

CHAPTER 4

THE ENGAGEMENT

*Obviously the thing that is coming out of all of this is that NO ONE knows what happened to the Sydney and the Kormoran. Every thing appears to be heresay (sic) from all witnesses and all the information obtained from the prisoners of the Kormoran.*¹

The Debate Surrounding the Loss of Sydney

4.1 In the 57 years since *Sydney* was lost, theories about the battle and its aftermath have flourished, assisted by the lack of a complete documentary record of the incident. The absence² of definitive records, and in particular any report of a Board of Inquiry, has frustrated researchers and in some cases led to suspicions of a cover-up. Quite contradictory theories about the loss of *Sydney* have developed. While they are open to challenge and criticism, the various theories raise questions about the accuracy of the official history, published in 1957.

4.2 The Terms of Reference for the inquiry asked that the Committee 'investigate and report on the circumstances of the sinking of HMAS *Sydney* off the West Australian coast ...'. The Committee, while hopeful of addressing some of the major issues related to the loss of *Sydney*, did not aim to examine in minute detail the technical dimensions of the engagement. The evidence about what might have occurred is often contradictory, and as LCDR Ean McDonald, RAN (Retd) observed:

The whole point about this, as we must all appreciate, is that we are all guessing.³

4.3 The same claims and counter claims covered in works by Montgomery, Winter and Frame continue to be raised and merit some comment. The Committee was conscious that, in commenting on the engagement and its aftermath, it too could be accused of speculation, and it accepts that this may well be the case. However, the Committee has attempted in this, and the following chapters, to present the various arguments made in evidence to it, and where possible make some reasonable judgement.

4.4 Among the most frequent suggestions about the lead up to the battle and the engagement itself are that:

- (a) the encounter between the two ships was not in fact a chance one (Captain Burnett knew a raider was present in the area and had been directed to pursue the *Kormoran*);

1 Honor, Submission, p. 3857.

2 In some cases these records are thought to exist but cannot be located; in others they are believed to have been destroyed. The matter of official records is discussed in Chapter 3.

3 McDonald, E, Transcript, p. 228.

- (b) *Kormoran* employed a *ruse de guerre* to lull *Sydney* in close, acting in contravention of international conventions;
- (c) *Kormoran* was not solely responsible for sinking *Sydney*, but in fact acted in concert with another party;
- (d) the Germans (or other co-conspirators, depending on the particular version) fired upon *Sydney* survivors in the water, to ensure that no one was left alive to dispute their version of the battle;⁴
- (e) the battle between the two ships did not take place where Captain Detmers and the official history claim.

These matters are discussed in this and subsequent Chapters.

4.5 What also remains in people's minds after 57 years of debate and speculation is how *Sydney*, the superior ship, was lost with her full complement of 645 men, and with virtually no trace, while over 300 of the *Kormoran* crew survived the sinking. The issue of no survivors is discussed in Chapter 6.

Gill's Account

4.6 In the official history, Gill acknowledged that several questions remained unanswered, namely:

Why Captain Burnett did not use his aircraft, did not keep his distance and use his superior speed and armament, [and] did not confirm his suspicions by asking Navy Office by wireless if *Straat Malakka* was in the area.⁵

4.7 Notwithstanding the questions that remained, as noted earlier, it was Gill's emphatic (and, some would argue, premature) conclusion that 'the story of [*Sydney*]'s last action was pieced together through exhaustive interrogation of *Kormoran*'s survivors. No room was left for doubt as to its accuracy'.⁶ Despite this assertion, many of the submissions to the inquiry focussed on one or more aspects of Gill's account, raising concerns about its accuracy and completeness.

4.8 In Gill's history, HMAS *Sydney*, under the captaincy of Captain Joseph Burnett RAN, left Fremantle on 11 November 1941, escorting troopship *Zealandia* to the Sunda Strait. *Sydney*'s expected arrival time back in Fremantle was pm on 19 November or am the following day, an estimated time of arrival that was subsequently amended by *Sydney* to Thursday 20 November 1941 as she departed from Fremantle.⁷ After handing escort duty to

4 This matter is discussed in detail in Chapter 6.

5 Gill, op. cit., p. 457.

6 ibid., p. 453.

7 ibid., p. 451; Summerrell, op cit., p. 32.

HMS *Durban* at noon on 17 November,⁸ *Sydney* commenced the return journey to Fremantle.⁹

4.9 When *Sydney* did not arrive on 20 November, the District Naval Officer, Western Australia reported accordingly to the Naval Board on the morning of 21 November. According to Gill, this was not an immediate cause for concern as it was known that *Zealandia* had arrived late in Singapore and it was assumed that *Sydney* would therefore also be delayed. However, 'when [*Sydney*] had not returned by the 23 November, she was instructed by the Naval Board to report by signal'.¹⁰ She did not respond. By 24 November, all high power wireless stations in Australia were instructed to call her continuously.¹¹ However, there was no response to these calls, nor did an air search that day produce any sign of the ship.

4.10 Late on the afternoon of 24 November the British tanker *Trocas* reported that it had picked up a raft carrying 25 Germans, and from their accounts came the first indication that all was not well with *Sydney*. By 30 November (following an extensive search), six boats and two rafts carrying a total of 315 *Kormoran* survivors¹² had been found, and the German account of the battle started to be pieced together.

4.11 According to Gill, at approximately 4pm (GMT+7 hours; 1600G) on 19 November 1941 the German ship *Kormoran*, approximately 150 miles south-west of Carnarvon, reported 'a sighting fine on the port bow'¹³ which was soon identified as a warship. Captain Detmers ordered the crew to action stations, and altered the course of his ship to head straight into the sun. *Sydney*, approximately 10 miles distant at this stage, 'altered towards and overhauled on a slightly converging course on *Kormoran*'s starboard quarter', continuously signalling NNJ to *Kormoran*.¹⁴ *Kormoran*, whose speed was impeded by the breakdown of an engine, did not reply, hoping to avoid action by masquerading as the Dutch merchant ship *Straat Malakka*.

4.12 Captain Detmers showed Dutch colours and hoisted the flag signal PKQI for *Straat Malakka*, in a location which was difficult to read. *Sydney* requested a clear hoist of *Kormoran*'s signal letters, and at 5pm the *Kormoran* sent out a radio (QQQ) signal, as *Straat Malakka*, that a suspicious ship was in the vicinity. This message was picked up, although faint and in 'mutilated form',¹⁵ by the tug *Uco* and by Geraldton wireless station, which read the time and part of a position of *Kormoran*. Following reception of the signal, Geraldton

8 Gill, op. cit., p. 452.

9 ibid., p. 451. These timings have been disputed, with claims that *Sydney* broke off escort duty early and never completed the handover (see for example Collins, Transcript, p. 352). Others however have confirmed that the handover did take place as recorded (see for example the oral histories recorded in Page, Submission, p. 4172).

10 ibid., p. 451.

11 ibid.

12 There is some confusion about the exact number of survivors recovered during the search, and estimates range from 315 to 317, plus several Chinese who were also on board. See Chapter 6, footnote to Table 6.1 for further details.

13 ibid., p. 453. As Winter states, 'several times zones are quoted in reports, the principal ones being: Z=Greenwich Mean Time; G=Z+7 (*Kormoran*); H=Z+8 (*Sydney*, Fremantle); K=Z+10 (Melbourne)' (p. 126).

14 ibid., p. 453.

