago. We may
39 have discussed it. I simply don't remember.

40
41 Q. He goes on to say:

42
43 *I am unable to confirm these last few*
44 *lines.*

45
46 You don't recall if you spoke to him about that matter?

47 A. I'm sure I would have, but I don't remember how the

1 conversation went.

2

3 LCDR KERR: Sir, if we could go to SUBM.008.0014.

4

5 Q. This is a letter said to have been written by one of
6 the members of an alleged burial party, addressed to
7 Mr Samuels, and provided to you by Mr Samuels?

8 A. That's right.

9

10 Q. Can you tell the Commission when it was provided to
11 you?

12 A. I've been racking my brains. I didn't date stamp it.
13 I think it was some time in 2007.

14

15 Q. Did Mr Samuels give you any information about its
16 origin?

17 A. Oh, yes, he did, yes.

18

19 Q. What was that?

20 A. Just to go back a bit, I had been trying to get the
21 letters from him, or the details of the persons alleged to
22 have written them - that letter and another one - for well
23 over a year. In the course of those conversations he had
24 made a lot of statements about the persons who had written
25 them. He finally provided them a very, very long time
26 after I first asked for them.

27

28 Q. Did he tell you how he came to be in possession of
29 them?

30 A. This letter particularly he said was the second letter
31 he received after publication of his book and it was sent
32 to him. I've even got a feeling that he said he actually
33 had an encounter of some kind with the author, either by
34 phone or personally. I can't swear to that, but that's my
35 memory of it. I've got a very clear memory that he had
36 a good idea - well, he knew who the author was.

37

38 Q. You said that was the second letter, sir. What was
39 the first letter you were referring to?

40 A. The first letter was one that was all typed up in
41 capitals, and he said that that came to him via Pastor
42 Wittwer, who had received it from a person.

43

44 THE PRESIDENT: Q. Have you seen the transcript of the
45 evidence that Mr Samuels gave before this Inquiry?

46 A. Yes, I have, yes.

47

1 Q. You will have noted that he, in essence, said that he
2 had no basis for making any of the allegations that he put
3 in his book.

4 A. Yes, I saw that, yes.

5
6 Q. He has recanted on everything that he had written.

7 A. Yes. Well, I don't think he specifically said it of
8 the letters, but I imagine his global statement would
9 include the letters.

10
11 LCDR KERR: Q. If we could go to page 2 of that letter
12 and if I could ask you this, Mr Christian: is that the
13 form in which this letter was given to you, and by that
14 I mean you haven't deleted or changed anything?

15 A. Oh, no, I haven't, no.

16
17 Q. You haven't added anything?

18 A. No.

19
20 Q. You'll see down the bottom, it says, "All the best,
21 Harry"?

22 A. Yes.

23
24 Q. That's the way you got it?

25 A. Yes. I'm not sure that - I'd need to look at the
26 letter I gave to you in response to the summons. This
27 seems to have a different sign-off line. This does say
28 "Harry", but it does seem to be differently set out.

29
30 Q. Perhaps if I could assist you in this way: I can tell
31 you that this is the first time that the Commission has
32 seen a letter in that form purported to be from a person
33 named Harry.

34 A. Right.

35
36 Q. Any other letter that has been provided to the
37 Commission has not had any kind of signature line on it
38 whatsoever.

39 A. Right. Now, I must point out that Mr Samuels did say
40 that the letter had been typed from the original, so it was
41 a typed copy of the original letter that he received.

42
43 Q. So do I understand you to mean that Mr Samuels, as far
44 as you understand it, has another letter?

45 A. Yes, yes; that's a transcription of his original,
46 according to him.

47

1 THE PRESIDENT: Did Mr Samuels produce the original of
2 this letter to the Inquiry?

3
4 LCDR KERR: Not that I'm aware, sir, no.

5
6 THE PRESIDENT: And we don't know who Harry is, do we?

7
8 LCDR KERR: No, sir. The letter is the first time that
9 we've seen the name "Harry".

10
11 THE PRESIDENT: Q. Do you know who "Harry" is?

