



# ONUS *of* PROOF

Volume 2

‘ONGOING’

HARRY HARKNESS

# Onus of Proof

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## Ongoing

Published by Harry Harkness

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# ONUS OF PROOF

## ‘ONGOING’

A story, that had to be told, about unrecorded and unrecognised ‘Naval Operational Service’, by men at sea in the service of their country. For information contained in HMAS *Melbourne*’s Report of Proceedings and her Ship’s Log could lead a reader to believe that nothing of consequence happened during the Indonesian Confrontation of 1964–66.

### **In particular:**

HMAS *Melbourne*’s deployment to the Far East from  
24 February to 22 June 1965 and the involvement of  
her Ship’s Dive Team in mine search operational  
dives in Singapore Harbour during the  
Indonesian Confrontation in  
April 1965.

### **Compiled by**

Harry Harkness  
1937–

An ex-Petty Officer Air Technical Weapons Electrical,  
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CABA Ship’s Diver, (1959-1965).

Serving from 24 June 1957 to 16 October 1977, my sea time included five deployments to the Far East on HMAS *Melbourne* and two RIMPAC deployments in 1971 & 1972 to Hawaiian waters. With Detached Duty Flights to HMAS *Stalwart* in 1974 and 1975. I served my last two years at the Jervis Bay Missile Range as the Electrical NCO in charge of the (RCST), Radio Controlled Surface Target Boats and RAN, ‘Turana Project’, Testing Team.

This book is dedicated to the Members of HMAS *Melbourne*'s 1965 Ship's Dive Team and the veteran community.

My personal thanks go to:

The Contributors  
My Medical Support Group  
My Friend Sharon  
The Advocates  
The Departments  
for their support.

Most important of all,  
a special thank you to my wife Fay,  
for being there all the way.

The first two parts of the story has been written in the third person to allow me to revisit these past events as an observer, rather than a victim.

*Harry Harkness*  
*November, 2003*

# **A Thought to Ponder**

Much has been insinuated about ex-Servicemen suffering from Post Traumatic Stress Disorder in recent years by people lacking empathy or understanding. Sadly it seems to come from people who really should know better.

It's to be hoped the historical and factual account contained in this book will shed more light on the subject and show how these things can come back to bite us.

Like the American ex-Serviceman who went right through WW 2 with no ill effects, but when he witnessed the events of 9/11 on his television and saw aircraft flying into buildings it triggered his long suppressed PTSD and he turned to custard.

Age, it would appear, may also be a factor in triggering PTSD.

It is often said, 'If you were not there, then you don't know'.

A fact few would dispute.

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Fay Harkness	

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# Part One

## Rationale

**O***nus of Proof* is a story of operational service that went unrecorded and unrecognised for more than 35 years, brought to light by one man's fight for justice and recognition of his past service and that of his Ship's Diving Team.

Begun simply as a task of gathering information from service and medical records to lodge a claim with the Department of Veterans' Affairs, it became a struggle of major proportions due to the Royal Australian Navy's failure to properly record, retain and safeguard information they once held.

It's a story he was forced to research, write about and tell while receiving treatment for a disability.

Had the Department of Repatriation in Western Australia been more accommodating in 1978 it's a struggle he might not have had to endure at all. But in the end he knew it was a story that had to be told.

It is a facet of naval service that should be told. Of men drawn from different ranks, trades and vocations, who were thrown together for a short space of time to do a job. A job that few others could or would do. As such it deserves its small place in naval history, to be recorded and not forgotten.

The basic research carried out and recorded here may also help others tell their story of where they fit in this important but largely unrecorded and unrecognised period of Australian naval operational service.

As a Ship's CABA (Compressed Air Breathing Apparatus) Diver, Harry was involved in two mine search operational dives, within three nights, under the aircraft carrier HMAS *Melbourne*. The ship was in Singapore Harbour during the Indonesian Confrontation in April, 1965, when the Ship's Dive Team were ordered into the water to search for mines believed to have been attached to the ship's hull.

In 1997/98, a suppressed disability surfaced relating to those past diving operations, about which, to make a successful claim with the Department of Veterans' Affairs, it became necessary for Harry to prove that the events had actually taken place more than 35 years after the event.

Believing his Navy Service Records held the key and contained all the relevant details, he contacted Navy Records in Canberra and requested copies be sent to him. When they eventually arrived, there were no details of his diving history. It then began to dawn on him that perhaps there were no records available.

At times the onus of proof seemed beyond reach. For example, how was he going to prove that the events really happened when nothing of his six years of diving in the RAN was documented? Apart from the fact he'd qualified as a Ship's Diver in May 1959 following a diving course at HMAS *Rushcutter*, and, there was no trace of the Ship's Diving Log that contained the divers' names and details of events, and, until 28 December 2000 the *Melbourne* had not even been allotted for service in an operational area.

The situation looked hopeless, yet knowing the events to be true he knew there must be a way to prove it.

It was then that Harry went looking for surviving members of the *Melbourne's* 1965 Ship's Dive Team.

While it was to open a can of worms for him and bring back many harrowing and distressing memories of unfinished business long ago, it did renew old acquaintances and friendships with Dive Team members and other ex-navy friends he had not seen or heard of in more than 30 years.

It should be clearly stated that the story is told from a 'Port Watch' perspective. For although they were a dive team, they never ever dived together as one group, never ever sat down and had a beer together, never ever went through a debriefing session.

For when it was over, they just went back to their normal duties.