15 ibid., p. 453.

broadcast a request to all ships asking for further information, to which it received no reply. No significance was initially placed on the reception of that message.¹⁶

4.13 Soon after 5.15pm, *Sydney* had drawn almost abeam of *Kormoran* to starboard, less than a mile from the other ship, and was at action stations with all guns and torpedo tubes bearing.¹⁷ *Sydney* requested that *Kormoran* indicate her destination, to which the ship responded 'Batavia'. At that point:

Sydney made a two-flag hoist, the letters IK, which the raider could not interpret. They were in fact (and their being quoted correctly under interrogation is [according to Gill] corroboration of the German story) the centre letters of the *Straat Malakka's* secret identification signal, which was unknown to the Germans. They made no reply.¹⁸

4.14 According to Gill, the German Captain, realising he could not avoid a fight, struck the Dutch colours and hoisted the German ones, gave the order to fire and struck his first blow shortly after 5.30pm.¹⁹ At the same time as opening fire, Captain Detmers ordered that two torpedoes be fired. *Kormoran's* first two salvos missed the mark, but subsequent direct hits were scored on *Sydney's* bridge and director tower. The ensuing action was, by all accounts, fast and furious. *Sydney*, although severely disabled, managed to fire a sufficient number of salvos and torpedoes to damage *Kormoran* so severely that Captain Detmers ordered abandon ship, and *Kormoran* was scuttled just after midnight. *Sydney* was last seen by the *Kormoran* survivors:

... about ten miles off, heading approximately S.S.E. Thereafter, until about 10 p.m., a distant glare in the darkness betokened her presence. Then occasional flickerings. Before midnight, they, too, had gone.²⁰

Gill believed it was probable that *Sydney* sank during the night of 19-20 November 1941.²¹

4.15 While Gill believed that the 'story of how *Sydney* was lost would appear to be straightforward', he also remarked that: 'What induced Captain Burnett to place her in the position where her loss in such a way was possible, must remain conjecture'.²²

4.16 Gill was convinced of Captain Burnett's culpability, noting his relative inexperience in command and lack of the kind of wartime sea experience which may have helped him in such a situation. As Gill stated, Captain Burnett 'lacked that experience which, gained in a recognised war zone, sharpens suspicion and counsels caution on all chance meetings'.²³ Gill also sought explanations for Captain Burnett's actions in part by recording the criticisms made of Captain Farncomb in March of that year in his encounter with the

16 *ibid.*, pp. 453-454.

17 *ibid.*, p. 454.

18 *ibid.* To Captain Detmers, this signal meant 'prepare for a hurricane, cyclone or typhoon', Winter, *op. cit.*, p. 135.

19 Gill, *op. cit.*, p. 454.

20 *ibid.*, p. 456.

21 *ibid.*, p. 458.

22 *ibid.*, p. 456.

23 *ibid.*, p. 457.

Coburg and the *Ketty Brövig*. Captain Farncomb was criticised for standing off and shelling the ships, with a significant expenditure of ammunition.²⁴ Gill also speculated that:

... it may well be that, influenced by the near approach of darkness, he [Burnett] was moved to determine the question quickly; and thus was swayed to over confidence; first in the genuineness of *Straat Malakka*; second in *Sydney's* ability, with all armament bearing and manned, to overwhelm before the trap, if such existed, were sprung. Yet to act as Burnett did was to court disaster should a trap exist ...²⁵

4.17 Thus, despite possible extenuating circumstances, the ultimate responsibility for the loss, at least in Gill's opinion, lay with the captain. However the questions that Gill himself raised about the engagement remained unanswered.²⁶ As noted in Chapter 2, subsequent works on the *Sydney-Kormoran* engagement by Montgomery, Winter and Frame to varying degrees challenged or supported Gill's account.

Reconsidering the Engagement

4.18 In its deliberations, the Committee felt it was necessary to focus on several key aspects of the engagement itself:

- (a) the role of the two captains;
- (b) the battle readiness of *Sydney*;
- (c) whether or not Captain Burnett was aware that there was a raider off the coast of Western Australia prior to the encounter with *Kormoran*;
- (d) whether or not *Sydney* was at action stations as it approached *Kormoran*;
- (e) why Captain Burnett may have brought *Sydney* close enough to *Kormoran* to be sunk by her (and whether or not Captain Detmers employed a *ruse de guerre* to entice *Sydney* in close);
- (f) whether or not *Kormoran* fired a submerged torpedo;
- (g) whether or not signals were sent from *Sydney*;
- (h) the possibility of the involvement of a third party, in particular a Japanese submarine.

The remainder of this chapter and Chapter 5 examine each of these in turn.

The Two Captains

4.19 There can be no doubt that the captains of the *Sydney* and *Kormoran* played a vital role in the fate of their two ships. Consequently, attempts to ascertain the reasons for

24 *ibid.*

25 *ibid.*, p. 458.

26 See Chapter 2, para 2.5.

Sydney's loss are invariably coupled with analyses of the personalities of these two men: Captain Joseph Burnett and Captain Theodor Detmers.

4.20 Although the captains were from vastly different backgrounds and on very different missions, both bore responsibility for the safety and well-being of all the men in their charge. Evidence received by the Committee has revealed a diversity of opinion about the personalities of both men.

Captain Joseph Burnett

4.21 The capability and suitability of Captain Burnett as *Sydney's* captain has been widely debated by historians and researchers. Those who criticise Captain Burnett usually do so on the grounds that he lacked experience in command, and that it was because of this that he brought his ship in too close to *Kormoran*. Conversely, others portray Captain Burnett as a 'by-the-book', cautious captain who would not expose his ship and crew unnecessarily to danger.

4.22 Captain Joseph Burnett had taken over command of the *Sydney* from Captain John Collins on 15 May 1941.

One of the original 1913 entry at the Naval College, Captain Burnett was an officer of professional achievement and promise. He was the third college graduate to reach the rank of Captain in the Royal Australian Navy, being promoted in December 1938 ... he was a gunnery specialist and had a 'Five First Class' record in lieutenant's courses ... [Admiral Colvin later] wrote of him: 'He had much service in ships of the Royal Navy and came to me from them as my Vice-Chief of the Naval Staff for a few months after the outbreak of war with my high recommendations. These were not belied, for his capacity to grasp a situation rapidly and to formulate decisions was quite remarkable. His thoroughness, his appetite for hard work, and his powers of organisation were invaluable, and he had a special faculty for getting to the heart of a problem and of stripping it of unessentials which is given to few'.²⁷

4.23 The proposition that *Sydney* was lost through the human error of one man has proved extremely difficult for many to accept. That Captain Burnett was appointed to the position of Captain is sufficient evidence for some that he was up to the task. For those people, 'it is incomprehensible that an experienced commanding officer of full captain's rank would not have observed all [mandatory and rigorously observed procedures of challenge, identification and recognition for both warships and merchant vessels]'.²⁸

4.24 The Department of Defence stated that Captain Burnett was 'an experienced executive officer ... [and] ... a very well-reported staff officer'.²⁹ *Sydney* was Captain

27 Gill, op. cit., pp. 450-451.

28 Anderson, Submission, p. 125.

29 Department of Defence, Transcript, p. 24.

Burnett's first command experience, although he had had 'considerable sea experience and operational experience'.³⁰ The Committee also heard that:

[i]t was recorded that Captain Burnett was regarded by his seniors as one of Australia's three best officers, along with Collins and Waller ... His experience was almost the same as was Captain Collins' when he sank the *Bartellomeo Colleoni* (sic).³¹

4.25 LCDR J J Ravenscroft, RANR (Retd), who served under Captain Burnett from May to October 1941, commented:

My impressions were that Captain Burnett was a capable ship handler. He was aware that he commanded a highly skilled and well trained ship's company and was backed up by highly trained, experienced and battle hardened senior officers. He struck me as a man who would listen and take advice.³²

4.26 In other evidence to the inquiry, Captain Burnett was described as 'a man of caution, careful, not radical, not prepared to put his ship and crew at risk at any time'.³³ Other sources stated that '[Captain Burnett] was always a safety-first man and not one to take risks',³⁴ that Captain Burnett was 'very cool, calm and collected'³⁵ and that he was 'an extremely competent officer'.³⁶ If this testimony is to be believed, Captain Burnett was certainly not the type of person one would expect to approach an unidentified ship without taking all the proper precautions.

4.27 Countering these more positive comments, the Committee received evidence that '[t]he only conclusion you can come up with [about the loss of *Sydney*] is that, one way or another, the captain made a mistake. The question is whether he made a foolish mistake or whether he was deceived into it'.³⁷

4.28 Barbara Winter made the point that there is a difference between incompetence and simply making a mistake, which is what she believes happened in the case of Captain Burnett.³⁸ Winter pointed out that Captain Burnett was 'relatively inexperienced in command, ... none [of his experience was] in what was considered a "hot" operational area ... [and] on 19 November 1941 Captain Burnett made a mistake'.³⁹

4.29 Mr Alastair Templeton, who served on *Sydney* under Captain Burnett, was more critical of his former captain:

On paper he had an enviable, and mainly highly creditable, record as an officer, subject to the ultimate proviso that his ability in command

30 *ibid.*, p. 25.