12 A. No. I wish I did. I tried very hard to get his
13 details, if he indeed exists.

14
15 THE PRESIDENT: We'll make some more inquiries of
16 Mr Samuels about it, I think.

17
18 LCDR KERR: Q. Did Mr Samuels tell you that he had
19 interviews with the family members of this Army burial
20 party?

21 A. There is a passage in his book that purports to do
22 that, yes.

23
24 Q. And that is the source, I take it, of your statement
25 in SUBM.008.0047, in the fifth paragraph down:

26
27 *He puts forward new evidence in the form of*
28 *interviews with family members of an Army*
29 *burial party.*

30
31 A. That's right, yes.

32
33 Q. Did you ever speak to him about that?

34 A. I did, yes.

35
36 Q. Did he tell you the source or the names of those
37 family members?

38 A. No. I tried many, many times, I can tell you, over
39 a long period of time, to get that information. Obviously,
40 I wanted to interview them myself, if they existed.

41
42 THE PRESIDENT: Q. What's the basis on which you, as
43 a journalist, work? If someone tells you something and
44 they won't tell you, or can't tell you, the basis for what
45 they say, do you just accept it and then publish it?

46 A. No. This is an extremely difficult situation,
47 I found. Mr Samuels had already put this information into

1 the public domain.

2

3 Q. In the book.

4 A. In the book, and people were talking about it. The
5 whole basis of this and many other stories that circulate
6 about the *Sydney* is secrecy; that's actually the core of
7 the problem, so it's a unique situation.

8

9 Q. I'm not quite sure what this so-called secrecy is.

10 A. Almost everybody, and especially in this case, who
11 purports to have first-hand information is adamant that,
12 for one reason or another, they have to keep their identity
13 secret.

14

15 Q. That must make you very suspicious about the accuracy
16 or truthfulness of that information?

17 A. It does. That's why - yes, it does.

18

19 LCDR KERR: Q. Sir, can I take you to SUBM.008.0076, the
20 fourth paragraph from the bottom. There is a reference to
21 Mr Samuels again.

22

23 *He [Mr Samuels] said he had been approached*
24 *by members of Army and RAAF burial parties,*
25 *who said they secretly buried the bodies,*
26 *some in HMAS Sydney life jackets, on Dirk*
27 *Hartog Island in mid-December, 1941.*

28

29 A. That's what he said and that's what the letters
30 purport to show.

31

32 Q. That passage, sir, says that Mr Samuels told you that
33 he had been approached.

34 A. Yes.

35

36 Q. Did you question him about that?

37 A. I did. I did, because in my quest to find out who
38 these people were, I wanted to try to establish whether he
39 had had direct contact with them.

40

41 Q. What was his response?

42 A. "Yes".

43

44 Q. He told you that he had had direct contact?

45 A. Yes, yes.

46

47 Q. With members of the burial party?

1 A. Yes, yes. Well, he certainly led me to believe that.
2 You know, the passage of time has blurred it, but that's
3 the memory I have - that he had had contact with them.

4
5 Q. And do you remember in what form you spoke to
6 Mr Samuels - was it face to face?

7 A. On the phone.

8
9 Q. Could I ask, sir, that EML.005.0112 be brought up.
10 I'm going to turn to the life vest or the life jackets,
11 Mr Christian. You would be aware from the evidence that
12 has already been given in this Commission that former
13 members of Sydney's crew have provided evidence that
14 lifebelts were not stamped with "HMAS Sydney", which is
15 a position that is contested by Mr Samuels to some point,
16 and the relevance of this, of course, is the claim that
17 bodies that were buried were wearing Sydney life vests.

18 A. Yes.

19
20 Q. And it's also relevant to the autopsy claim concerning
21 Dr Snook or CAPT Snook. This is a copy of a CNI, which
22 I understand is a Chief Navy Instruction. This particular
23 one - it's not evidenced here, but I'm informed and advised
24 that it was issued on 28 November 1939, and it concerns, of
25 course, lifesaving equipment. Paragraph 3 states:

26
27 *Each officer and rating embarked, if not*
28 *already in possession of a lifebelt, is to*
29 *be issued with one on "permanent loan" by*
30 *the vessel which he joins. The belt is to*
31 *be retained in the possession of each*
32 *officer or rating for the period of the*
33 *War. The Commanding Officer of each Ship*
34 *is to take the requisite action to ensure*
35 *that every officer and rating is conversant*
36 *with the proper methods of wearing,*
37 *inflating and using the equipment and that*
38 *regular musters and inspections are carried*
39 *out.*

40
41 Paragraph 5, the third line states:

42
43 *Particulars of each issue on "permanent*
44 *loan" are invariably to be noted at the*
45 *time in the Ship's Quarterly Ledger; those*
46 *to a rating being recorded also on his*
47 *Service Certificate, whilst an officer's*

1 *issue is to be shown on Transfer List when*
2 *he is transferred to another Ship.*

3

4 It's clear from that instruction, Mr Christian, would you
5 agree, that the issue of life vests was done once, and the
6 vest was carried by the member from ship to ship for the
7 period of his service?

8 A. That's right, that's what it says.

9

10 THE PRESIDENT: I will mark that document exhibit 198.

11

12 **EXHIBIT #198 CNI TITLED "LIFESAVING EQUIPMENT",**
13 **EML.005.0112; CNI TITLED "BRANDING OF RUBBER INFLATABLE**
14 **LIFEBELTS AND COVERS", EML.005.0111**

15

16 LCDR KERR: If we could go then to EML.005.0111.

17

18 Q. This is another CNI. I'm advised that this one was
19 issued on 16 June 1942, some time after *Sydney's* encounter,
20 but it reinforces and confirms the evidence given by the
21 former *Sydney* sailors. It says:

22

23 *Rubber inflatable lifebelts and covers are*
24 *to be indelibly branded with the names of*
25 *officers and ratings, and also with the*
26 *official numbers in respect of ratings.*

27

28 THE PRESIDENT: I will add that document, EML.005.0111, to
29 exhibit 198.

30

31 LCDR KERR: Could I ask that SUBM.008.0091 be brought up.

32

33 Q. This is one of the documents you provided to us,
34 Mr Christian. It appears to be a letter written to your
35 paper from Mr Walter Witt of Wood Street, Swanbourne. He
36 refers to a letter by Mr John Samuels concerning Laurence
37 Snook and the autopsy. In the second paragraph, Mr Witt
38 says this:

39

40 *I heard in the Royal Australian Navy from*
41 *1939-45 ...*

42

43 And I would anticipate that that should say "I served in
44 the Royal Australian Navy from 1939-45 ..."

45 A. Yes, this was an unproofed draft.

46

47 Q. This is as you received it, not as it was published?

1 A. Well, it had been typeset but not proofread. It
2 didn't go in the paper in that form.

3
4 Q. It states:

5
6 *I served in the Royal Australian Navy from*
7 *1939-45 and during that time I never saw or*
8 *heard of anyone with a life jacket with*
9 *a ship's name on it.*

10
11 At the last paragraph:

12
13 *Anyway, security as to our ship's movements*
14 *prohibited the use of the ship's name on*
15 *any clothing or equipment. Even sailors'*
16 *cap tally bore the plain initials "HMAS",*
17 *and no reference to the name of the vessel*
18 *or establishment which was the practice in*
19 *the early ways of the War. For this reason*
20 *I must question the alleged advice of*
21 *a body with a lifebelt being identified as*
22 *a "Sydney lifebelt".*

23
24 LCDR KERR: I tender that letter, sir.

25
26 THE PRESIDENT: That will be exhibit 199.

27
28 **EXHIBIT #199 LETTER WRITTEN TO MR CHRISTIAN'S NEWSPAPER**
29 **FROM MR WALTER WITT OF WOOD STREET, SWANBOURNE,**
30 **SUBM.008.0091**

31
32 LCDR KERR: Could I ask that SUBM.008.0109 be brought up.