31 McDonald, E, Submission, p. 523.

32 Ravenscroft, Submission, p. 2583.

33 McArthur, Submission, p. 2244.

34 Rev. Norman Symes, cited in Montgomery, *op. cit.*, p. 55.

35 Fisher, Transcript, p. 306.

36 Ross, Transcript, p. 307.

37 Creagh, Transcript, p. 121.

38 Poniewierski, Submission, p. 1358.

39 *ibid.*

of a ship had never been assessed as he had never previously had a command ... My ... views have firmed rather than softened in subsequent years. Others put it differently [suggesting that he was]

lacking a bit of commonsense

too confident in his own ability to deal with anything that might come up

ambitious

reluctant to take advice, as others and I have observed – but not all others.⁴⁰

4.30 Mr F C Sheldon-Collins who also served on HMAS *Sydney* under Captain Burnett, was also critical:

... in Burnett's eagerness to outshine his predecessor, Collins, and with little likelihood of any naval battles in the area, he threw caution and prudence to the wind and largely played at being at war.⁴¹

4.31 According to Michael Montgomery, 'the common verdict on [Captain Burnett] (also a verdict fostered by Detmers, for reasons of his own) to date has been that "if Collins had still been in command, the *Sydney* would never have been lost" '.⁴² Montgomery's final conclusion on Captain Burnett is that 'all [the evidence he found] would seem to bear out the opinions, previously quoted, of him as being a most capable and rigorously efficient officer with a thorough grasp of all aspects of naval procedure'.⁴³

4.32 Given that Captain Burnett had been appointed captain of *Sydney*, and in light of his exemplary track record, albeit in an administrative capacity, the fact that he brought *Sydney* in close enough to *Kormoran* to be sunk by the German ship raises serious questions about his reasons for such an action. While there has been much speculation about his actions on the night *Sydney* was lost, there seems to be a general consensus that Captain Burnett was a man who went by the book. If this was indeed the case, the reasons for the loss of *Sydney* may go far beyond being the result of a poor decision by the captain. As Barbara Winter suggested:

If there is any significant conspiracy regarding *Sydney* it is this: what official source is going to admit that part of the reason for the loss of an Australian ship was that an Australian captain put into practice (once too often, for it had been done frequently by others) the theoretical advice of the British Admiralty? It is claimed, with some cause, that in the same circumstances neither Collins nor (sic) Farncomb would have lost his ship; that assumes that they had the instinct, self-confidence and perversity to know *when* to ignore advice

40 Templeton, Submission, pp. 2027, 2031.

41 Sheldon-Collins, Submission, p. 619.

42 Montgomery, op. cit., pp. 54-55.

43 ibid., p. 57.

and disobey orders. That is perhaps that mark of an inspired commander, rather than a merely adequate one.⁴⁴

Captain Theodor Detmers

4.33 Captain Detmers' main interest in life was the sea, having joined the German navy in 1921 at the age of 19.⁴⁵ In 1934 he was appointed to command a torpedo gunboat (G11) and in 1938 the destroyer *Hermann Schoemann*.⁴⁶ In July 1940 Captain Detmers was appointed to command Auxiliary Cruiser 41, *Steiermark*, later named *Kormoran*. Under Captain Detmers' command, *Kormoran* had captured one ship and sunk 10 others during the 11 months at sea prior to sinking *Sydney*.⁴⁷

4.34 Captain Detmers was described in glowing terms in some evidence given to the Committee. Mr Richard Lamb told the Committee that Captain Detmers was 'a brilliant and aggressive skipper and a brilliant seaman ... [and] a brilliant tactician'.⁴⁸ He was 'held in high regard in his profession ... [and was an] ... honourable man, protective of his men, as are all excellent captains'.⁴⁹ In short, Captain Detmers was a razor-sharp fighting seaman,⁵⁰ and '... what Detmers did, Detmers did right'.⁵¹

4.35 Captain Detmers certainly had the tactical advantage in the lead up to the confrontation with *Sydney*. As Winter pointed out, 'if that was a raider, the captain had a cool nerve to let a cruiser get so close without cracking'.⁵² As another submission pointed out, '[Captain Detmers]' greatest advantage was that [he was] conscious of the *Sydney* as an enemy vessel. Therefore [he was] from the beginning fully prepared for battle'.⁵³ Of all the criticisms directed at Captain Detmers, none suggested that he was ill-prepared or ill-equipped for the position he occupied.

4.36 Oft-repeated suggestions that the *Kormoran*'s captain was a Nazi seem to have been disproved by evidence given to the inquiry, that:

... under German military law no serviceman was permitted to belong to any political party, nor even to vote in elections. Thus a man such as Detmers, who joined the navy in 1921 while the Nazi party consisted of a few hundred members in Bavaria and he was too young to vote, and did not leave the navy until the war was over, could say confidently, not only that he was never a member of the Nazi party, but that he never voted for the Nazis ... One would expect his political

44 Poniewierski, Submission, p. 3320. Emphasis in original.

45 Winter, op. cit., p. 251.

46 Detmers, T, *The Raider Kormoran*, (London: William Kimber, 1959), pp. 7-8.

47 Department of Defence, Transcript, p. 36.

48 Lamb, Transcript, p. 309.

49 Sheedy, Submission, p. 6.

50 Loane, Transcript, pp. 218 and 221.

51 Poniewierski, Transcript, p. 542.

52 Winter, op. cit., p. 134.

53 Professor Ahl in Gascoyne Historical Society, Submission, p. 1229. See also Loane, Transcript, p. 219, 'Detmers also had the element of surprise'.

inclinations to be nationalistically inclined, but that is a different thing.⁵⁴

4.37 According to Mr Bill Loane, 'during my research on Captain Detmers and the action between *Sydney* and *Kormoran*, I took an overview and I read every book about every Raider captain in both wars, everything that has been written about their activities. I do not believe Captain Detmers was a Nazi, although I believe that certainly there were Nazis on board'.⁵⁵ He added that:

... no-one has really ever taken any note of the tactics used by Detmers, Like his methods or not, he was ... getting the real thing regularly. In other words, he was out finetuning his crew in a combat situation a lot more times than could Captain Burnett, who was only relying on exercises to keep his crew up to scratch.⁵⁶

4.38 Notwithstanding these assessments, there is no doubt that Captain Detmers used a method of 'constant and practised deception'.⁵⁷ It is suggested that he 'hoped to be awarded the Knight's Cross of the Iron Cross',⁵⁸ a rare award given to captains who were able to sink in excess of 100,000 tonnes of Allied shipping.⁵⁹

4.39 It was also argued by some that Captain Detmers cared less about his men than some reports would have us believe. It was asserted by one witness to the inquiry that:

For some convenient reason, the German captain put all of his badly injured [men] into a very unstable rubber boat which conveniently tipped over and they were all drowned. My theory on that is that had those men been picked up and required anaesthetic for treatment, they could have talked and told the truth under the influence of anaesthetic ... it does not give much reward to [Detmers'] faithful crew who fought with him to have been got rid of that way.⁶⁰

While this view has been put, the Committee notes the high esteem in which Captain Detmers was held by his surviving crew.

The Battle Readiness of *Sydney*

4.40 One issue that was raised in a number of submissions was whether or not *Sydney* was battleworthy at the time of her loss. This is probably due to the fact that in theory *Sydney* was a far superior ship to *Kormoran*, and as such should not have been sunk by the German ship, so long as she maintained a position in which superior armament would prevail. *Kormoran's* armament consisted of '6 x 5.9-inch, 2 x 37mm AA, 5 x 20mm AA guns, 6 x 21-inch torpedo tubes (2 submerged), 2 aircraft, 360 mines'.⁶¹ *Sydney* had an armament which

54 Poniewierski, Submission, p. 338.

55 Loane, Transcript, p. 217.

56 *ibid.*, pp. 218-219.

57 Burnett, R, Submission, p. 15.

58 Frame, *op. cit.*, p. 63.

59 *ibid.*, p. 64 and also Doubay, Submission, p. 3501.

60 Ryding, Transcript, p. 144.

61 Frame, *op. cit.*, p. 277.

'consisted of eight 6-inch guns, four 4-inch anti-aircraft guns, four 3-pounder saluting guns, three 4-barrel 0.5-inch machine guns and eight 21-inch torpedo tubes'.⁶²

4.41 Many of the concerns raised about *Sydney's* battle readiness mention the state of the 'A' turret when she departed Fremantle for the final time. Serving on *Sydney* up until her penultimate voyage, Mr E V Ryding observed:

Thinking I may have been the only one alive who knew of the faulty 'A' turret on *Sydney*, I had not said anything about it, not being able to support my statement, however, since the 1997 Fremantle Forum on *Sydney*, I now hav[e] eye witness support of 2 people, one, the Uncle of A/PO. Williams, on return to the ship the night before she sailed, said, 'Jim, if we run into anything out there we've had it, these guns don't bear properly, or words to that effect' ... the guns he referred to were 'A' Gun turret. ... Where are the records that *Sydney* was sent to sea to escort our Troop Ships in a condition that prevented her from using all of her fighting power when the need arose.⁶³

4.42 In another submission, Mr B K Thomson QC noted that:

There are a number of matters I submit that are calling for enquiry here, firstly was the ship battleworthy at the time of its loss to the *Kormoran*. I say this because the last photograph that there is available of the ship shows the front turret dangling fully awry over the deck and in such a position being completely useless. I believe this happened some months before the loss, in a fierce storm encountered going though the Great Australian Bight. In spite of its condition it was allowed to continue in action without as I understand any repairs being done to the same ...⁶⁴

4.43 Michael Montgomery also raised concerns about the state of 'A' turret on *Sydney*, when he stated that:

... there was, irrefutably, another factor: namely, the damage suffered by A turret during very heavy seas met on 20 to 22 September while escorting a convoy across the Great Australian Bight. R. Dennis recalls an impression of it being almost lifted off its mountings by a huge wave, and it was left jammed in a position almost 90 degrees to port ... On arrival at Fremantle it was man-handled back into fore-and-aft position from the inside, and the rollers taken out and machined; the roller path itself, however, had also been damaged, so that even when the rollers were replaced the turret could only be trained manually ...⁶⁵

62 *ibid.*, p. 16.

63 Ryding, Submission, p. 627.

64 Thomson, Submission, p. 353.

65 Montgomery, *op. cit.*, pp. 194-195. This incident is also referred to in Craill, Transcript, p. 346.

4.44 Despite the fact that Montgomery described *Sydney* as '... seaworthy, but not battleworthy',⁶⁶ he then went on to acknowledge that '[highlighting deficiencies with 'A' turret] was not to imply that this was a contributing factor to the outcome of the action itself, because under ordinary circumstances she should have had no difficulty in disposing of the *Kormoran* with her remaining three turrets'.⁶⁷

4.45 Mr Templeton, who served on *Sydney* under Captain Burnett, gave evidence to the inquiry which suggested *Sydney* was not ready for battle. He noted that 'to anyone possessing sound knowledge of cruisers and their internal management, it should have been quite apparent in 1941/2 (sic) that *Sydney* was NOT, inter alia, fully operational and properly prepared for her action against *Kormoran* and had paid the price'.⁶⁸ However Mr Templeton rejected the claim that A turret was not fully operational:

Some possible information to dispel the notion that 'A' turret was unserviceable or defective at the time of the action against *Kormoran*. In my letter home of 15.10.41, I say: Monday afternoon there was a shoot at a target and another at night. My recollection is of the night shoot with main armament banging away and my mess table vibrating a bit. However, the latter does not quite tie in with the log entries. A sub-calibre target shoot is recorded as completed by 1100, i.e. during the forenoon. The night shoot, using star shell, occurred 1930 – 2040 and was in conjunction with the Army in night encounter exercises. Looking at these things now triggered some recollection that all was well with 'A' turret. The following afternoon the evolution of mooring ship took place, when we, officer trainee hopefuls, we lined up for instruction for'ard of the guns of 'A' turret which were assuredly trained fore and aft ... Some kind of lingering doubt reposed in my memory, for I made a point during my November 1986 visit to Hamburg to enquire casually of *Kormoran* men whether all four turrets were trained on them as *Sydney* approached on the fateful day and whether all four fired. Absolute affirmation obtained.⁶⁹

4.46 Mr Ryding also told the Committee that 'there is a report from the log in the month prior to *Sydney*'s loss where the captain reports that A turret had been repaired'.⁷⁰ The Committee did not sight a copy of this report.

4.47 In other evidence received by the inquiry, mention was made of longer-standing concerns about the vulnerability of *Sydney*. Mr John Ross told the Committee that:

... I think it is plausible that *Kormoran* could have defeated *Sydney* in a fair fight. I base this on a report from Captain J Waller on 21 October 1938 when he sent an urgent but secret communication to the navy office after conducting gunnery trials off the coast, stating that he was absolutely appalled at the extreme vulnerability of the gun control systems. He said that the primary control of main armament

66 *ibid.*, p. 193.

67 *ibid.*, p. 195.

68 Templeton, Submission, p. 1997.

69 *ibid.*, pp. 2465-2466.

70 Ryding, Transcript, p. 154.

and high-angle fire was extremely vulnerable and that the first and second alternatives, which were back-up systems for the main armament, were seriously inefficient and that group control was unworkable due to noise ... Captain Waller was extremely uncomfortable knowing that, with the imminence of war, if he had to close on an enemy ship during action there was a possibility that if the control circuits were damaged he would be severely disadvantaged.⁷¹

4.48 Those recommendations had not been acted on 13 months later when Captain Burnett, as Assistant Chief of Naval Staff, noted and initialled a file showing that Admiralty had yet to act on the advice. It did not act for three years.⁷²

4.49 The Committee was told by Mr Rex Turner that he had concerns about the vulnerability of the valve handles on *Sydney*. He gave evidence that:

... [the valve handles] were constructed of aluminium alloy which was found in service to melt in a fire which meant that, if a fire passed through a compartment, the valves in that compartment would be useless from that point onwards ... we can assume that *Sydney* would have been a lame duck [as] far as fire fighting and pumping out flooding compartments [were concerned].⁷³

4.50 The concerns about *Sydney* were not just specific to that ship, but applied to the type:

... the three *Perth* class cruisers had technical weaknesses which could make it difficult to carry out their allotted tasks and leave them vulnerable in an emergency.⁷⁴

4.51 Although some believe that *Sydney* may not have been at her optimum state of battle readiness, the Committee felt that it was not demonstrated that *Sydney* was any more unprepared for battle than other ships of her class. The Committee found no documentary evidence to support the claim that *Sydney* was in need of major repair on 19 November 1941.

Reports of Raiders in the Area

4.52 The issue of whether or not Captain Burnett was aware of the presence of a raider⁷⁵ in the Indian Ocean is crucial to understanding why he might have approached *Kormoran* too closely. However, establishing whether or not Captain Burnett was aware of a raider's presence is difficult, given the conflicting evidence received by the Committee.

71 Ross, Transcript, pp. 307-308.

72 Ross, Submission, p. 2946.

73 Turner, Transcript, pp. 489-490.

74 Winter, op. cit., p. 9.

75 In evidence to the Committee, Mr David Kennedy made the point that the definition of a raider was somewhat unclear in the lead up to *Sydney*'s loss. He stated that 'Raiders were referred to then as the actual auxiliary cruisers and their supply ships. If it was thought that a supply ship was the target, then the raider might still be around, or vice versa' (Kennedy, Transcript, p. 456). Winter also noted that '... it always sounded more dramatic [for the Admiralty] to call supply ships "raiders" ' (Winter, op. cit., p. 205).

4.53 Many researchers are convinced that Captain Burnett knew of the existence of a raider off the West Australian coast. In the final September 1941 Weekly Intelligence Report, it was noted that 'it is probable that a raider is in this area and will soon resume operations'.⁷⁶

4.54 Mr Templeton also believed Captain Burnett knew there was a raider in the vicinity of the Western Australian coastline. He gave evidence that '[Captain Burnett] had told us during the previous voyage that there was a raider "in the area" – meaning perhaps anywhere in the Indian Ocean – and that postulated that **any** ship acting strangely could be an enemy and should be treated as such until proved otherwise'.⁷⁷ This evidence was corroborated by Mr C G Davis, who stated that 'evidence prooves (sic) [Captain Burnett] was convinced that it was highly probable a raider could be close by and it is on record that he said "there is a raider in the area, and we are going to get it"'.⁷⁸ The 'evidence' spoken of in this submission seems to be the word of someone present when Captain Burnett made the statement, but was never put on record.