33
34 Q. This, sir, is also a letter that you have provided to
35 the Commission. It is said to come from a G Lumley, and it
36 refers to a report that appeared in your paper on the
37 12/5/2007. She says:

38
39 *... I would like to tell you that I, too,*
40 *heard an SOS from the SYDNEY, along with*
41 *a group of other people at the Esplanade*
42 *Hostel in Geraldton.*

43
44 *I was 12 at the time, the youngest daughter*
45 *of the proprietors Walter and Christine*
46 *Willcocks*

47

1 *The message I heard was "SOS, SOS, Straats*
2 *Malacca", repeated over and over.*

3

4 Going down the letter:

5

6 *At the time, Joe Rogers, a greengrocer in*
7 *Marine Terrace and resident in the hostel,*
8 *told me how important it was to remember*
9 *the SOS, as I was the youngest there.*
10 *Everyone assumed it was an SOS from*
11 *HMAS Sydney. From memory I don't recall*
12 *there being an accent.*

13

14 *Among the group around the radio were*
15 *several RAAF officers who were also*
16 *residents at the hostel with their wives*
17 *and families. They were based at the*
18 *aerodrome which was in bicycling distance*
19 *from Geraldton.*

20

21 And she goes on to name those persons. I tender that, sir.

22

23 **EXHIBIT #200 LETTER FROM MS G LUMLEY, SUBM.008.0109; AND**
24 **HANDWRITTEN NOTE, SUBM.008.0016_R**

25

26 LCDR KERR: I believe this is the redacted document. If
27 SUBM.008.0016_R could be put on the screen.

28

29 THE PRESIDENT: Q. Did you make any further inquiries
30 after receipt of this letter from Ms Lumley?

31

32 A. I have had conversations with people who said they
33 were in the hostel. I don't recall whether it was her or
34 somebody else. It's the sort of thing I would have
35 followed up, I imagine, but, sorry, I can't give any direct
36 evidence about that.

36

37 LCDR KERR: Q. This document is a handwritten note that
38 has been provided by you. It refers to "Gloria Willcocks
39 (77)", which I presume was her age at the time that this
40 was written, and "(now Gloria Lumley)". I suspect that
41 that is the G Lumley referred to in the letter that we've
42 just looked at.

43

44 A. Yes.

45

46 Q. How did you come into possession of this document,
47 sir?

47

47 A. I think that's a note left for me by one of my

1 reporters who took a phone message.

2

3 Q. Did you follow up? There is a phone number redacted
4 there.

5 A. I think I did. I remember following up a call about
6 someone who was at the Esplanade Hostel. That may have
7 been it.

8

9 Q. Did you speak to Mrs Lumley?

10 A. I just don't know. I can't remember.

11

12 Q. Is it likely that if you did, you would have kept
13 notes about it?

14 A. I would have taken notes.

15

16 Q. Taken notes?

17 A. I would have taken notes, yes.

18

19 Q. And they would have been on your *Sydney* file?

20 A. No. They would have been on my work pad.

21

22 Q. You've heard other evidence, have you, sir, about
23 messages that were said to have been sent by *Sydney*,
24 received in the Geraldton hostel?

25 A. Yes, I have.

26

27 Q. I note for the record that this message, as described
28 by Gloria Lumley, has no resemblance to the messages that
29 were said to have been heard.

30 A. That's right. That's the story of this saga.

31

32 LCDR KERR: I tender that document, sir.

33

34 THE PRESIDENT: That will be added to exhibit 200.

35

36 LCDR KERR: If I could move then to another topic -
37 SUBM.008.0025.

38

39 Q. Halfway down the page, under the subheading,
40 "The *Cape Otway* saga", the second paragraph states:

41

42 *Jim Blythe, of Doubleview WA, writes that*
43 *as a passenger on the lighthouse ship*
44 *Cape Otway in 1950 he was told by*
45 *long-serving crew members that during the*
46 *war the ship had spotted bodies floating in*
47 *the sea as it sailed south.*

1
2 Have you heard the previous evidence to this Commission
3 about that matter, sir?

4 A. Yes, I have, yes.

5
6 Q. And you would be aware that one of the persons
7 identified by Mr Blythe didn't join *Cape Otway* until quite
8 a period after 1941?

9 A. That's right, yes.

10
11 Q. If we could move to SUBM.008.0048, this is an article
12 by you, sir, that appears in your material and presumably
13 appeared in your paper. Mr Samuels is referred to in
14 paragraph 3.