4.55 The End Secrecy on *Sydney* Group was also convinced that the presence of a raider was well known:

Of course, if on 19 November 1941 Captain Burnett was aware he was confronting a raider already tracked to that Indian Ocean position by HF/DF; that *Kormoran*/*Steiermark*'s and *Straat Malakka*'s photographs had been circulated to him – as evidence proclaims – Detmers' and his crew's stories about *Sydney*'s 19 November behaviour are shown to be total fabrication, with deep criminality the probable reason ... After all, the Germans were not aware they had been HF/DF tracked – as *Steiermark*, Raider 'G', Ship 41 – during November 1941 or any other time.⁷⁹

4.56 There were other submissions which suggested that Captain Burnett was not aware of a raider in the area. For example, one submission stated that 'the *Sydney*, chancing on the *Kormoran* while returning from escort duties, and without any intelligence of enemy raider activity in the Indian Ocean, would have been at the mercy of the *Kormoran*'s active deception until the trap had been sprung'.⁸⁰

4.57 The Department of Defence gave evidence that 'there was an Intelligence Report to say that there were no raiders in the eastern part of the Indian Ocean'.⁸¹ Defence also suggested that Captain Burnett did not know that *Kormoran* was a raider, 'otherwise he would not have approached so close'.⁸²

4.58 In his guide to the Australian Archives holdings, Mr Richard Summerrell challenged the presumption of the Department of Defence that Captain Burnett believed there were no raiders in the area. He cited a summary of Combined Operational Intelligence

76 Frame, op. cit., p. 124.

77 Templeton, Submission, pp. 2001-2002.

78 Davis, Submission, p. 493.

79 End Secrecy on *Sydney* Group, Submission, p. 3010. Emphasis in original.

80 Jones, Submission, p. 1309.

81 Department of Defence, Transcript, p. 33.

82 *ibid.*, p. 34.

Centre summary based on Admiralty intelligence of 28 October 1941 in which '... Admiralty state that there is now no evidence of a raider being in the Indian Ocean'.⁸³ However, Mr Summerrell went on to say that:

Given that this information did not appear in the Combined Operational Intelligence Centre's daily summaries until 12 November, the day after the *Sydney's* departure from Fremantle, it is possible that the *Sydney* was only aware of earlier intelligence which suggested that there was evidence of raider activity in the Indian Ocean ...⁸⁴

4.59 Others have also suggested that the C-in-C China (Singapore) was directing HMAS *Sydney's* movements, was aware a raider was in the area and directed *Sydney* to the area to intercept it.⁸⁵ However, this theory fails to explain, if Captain Burnett was acting under these orders, why he was not apparently on full alert.

HF/DF Tracking

4.60 The question of whether or not Captain Burnett and Australian authorities knew of the presence of a raider must be examined in light of claims of HF/DF⁸⁶ tracking at the time. Mr Reg Lander, employed as a radio technician by AWA during the war,⁸⁷ claimed that the raider 41 (*Kormoran*) was being tracked from Holsworthy NSW, the QANTAS flying boat base in Rose Bay, NSW and the RAAF Base at Pearce, WA.⁸⁸

4.61 In a statutory declaration supplied to the Committee, Mr Lander stated he was told by a superior that 'there was a German raider on the west coast operating outside Fremantle and moving up and down the coast, or so they thought, transmitting on a certain frequency each night making a rendezvous with Danzig radio'. Mr Lander went on to state that the HF/DF was still experimental. The signals were also monitored by the RAAF at Pearce, to provide a cross bearing. Mr Lander indicated that a ship was monitored over an 8 to 10 day period as it moved up the coast, and that 'I didn't know then that it was *Kormoran*'.⁸⁹

4.62 Mr Lander's evidence has formed the basis of much of the later assertions that Admiralty, and Captain Burnett, knew a raider was in the vicinity. In a submission to the inquiry, Mr John McArthur claimed that Captain Burnett would have been aware of the existence of a raider off the Western Australian coast, and would consequently have been ready should he encounter it.⁹⁰ Mrs Glenys McDonald supported this view, stating 'I now believe that the *Sydney* knew that a German raider was in the area and she was updated on it from Direction Finding bases in operation around Australia and controlled at this point from Singapore'.⁹¹

83 Summerrell, op. cit., p. 92.

84 ibid.

85 McDonald, E, Submission, p. 539.

86 High Frequency Direction Finding.

87 McDonald, E, Submission, p. 538.

88 Department of Defence, Submission, p. 1847.

89 Lander, in End Secrecy on *Sydney* Group, Submission, pp. 2160-2161.

90 McArthur, Submission, p. 2239.

91 McDonald, G, Submission, pp. 175-6.

4.63 The veracity of Mr Lander's claims that *Kormoran* was being tracked by various stations around Australia depends on a combination of external factors:

- Captain Detmers would have to have been transmitting signals very frequently;
- the Allies would have to have had HF/DF tracking occurring at precisely the right time and frequency when the raider transmitted its messages; and
- in order to make use of any information contained in *Kormoran's* signals (i.e. to predict *Kormoran's* movements), the Allies would have had to have broken the German codes.

4.64 The difficulties inherent in HF/DF detection in the early part of the war were described in a paper by the Far East Combined Bureau in August 1940. While acknowledging the practical value of such a system, the paper indicated that:

... it is most unusual to obtain a bearing which can be rated as better than second class, by which is implied a possible error of + or - 5°... Entirely distinct from this is the error due to the W/T wave being deviated from its normal great circle path ...; errors of as much as 78° have been recorded in a bearing which has appeared quite reasonably good to the operator.⁹²

4.65 The paper went on to indicate the varying factors that could result in tracking errors:

- position of D/F station
- range of target
- difference of longitude between target and D/F station
- bearing of target
- proximity of target to D/F stations antipodal point
- time of day and season of year
- frequency.⁹³

4.66 In response to claims that HF/DF tracking specifically of *Kormoran* may have taken place in November 1941, one submission stated that 'Reg Lander's group of wireless operators may not have been tracking *Kormoran*, rather monitoring a raider-search operation'.⁹⁴ They may well have been performing the duties he describes, without ever having known exactly where *Kormoran* was.

4.67 Mr John Doohan, co-convenor of the End Secrecy on Sydney Group, told the Committee that *Kormoran* must have been sending out signals every day:

Kormoran would have to have been getting a signal every day [from the Japanese]. She got the signal down to her. Originally the information would come from the Japanese consulate in Singapore ... our people would have been reading everything that was going to

92 Exhibit No. 46, p. 3.

93 *ibid.*

94 Kennedy, Submission, p. 3074.

Kormoran anyway. But all *Kormoran* would do was send back maybe only a couple of blips, 'Message received. Understood.' She would have to, otherwise they would keep on sending the signal until they knew their target had got it. So every day she had to send signals back
...⁹⁵

4.68 However, evidence was received by the Committee that 'Detmars (sic) was very parsimonious in his use of radio',⁹⁶ throwing doubt on the claim that a daily process of tracking was possible.

4.69 Winter unequivocally states that '[a]ccusations of covering up evidence of tracking *Kormoran* ... are nonsense. The auxiliary cruisers sent very few signals, usually from isolated areas and with long intervals in between. Once it became necessary to send a signal, the ship sending it moved, their survival depended on their location remaining a mystery'.⁹⁷

4.70 Winter also rejects claims that authorities had broken the codes used by raiders and were thus aware of *Kormoran's* intended movements:

... the cipher used by the auxiliary cruisers on the high seas, called 'Pike' by Britain and '*Ausserheimisch*' or '*Aegir*' by Germany, was **never broken. NEVER.** ... Thus the Allies never knew the location of a raider by reading its own signals. Occasionally one was located by HF/DF, and on a few other occasions by reading the signals to or from a U-boat that was due to rendezvous with a raider. ... Anyone making a claim based on an assumption that the raider ciphers were being read is poorly informed on the topic. Anyone claiming that the navy 'must have known' where *Kormoran* was 'because we were reading the German code' is grossly ignorant in this field.⁹⁸

4.71 Winter's statements about code breaking are supported by the Department of Defence, which gave evidence that:

Assuming that [*Sydney* had obtained information about the future positions and intentions of *Kormoran*], then *Sydney* still would not have been any the wiser as the Enigma key used by German raiders was never broken by the British.⁹⁹

4.72 The Defence Signals Directorate (DSD) echoed this sentiment when it gave evidence to the Committee about code breaking activities during the war. The Acting Director of DSD stated that:

... the German navy during the Second World War were using the Enigma machine. It had a number of codes – it had a foreign code, if you like, and a domestic code. About five per cent of the users,

95 Doohan, Transcript, p. 249.

96 Farquhar-Smith, Submission, p. 3177.

97 Poniewierski, Submission, p. 331.

98 *ibid.*, p. 337. Emphasis in original.

99 Department of Defence, Submission, p. 1848.

including the users of this code system, including raiders, armed merchantmen like the *Kormoran*, used the foreign code, and the foreign code was not broken during the war.¹⁰⁰

4.73 Given that much of the evidence of a raider off the coast of Western Australia comes from the testimony of Mr Lander, it is pertinent to note the observations of Barbara Winter who states that 'Reg Lander ... admitted in 1991 that they did not know the origin of the signals, but his evidence has since been contaminated ...'.¹⁰¹

4.74 The Department of Defence, in commenting on Mr Lander's claims, noted:

Of the sites mentioned by Mr Landers (sic) neither the Defence Signals Directorate or Army are able to identify the Holsworthy site, the Rose Bay 'site' was operated by a non-Defence organisation and the function of the HF/DF facilities at RAAF Pearce may also have been as an aerial navigation aid. The use of facilities at Rose Bay and Holsworthy would not provide a good enough cut to aid in obtaining a fix as they would both produce the same bearing to a target in the Indian Ocean.

... Whilst it is unlikely that the organisation as described by Mr Landers (sic) carried out the work he states, it is possible that these stations were involved in some form of HF/DF work. Though no station could be identified at Holsworthy, a facility known as the Australian Radio Research Station did exist in the Liverpool area. The exact functions of this facility are unknown, however, it may have been involved with experimental work in association with Rose Bay and RAAF Pearce.¹⁰²

4.75 The Committee does not believe there is sufficient evidence to prove that the *Kormoran* was being tracked by HF/DF as suggested. The Committee notes that HF/DF was still in the developmental stage; that its accuracy was open to question; and that it would be unthinkable that an experienced raider captain would be sending daily messages allowing such tracking to take place. There is nothing to suggest that the statement by Mr Lander about his work during this period was wrong in so far as his involvement in the development of a HF/DF facility, but there is insufficient evidence to show that it was *Kormoran* that was being tracked (and as a consequence, that authorities, and possibly *Sydney*, knew with some accuracy the location and movements of the *Kormoran*).

Was *Sydney* at Action Stations?

4.76 There has been considerable speculation as to whether or not *Sydney* was at action stations when she approached *Kormoran*. Stories of *Kormoran* crew seeing men in white on the deck of *Sydney* as she approached were repeated in many submissions to the inquiry. Establishing whether or not *Sydney* was at action stations at it approached *Kormoran* is important because:

100 Defence Signals Directorate, Transcript, p. 48.

101 Poniewierski, Submission, p. 314.

102 Department of Defence, Submission, p. 1847.

- (i) If *Sydney* was **not** at action stations when it approached *Kormoran*, what had convinced Captain Burnett he could safely approach and drop his guard?
- (ii) If *Sydney* **was** at action stations, why were men in white lining the rails on the upper deck of the ship, and why did Captain Burnett bring her in so close?

4.77 There have been a range of suggestions as to who the 'men in white' lining the rails might have been. While Captain Detmers assumed they were 'pantrymen in their white coats lining the rails to have a look at the supposed Dutchman', there has also been the suggestion that they were in fact 'damage-control people, dressed in fire-fighting gear'.¹⁰³

4.78 In the official history, Gill had no doubt that *Sydney* was at action stations as it approached *Kormoran*. He presented this as a clear indication that Captain Burnett had approached *Kormoran* with suspicion. Gill wrote that:

From the fact that [Captain Burnett] went to actions stations and approached *Kormoran* with his main armament and torpedo tubes bearing, it would seem that he had suspicions of her *bona fides*.¹⁰⁴

4.79 There is an important link between whether or not *Sydney* was at action stations, and Captain Burnett's reasons for bringing the ship in close to the *Kormoran*. As CMDR T A Dadswell stated:

Captain Burnett and his officers were aware that German raiders were operating at sea in 1941 and would have treated any sighting of an unknown ship with suspicion. *Sydney* would have remained at long range and closed up at 'action stations' until satisfied as to the identity of the vessel.¹⁰⁵

4.80 According to Montgomery, 'to suggest ... that [the *Sydney*] was at action stations and at the same time had men standing at the rail is also to suggest that he was acting contrary both to all naval procedure and to every known precedent of his own conduct'.¹⁰⁶ Given that these two stories (i.e. that *Sydney* was at action stations *and* at cruising stations) have been widely quoted, Montgomery concludes that in fact both are true, although they did not happen simultaneously. That is, Montgomery believes that *Sydney* was initially at action stations, and later went back to cruising stations,¹⁰⁷ when the captain had been convinced that by doing so, the crew was not in danger. The question is, what could Captain Detmers have done to persuade Captain Burnett that it was safe to go back to cruising stations? This leads to some consideration of what action *Kormoran* might have taken to allay the concerns of *Sydney* as she approached.

Did *Sydney* Come Too Close?

103 Eagles, Submission, p. 400.

104 Gill, op. cit., p. 457.

105 Dadswell, Submission, p. 204. Emphasis in original.

106 Montgomery, op. cit., p. 119.

107 *ibid.*, p. 120.

4.81 Several theories, either singly or in combination, were put to the Committee, to attempt to address whether or not (and if so, why) Captain Burnett brought *Sydney* in so close to the German ship:

- (a) Captain Burnett was inexperienced, and it was this inexperience that led him to make the fatal mistake of bringing *Sydney* in too close to the unidentified vessel;
- (b) Captain Burnett was following orders (on 4 November 1941, 'Admiralty [issued] instructions to its commanding officers to capture enemy merchant ships',¹⁰⁸ and Captain Burnett may have acted on this instruction from the Admiralty and tried to capture *Kormoran*, sending in an anti-scuttling party to board her);
- (c) *Kormoran* was flying a Norwegian¹⁰⁹ or Dutch flag;
- (d) *Kormoran* feigned a medical emergency or signalled under a white flag, lulling *Sydney* in close, before firing upon the Australian ship;
- (e) *Sydney* mistook *Kormoran* for the supply ship *Kulmerland*;¹¹⁰
- (f) Detmers knew and could supply the secret call sign of the *Straat Malakka*, convincing Captain Burnett that *Kormoran* was not an enemy ship;
- (g) *Sydney* did not come in too close to *Kormoran*; in fact a Japanese submarine fired the fatal torpedo, after which time *Kormoran* inflicted damage on *Sydney*'s superstructure.¹¹¹

4.82 When considering the likelihood of *Kormoran* employing a *ruse de guerre*, it must be borne in mind that this ship was on a mission of deception in Australian waters. '*Kormoran* was a raider, and as such all means of guile and deception was (sic) used, including mis- and dis-information, to conceal its identity and presence...'.¹¹²

4.83 When Captain Burnett is criticised for coming too close to an unidentified ship, as he frequently is, it is interesting to examine his possible reasons for doing so. According to one submission to the inquiry, '[coming in close to an unidentified ship] was not as unusual as has been claimed; even Collins had done it'.¹¹³ As the Department of Defence pointed out:

One of the practicalities – going back a bit – of approaching close is that you were talking about visual signalling with flags. I do not know how far you can see those sorts of signal flags at sea, but in 1942 you still had the Royal Navy captains complaining about the ineptitude of merchant seaman who did not understand the regulations, or foreign captains who themselves were not following them because of the

108 Olson, Transcript, p. 213.

109 See for example Baldwin, Submission, p. 150 and Heinrich, Transcript, p. 291.

110 Loane, Transcript, p. 219.

111 This is discussed in detail in Chapter 5.

112 Creagh, Submission, p. 1010.

113 Winter, Submission, p. 296.

problems of wartime restrictions being placed on them. So given that sort of technology you would have to get in close anyhow.¹¹⁴

4.84 Alternatively, the Committee was made aware of a perception that Captain Burnett should never have put the *Sydney* into a position where her loss was possible. As one submission pointed out, 'Every ship which [Captain Burnett] challenged should have been considered an enemy until proved otherwise'.¹¹⁵ It is unclear why, if Captain Burnett was a 'book man' who followed established procedures meticulously, he saw fit to bring *Sydney* in close enough to *Kormoran* to endanger the lives of his crew.

Following Standard Procedures?

4.85 Evidence given to the Committee highlighted the dilemmas faced by cruiser captains. The HMAS *Sydney* Foundation Trust pointed out that:

... it is fairly clear from that material [relating to the instructions available to cruiser captains] that they were put in something of a position of conflict. On the one hand, they had to protect their ship as their prime responsibility ... but on the other hand, there was also an expectation that when the opportunity arose they would capture any non-armed auxiliary vessels that might be carrying material to Germany. In that sense, there was a conflict in the instructions coming to these people from their two responsibilities in this setting.¹¹⁶

4.86 Rear Admiral D Holthouse RAN (Retd), appearing with the HMAS *Sydney* Foundation Trust, expressed an opinion that 'A lot has been said about the background to [the loss of *Sydney*] – the strictures that were imposed ... on command in the use of ammunition and the conservation of ammunition in circumstances where there was no certainty about the nature of the possible target'.¹¹⁷ Admiralty orders clearly influenced the actions of captains. As one submission put it:

... in going too close to *Kormoran*, Captain Burnett was the immediate cause of the loss of *Sydney*, but the ultimate responsibility lay much higher up and further away. He was following Admiralty advice, given repeatedly in Weekly Intelligence Summaries, to identify unknown vessels by close inspection ...¹¹⁸

4.87 Put another way, it was suggested:

Perhaps the question should not have been: how did this disaster happen to *Sydney*? Perhaps it should have been: how had so many ships got away with doing exactly the same thing, time and time

114 Department of Defence, Transcript, p. 38.

115 Wilson, Submission, p. 3327.

116 HMAS *Sydney* Foundation Trust, Transcript, p. 182.

117 *ibid.*, p. 185.