15
16 *Mr Samuels said there were 159 unidentified*
17 *graves at Karrakatta, 66 of them possibly*
18 *belonging to Sydney crewmen.*

19
20 That's what Mr Samuels advised you?

21 A. Yes.

22
23 Q. Did you make any inquiries about his basis for making
24 that statement?

25 A. Yes, I did, yes.

26
27 Q. What did he tell you?

28 A. He'd apparently gone to the records, but I checked
29 with the Cemetery Board, and they basically shot him down.

30
31 Q. In what way?

32 A. Well, they said that these unidentified graves
33 couldn't possibly be - well, sorry, they weren't the words
34 they used. The spokesman I spoke to was very circumspect,
35 but his answers really negated Mr Samuels' assertions.

36
37 Q. I can advise you, sir, that the Commission of Inquiry
38 has contacted the Karrakatta Cemetery, and if we could
39 bring up MCB.001.0005, this, sir, is a table - I think
40 there are five pages - of all unidentified or unknown
41 burials at Karrakatta Cemetery. If we could go to page 2,
42 about halfway down that page, if you look in the "date
43 died" column, you will see that there are two entries
44 together from 1942 - 17 February 1942 and 24 May 1942.

45 A. Yes, yes.

46
47 Q. There is no information about those unidentified or

1 unknown burials?

2 A. Well, that correlates with what we published in the
3 same article as that one you quoted of John Samuels. It
4 correlates exactly.

5

6 Q. If we could go to the next page, there are a number of
7 entries - for 3/03/1942, there are at least five. The
8 first one is in the sixth line down. Reading from left to
9 right, there is an application number; the deceased being
10 an unknown Dutch child, aged 1 year and if you look at the
11 other 3 March 1942 entries, they all relate to persons of
12 Dutch origin.

13 A. Yes.

14

15 Q. They are the only entries that relate in any way to
16 1942.

17 A. That's what the story said.

18

19 LCDR KERR: I tender that, sir.

20

21 THE PRESIDENT: I will mark the analysis of the unknown
22 burials at Karrakatta Cemetery as exhibit 201.

23

24 **EXHIBIT #201 ANALYSIS OF UNKNOWN BURIALS AT**
25 **KARRAKATTA CEMETERY, MCB.001.0005**

26

27 LCDR KERR: Could I ask that SUBM.008.0063 be brought up.

28

29 Q. This is a letter to your paper from Mr Matthew
30 Richardson. Mr Richardson is the nephew of CAPT Snook.

31 A. Yes.

32

33 Q. And the son of Grace Richardson, who made a statement,
34 referring to a conversation she had with her brother,
35 CAPT Snook, about an autopsy. Mr Richardson is also, I am
36 advised, the owner of the publishing company that published
37 Mr Samuels' book.

38 A. Is that right?

39

40 Q. Mr Richardson, in the second-last paragraph, refers to
41 his uncle's Army file. He says:

42

43 *In 1997, part of his Army file [being his*
44 *uncle's] was embargoed for 30 years. Why*
45 *would that be, unless to hide evidence from*
46 *that year's Sydney inquiry?*

47

1 That is referring to the Parliamentary Inquiry. One might
2 suspect that Mr Richardson had some knowledge of the
3 Archives Act, being the owner of a publishing company.
4 But, in any event, the Commission of Inquiry has requested
5 and identified the part of CAPT Snook's Army file that was
6 sealed under the provisions of the Archives Act for
7 30 years from the date of the correspondence within that
8 envelope, and it is on the record that it contains a letter
9 from CAPT Snook to the Australian War Memorial requesting
10 a copy of his service record.

11 A. I've read that evidence, yes.

12
13 Q. And the response from Army providing his records.

14 A. Yes.

15
16 Q. And it is sealed because it has not yet become public,
17 because 30 years hasn't passed since the date.