118 Poniewierski, Submission, p. 3320.

again? They had used similar procedures, and avoided the same fate only because the ships they challenged were not armed.¹¹⁹

4.88 Others contradicted this sentiment, and stated that:

The Captain of the *Sydney* was 24 hours late in arriving at his rendezvous and had taken a risk in getting so close to the raider. In doing so he had not followed his orders. Further, the Gunnery Officer of the *Sydney* was not ready. He should have been able to fire first and get in two salvos before the raider attacked.¹²⁰

4.89 As noted earlier (see para 4.16), in attempting to highlight Captain Burnett's error, Gill cited two examples (*Ketty Brövig* and *Atlantis*) where opening fire on a suspicious ship proved to be the correct course of action. However, he also pointed out that in the former case the decision was questioned within Navy Office (where Captain Burnett had been working). In a communication from Admiral Leatham (Commander in Chief, East Indies) after the incident and despite the favourable result, it was implied that there had been an unnecessary expenditure of ammunition. Captain Burnett would undoubtedly have been aware of this advice and have acted in the knowledge that his every move would later be scrutinised.

4.90 To say that Captain Burnett did not follow orders is simplistic. He had, only a few weeks prior to his encounter with *Kormoran*, received instruction from the replacement Assistant Chief of Naval Staff, Captain Getting, that '*if any suspicion exists, the ship should be boarded*'.¹²¹ Captain Burnett had many things to consider when faced with an unidentified ship. In addition to the recent instances where Allied commanders had been criticised for wasting ammunition,¹²² Captain Burnett also had to consider the possibility that there may have been Allied prisoners aboard the ship, and he did not want to be responsible for their deaths. There may also have been an opportunity to send an anti-scuttling party, which could have retrieved valuable documents for the Allies. As Mr David Kennedy pointed out:

... Captain Burnett had all signs of encouragement to go in and board. He had been training anti-scuttling parties on his convoy duty up to the Sunda Strait. He went in on the quarter ... If Captain Burnett had wanted to board, as Admiralty instructions suggest, then he was in the right position to do that.¹²³

Was Kormoran sailing under a Dutch or Norwegian Flag?

4.91 Claims that *Kormoran* was flying a Norwegian flag have been in existence since 1942 and were mentioned in some contemporary newspaper accounts. Winter rebutted this suggestion in her 1983 book,¹²⁴ and in a submission to the Committee indicated that the origins of the story of *Kormoran* flying a Norwegian flag may rest with the fact that raider

119 Winter, op. cit., p. 205.

120 Minutes of Advisory War Council Meeting, 18 March 1942, reproduced in Summerrell, op. cit., p. 25.

121 Barbara Winter, op. cit., p. 134. Italics in original.

122 See Gill, op. cit., pp. 457-458.

123 Kennedy, Transcript, p. 463.

124 Winter, op. cit., pp. 226-227.

Pinguin, sunk some time earlier, had been disguised as Norwegian.¹²⁵ Frame also covers the matter in some detail,¹²⁶ however, the story has persisted. Mr Juergen Heinrich, the nephew of one of the *Kormoran* crew, told the Committee that he believed the *Kormoran* was sailing under the Norwegian flag. He indicated:

It is a Chinese man called Shuh Ah Fah ... [who] stated clearly that the *Kormoran* was flying under a Norwegian flag. Obviously it is not just a coincidence. Adding further weight to the scenario, on the log itself it states that, while waiting for the supplies for (sic) *Kulmerland* in October 1941, the sides [of *Kormoran*] were cleaned off and then repainted, but it did not actually state to what. So I think there is much corroboration that there is a possibility that, instead of *Kormoran* sailing the accepted flag of *Straat Malakka*, it was actually sailing under a Norwegian flag.¹²⁷

4.92 Mr Heinrich was convinced that the British had been reading the German codes and knew of the presence of a raider in the Indian Ocean and believed the raider to be flying the Dutch flag. He argued that the authorities were also aware of the *Kulmerland* being in the area to resupply *Kormoran*, that *Kulmerland* was flying the Norwegian flag, and was believed to be unarmed. Mr Heinrich continued:

Sydney ... [is] suddenly confronted with a merchant vessel of a similar look to the *Kulmerland* flying a Norwegian flag. They figure it to be the unarmed *Kulmerland*, since they had been advised by navy intelligence that the *Kormoran* was flying the Dutch flag. Burnett, acting on his orders to arrest unarmed merchantmen, moved in to do just that.¹²⁸

4.93 While Mr Heinrich's theory is possible, there is no documentary evidence to support Allied knowledge of the flags being flown by either *Kormoran* or *Kulmerland*.

4.94 Regardless of what disguise *Kormoran* was sailing under, the suggestion has been made that *Kormoran* opened fire without first showing the German flag. There is certainly evidence to suggest that the *Kormoran* had in place a system to raise the German flag very quickly.¹²⁹ While it is debatable whether this was done or not in this instance, in effect it had no outcome on the final result of the battle. *Sydney* was already compromised by being within firing range of *Kormoran*'s guns, and *Kormoran* had the element of surprise.

Was Kormoran mistaken for Kulmerland?

4.95 Related to the issue of the flag, is the suggestion that Captain Burnett may have approached so close because he may have confused *Kormoran* for the supply ship

125 Poniewierski, Submission, p. 3580.

126 Frame, op. cit., pp. 97-99.

127 Heinrich, Transcript, p. 291.

128 ibid., p. 292.

129 Winter, op. cit., p. 135.

Kulmerland (see para 4.92). Mr David Kennedy suggests that 'Sydney was advised, or became satisfied, that she had stopped the unarmed supply ship *Kulmerland*...'.¹³⁰

4.96 Another witness to the inquiry described the *Kormoran* as 'a merchant vessel of a similar look to the *Kulmerland*'.¹³¹ In evidence to the Committee, Mr Bill Loane also supported the suggestion that Captain Burnett may have moved in close to *Kormoran* thinking it was *Kulmerland*.¹³²

4.97 Mrs Glenys McDonald also considered the possibility that Captain Burnett believed he had come across *Kulmerland*. She suggested that Captain Burnett:

... would have come in close if he had information from intelligence or if he saw something on board the *Kormoran* that led him to believe that she was a merchant or supply ship, in particular the *Kulmerland*. So if he had been told to go in and intercept and capture the *Kulmerland* which was not armed [nearly as heavily as] *Kormoran* ... he may have done that.¹³³

Did Kormoran Surrender?

4.98 Several submissions suggested that *Kormoran* may have feigned surrender, thus explaining why *Sydney* came so close. Mr E V Ryding believes this was the case because '... when *Sydney* hove into view, there would have been a quick discussion on the bridge of the *Kormoran* having sighted a warship. Now, they would know that with a warship – which they would readily identify as a cruiser – they could not outrun it, they could not outshoot it. The only one option was to surrender'.¹³⁴ According to Mr Ryding, as soon as the German ship surrendered, 'Sydney should have broken radio silence to report all that was taking place'.¹³⁵

4.99 There is no record or suggestion that *Sydney* transmitted a message reporting that the German ship had surrendered. Nevertheless, Mr Ryding is convinced that the reason *Sydney* came so close to the *Kormoran* was that the *Kormoran* had raised a white flag.¹³⁶ Mr Ryding sees 'absolutely no other reason [for *Sydney*] to get any closer [than eight nautical miles] to a ship other than to board it, and she would only be boarding a surrendered ship'.¹³⁷

4.100 LCDR McDonald RAN (Retd) is also of the view that a simulated surrender by *Kormoran* may have been the ruse used by Captain Detmers to bring *Sydney* within firing range. While not giving details, LCDR McDonald mentioned 'evidence given to [him] from more than one source that *Kormoran* flew a white flag before opening fire'.¹³⁸ As LCDR McDonald told the Committee:

130 Kennedy, Submission, p. 957.

131 Heinrich, Transcript, p. 292.

132 Loane, Transcript, p. 221.

133 McDonald, G, Transcript, p. 295.

134 *ibid.*, p. 145.

135 *ibid.*, p. 146.

136 *ibid.*

137 *ibid.*, p. 147.

138 McDonald, E, Submission, p. 540.

After many years of researching and consideration of the mystery, I have concluded that a simulated surrender by the Germans answers most of the questions as to how *Sydney* was lured to her destruction.¹³⁹

4.101 In his appearance before the Committee, Mr James Eagles suggested that Captain Detmers would not even have needed to fly a white flag, as the smoke which was coming from *Kormoran's* damaged engine (see para 4.11) would automatically be seen as a sign of distress.¹⁴⁰

4.102 The seriousness of sailing under a white flag has been misinterpreted, according to one submission, which stated that 'Either Captain Burnett at some point, made a wrong decision, or he was enticed into a position to lose his ship by some illegal action, and it should be pointed out that to sail under a false flag was not illegal'.¹⁴¹ However to *open* fire under a white flag contravened established rules of engagement.

4.103 The Gascoyne Historical Society expressed a view that *Kormoran* did not open fire under a white flag. According to Mr Hayden James, 'The testimony has been given not only by the captain and the flight officer but even by ordinary sailors, some of whom are here in Australia; they did come back ... They have said that there was no white flag raised ...'.¹⁴²

Did Captain Detmers Know Straat Malakka's Secret Call Sign?

4.104 The suggestion has been made that Captain Detmers may have known the *Straat Malakka's* secret call sign, thus removing the possibility that he was forced to open fire when he could not respond to Captain Burnett's request that he show it.¹⁴³ Mr Patrick Burnett told the Committee that '... it does seem possible that Captain Detmers may in fact have been in possession of *Straat Malakka's* secret call sign and may have given it in reply to the challenge, and that that may have been a factor in the events leading up to the action'.¹⁴⁴ He did not offer any documentary evidence to support his suggestion.

4.105 This contradicts the official history, which clearly states that Detmers was unable to supply the secret call sign and for this reason he was forced to declare himself.¹⁴⁵

Why Was the Sea Plane Not Deployed?

4.106 HMAS *Sydney* was equipped with a spotter aircraft, a Walrus. Many theories have been put forward about Captain Burnett's decision not to send up the Walrus prior to the

139 *ibid.*

140 Eagles, Transcript, p. 570.

141 Poniewierski, Submission, p. 3594.

142 Gascoyne Historical Society, Transcript, pp. 265-266.

143 Burnett, P, Transcript, p. 486.

144 *ibid.*

145 Gill, *op cit.*, p. 454. RADM Oxenbould, RAN, of the Department of Defence also gave evidence that 'I think it is feasible as it is explained. *Sydney* came up close aboard, within about 1,500 yards of the *Kormoran* and on the *Kormoran's* starboard beam, while it was going through this interrogation process. The process reached a point where the *Kormoran* knew that it could not provide the next answer' (Department of Defence, Transcript, p. 33).

battle. Gill, in his official history, raised this issue,¹⁴⁶ but provided no answer as to why Captain Burnett did not deploy the aircraft. One submission expressed the view that:

The surmise that Captain Burnett did not use his aircraft because of weather is unbelievable. The wind, according to Detmers, confirmed by Von Malapert, was only 10 to 15 knots, gentle to moderate, hardly enough to break wave crests. No deterrent to a seaplane.¹⁴⁷

4.107 If it was not because of the weather, then what might have caused Captain Burnett not to send up the plane, when he could have gained a tactical advantage by doing so? Another submission suggested that the complicated fuelling and defuelling procedures associated with launching the Walrus may have left insufficient time to prepare the plane.¹⁴⁸

4.108 The importance of not sending up the Walrus may in fact have been exaggerated, as one submission suggests that 'It should be noted the launching or retrieval of the Walrus is really irrelevant, as *Sydney* was not looking for a ship, she had found one'.¹⁴⁹ While Captain Burnett's reasons for not sending up the plane will never be known, it is perhaps useful to bear in mind Mr Davis' observations, given that any impact the plane might have had on the engagement is pure speculation.

146 Gill, op. cit., p. 457.

147 McDonald, E, Submission, p. 526. There is some doubt as to the weather on that day. 'The Naval Intelligence reconstruction of the 19 November 1941 suggests that "the weather at the time was rough, as it had been for two or three days", while [a] prisoner's letter written from Murchison ... speaks of "waves as high as a house" ' (Montgomery, op. cit., p. 116). Montgomery argues that the reason why Captain Burnett did not launch the plane was because, in these conditions, it would have been too difficult to recover from the ocean. (ibid., p. 117). Barbara Winter states in her book that Detmers would have considered the IK signal as 'Ridiculous! In that area at that time of year, and with the weather so fine? It had to be a mistake' (Winter, op. cit., p. 135). One of the Germans aboard *Kormoran*, Heinfreid Ahl, stated that 'The weather was sunny, visibility very good, wind 3 to 4, calm sea, medium swell from south-west' (Gascoyne Historical Society, Submission, p. 1227).

148 Bain, Submission, pp. 3741-3748.

149 Davis, Submission, p. 495.

Did Kormoran Fire an Underwater Torpedo?

4.109 The armaments of the *Kormoran* included six 21-inch torpedo tubes, two of which were submerged.¹⁵⁰

4.110 In the official history, Gill does not mention the use of an underwater torpedo as such, describing only that Detmers gave 'the order to open fire with guns and torpedoes'. Gill goes on to indicate that with the opening fire, *Kormoran* fired two torpedoes, one of which struck *Sydney* under A and B turrets. *Kormoran* later fired another torpedo but it missed its target.¹⁵¹

4.111 The Committee was told that, in order to fire her underwater torpedo, *Kormoran* would have to have been stationary or nearly stopped.¹⁵² Under interrogation, Captain Detmers had initially admitted that *Sydney* had ordered *Kormoran* to stop, but later changed his story. Frame noted that 'The Admiralty thought it was possible that *Kormoran* opened fire with an underwater torpedo before declaring herself'.¹⁵³

4.112 CMDR R J Hardstaff, RAN (Retd), claimed *Sydney* lowered a boat intending to board *Kormoran*, at which time Captain Detmers had two choices:

... comply or ... run the risk of being sunk. Detmers took his time to comply, knowing his **SECRET and ACE weapon was the submerged torpedo**, which could be fired unobserved while still keeping underway at slow speed. *Sydney* was now obliged to send across the boarding party in an oared boat, when at a close distance. While closing *Kormoran's* starboard quarter, the **first torpedo would be fired from the fixed underwater tube on its bearing of 45 Degrees abaft the starboard beam** ... thus catching *Sydney* completely by surprise and having her bows almost severed between A & B turrets.¹⁵⁴

4.113 Mr David Kennedy was informed by Mr Hans Linke, a former radio operator on *Kormoran*, that at the start of the action *Kormoran* 'fired an underwater torpedo and it hit *Sydney* on the bridge. It was under the waterline level with the bridge ...'.¹⁵⁵ Mrs Glenys McDonald told the Committee that 'in [her] interview with Herman Ortman, he admits now that ... [*Kormoran*] did fire the underwater torpedo'.¹⁵⁶

4.114 The Committee believes a strong case can be made that the *Kormoran's* underwater torpedo capability played a major role in the defeat of *Sydney*.

150 Frame, op. cit., p. 277.

151 Gill, op. cit., pp. 454-456.

152 McDonald, G, Transcript, p. 295.

153 Frame, op. cit., p. 103.

154 Hardstaff, Submission, p. 48. Emphasis in original.

155 Linke quoted in Kennedy, Submission, p. 966.

156 McDonald, G, Transcript, p. 296.

Conclusions

4.115 What then can be said about the engagement? In sifting through the claims and counter-claims placed before it, the Committee reached the following conclusions:

- Captain Burnett was aware that there had been raider activity in the Indian Ocean, and while he may not have been alerted to the presence of one particular raider, should have been extremely cautious in approaching any unknown vessel;
- it was common practice, however, for warships to come close to unknown ships, to identify them, and to prevent scuttling. It was Captain Burnett's and his crew's misfortune that a practice that had worked on other occasions should end so disastrously on this occasion;
- the account of the engagement as given by the Germans is feasible, given that very few of the *Kormoran* survivors would have been in a position to be privy to all of the command decisions taken and to all aspects of the engagement; both the *Sydney* and the *Kormoran* fought a fierce battle with bravery and great tenacity. While *Sydney* was mortally wounded, she had inflicted so much damage on *Kormoran* that the German ship had to be scuttled.