18
19 If we could go, then, to SUBM.008.0090, this is
20 another letter from Mr Samuels to your paper. It refers to
21 a picture that I suspect was published, being of Laurence
22 Cecil Snook, CAPT Snook, who is said to have conducted the
23 autopsy. In paragraph 5, it says this:

24
25 *Laurence also told his sister that "the*
26 *body had been found a long way from where*
27 *it was supposed to be". Later, a nurse*
28 *bundled up the report and sealed it for*
29 *sending to the British Admiralty in London.*

30
31 I can tell you that that sentence is news to this
32 Commission. Mr Samuels had not told this Commission of
33 that, nor had he advised us of this, where he says:

34
35 *The nurse's name isn't known, but it is*
36 *known that she was married to*
37 *a Don Allan/Allen, or other spelling, from*
38 *Perth.*

39
40 *The evidence is irrefutable.*

41
42 Did you make any inquiries of Mr Samuels about that
43 information? I appreciate that it is not written by you.

44 A. I don't recall having a conversation with him about
45 it, no.

46
47 Q. Were there any responses to the request in that letter

1 for people to contact the paper in respect of either their
2 knowledge about the autopsy or whether or not they were
3 connected with the 22nd Construction Company?

4 A. There were not. It's not something I'd forget.

5
6 Q. So there was no response at all?

7 A. No.

8
9 THE PRESIDENT: I'll mark the letter SUBM.008.0090 as
10 exhibit 202.

11
12 **EXHIBIT #202 LETTER FROM MR SAMUELS, SUBM.008.0090**

13
14 LCDR KERR: Counsel assisting will write to Mr Samuels and
15 ask him about that, sir.

16
17 THE PRESIDENT: Yes.

18
19 Q. Mr Christian, as you know, I am seeking any evidence
20 at all which might support some of these various theories
21 that have been written about over the years in books and,
22 obviously, in letters to your newspaper.

23 A. Yes.

24
25 Q. Do you have any material or information that you think
26 might assist me?

27 A. I provided everything that I thought would assist you
28 last year, I think, sir, and anything else I come across
29 I'm happy to forward. I think the Commission has done
30 a terrific job and should be assisted where at all
31 possible.

32
33 THE PRESIDENT: Thank you.

34
35 LCDR KERR: There is one further matter, sir,
36 SUBM.008.0100.

37
38 Q. This, sir, is a letter from Mr George Karlov to your
39 paper and he refers to a letter published on 19/12/2007
40 from a Mr Hal Colebatch. I was unable to find a copy of
41 Mr Colebatch's letter in the material that you provided to
42 us. Would you have another look, please?

43 A. Yes. That'll be easy.

44
45 Q. Thank you.

46 A. Could I raise one point just for the record.

47 Dr McCarthy from the Maritime Museum has apologised to me

1 yesterday for an error he made in his submission with
2 regard to my role in going to the Shark Bay area, and he
3 has undertaken to write to the Commission to correct that.
4 I'm not sure whether he has at this point.

5
6 CMDR RUSH: We haven't received anything as yet, sir, but
7 there was a note with the material provided by the witness
8 noting the matter that was raised by Dr McCarthy. Once
9 that is received, we will deal with it, sir. The letter
10 received from Mr Christian is SUBM.008.0001.

11
12 THE PRESIDENT: Yes. I've read that letter and I will
13 bear that in mind. Thank you, Mr Christian.

14
15 **<THE WITNESS WITHDREW**

16
17 CMDR RUSH: Sir, I call Mr Montagu.

18
19 **<JOHN ALEXANDER MONTAGU, sworn:** [10.30am]

20
21 **<EXAMINATION BY CMDR RUSH:**

22
23 CMDR RUSH: Q. Mr Montagu, could you state your full
24 name to the Commissioner, please?

25 A. John Alexander Montagu.

26
27 Q. And your business address?

28 A. [REDACTED]

29
30 Q. And your occupation?

31 A. I'm retired.

32
33 Q. Mr Montagu, you have indicated in your submission to
34 the Commission of Inquiry that you have been an engineer.

35 A. That's correct.

36
37 Q. What was the nature of your engineering background?

38 A. Investigation. This included marine engineering
39 investigation also.

40
41 Q. Could you repeat that, please?

42 A. Investigation. Engineering investigation was one of
43 many things I specialised in.

44
45 Q. And you say that you are a licensed investigator?

46 A. I was. I've recently retired now, but, yes, I was
47 a licensed investigator.