# Background

**B**efore telling his story it's important to have an understanding of the military situation in South-East Asia in 1965. This is best explained by an article that appeared in a national newspaper in the mid 1980s.

Written by John D. Evans, it was titled:

## **Vietnam, Australia Had No Choice**

For people who may still doubt the wisdom of Australia's involvement in South Vietnam, let me tell you why Australia had no choice but to be there.

South Vietnam was our first line of defence against the threat existing in 1965 that the whole of South-East Asia down to our northern border probably would fall under communist control.

By March 1965, when our Federal Government announced its intention to send Australian forces into South-East Asia, there was:

To the north, The Hammer: The Soviet Union and China both backed the communist Government of North Vietnam, whose forces, already active in a guerrilla role, were poised to thrust into South Vietnam and beyond.

The Australian Army Training Team Vietnam (AATTV), in the early years and later, played an extremely important role in helping the South Vietnamese to organise their defences against the growing threat, and fighting with them.

To the south, The Anvil: General Sukarno, then the leader of Indonesia, had developed strong links with the communists, both in his own country and China, and there was every reason to believe that Indonesia had been set up for a communist takeover.

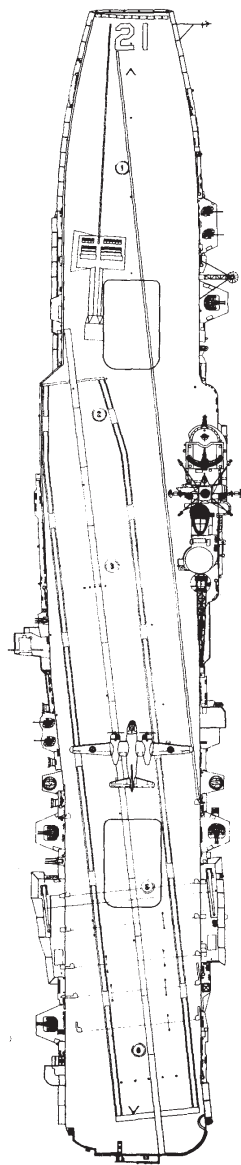
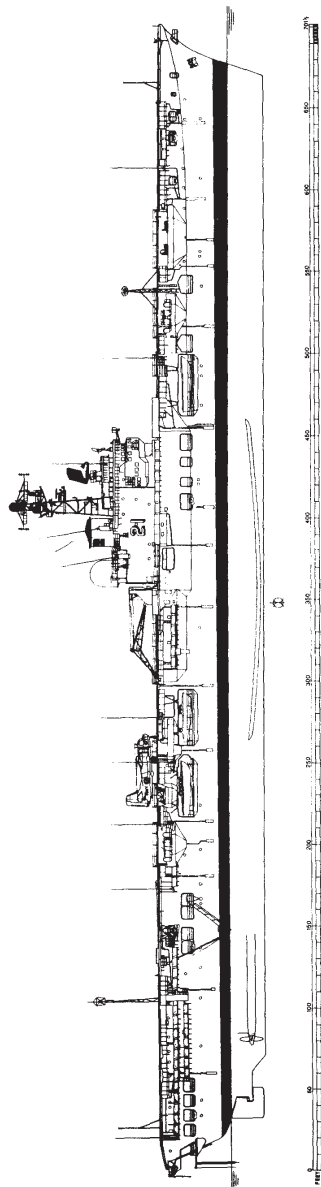
Burma was communist-controlled. Laos, Cambodia (now Kampuchea), Thailand, Malaysia and Singapore were wholly unprepared for war, and were wide open to attack.

## H.M.A.S. MELBOURNE (CVS - 21)



"Majestic" Class Light Fleet Carrier, ex-H.M.S. Majestic, transferred from Royal Navy 27 October 1955. Shown as at 2 June 1959, when she collided with and sank USS Frank E. Evans (DD-654) in the South China Sea.

Displacement: 16,000 tons, standard (19,950 tons, deep load)  
 Armament: Twelve 40-mm A.A. (4 x 2, 4 x 1) guns, Ten aircraft and twelve helicopters.  
 Dimensions: Length 394 ft 6 in. (o.s.), x 89 ft 3 in. (hull) 126 ft 8 in. (flight deck) x 21 ft. (mean) 25 ft. (max) (184,021.8 x 244,38.4 x 6,477.8-m)  
 Machinery: Two-shaft Parsons geared turbines; 40,000 SHP = 24.5 knots.  
 Oil Fuel: 3,190 tons  
 Radius of Action: 12,000 miles at 14 knots, 6,000 miles at 23 knots.  
 Laid Down: 13 April 1943  
 Launched: 28 February 1945  
 Completed: 8 November 1955



The scene was set and those of us who observed the turn of events feared the worst. Our survival depended upon The Hammer being prevented from meeting The Anvil for, had this occurred, the tight fist of communist imperialism certainly would have closed above us, leaving Australia and New Zealand wide open for conquest.

Late in 1965 Sukarno organised 'The Night of The Long Knives', his failed attempt to slaughter conservative Indonesian generals. By good luck and prompt reaction, the survivors led by Suharto launched a counter-revolution, took firm control of that country and removed the threat of communistic control.

With the United States, New Zealand, South Korea and our other allies, we held the line in South Vietnam, while China suffered under the Red Guards at home, and from its rivalry with the Soviet Union abroad – and changed. Time and the course of events proved to be on our side, and the ultimate benefit to our country is plain to see.

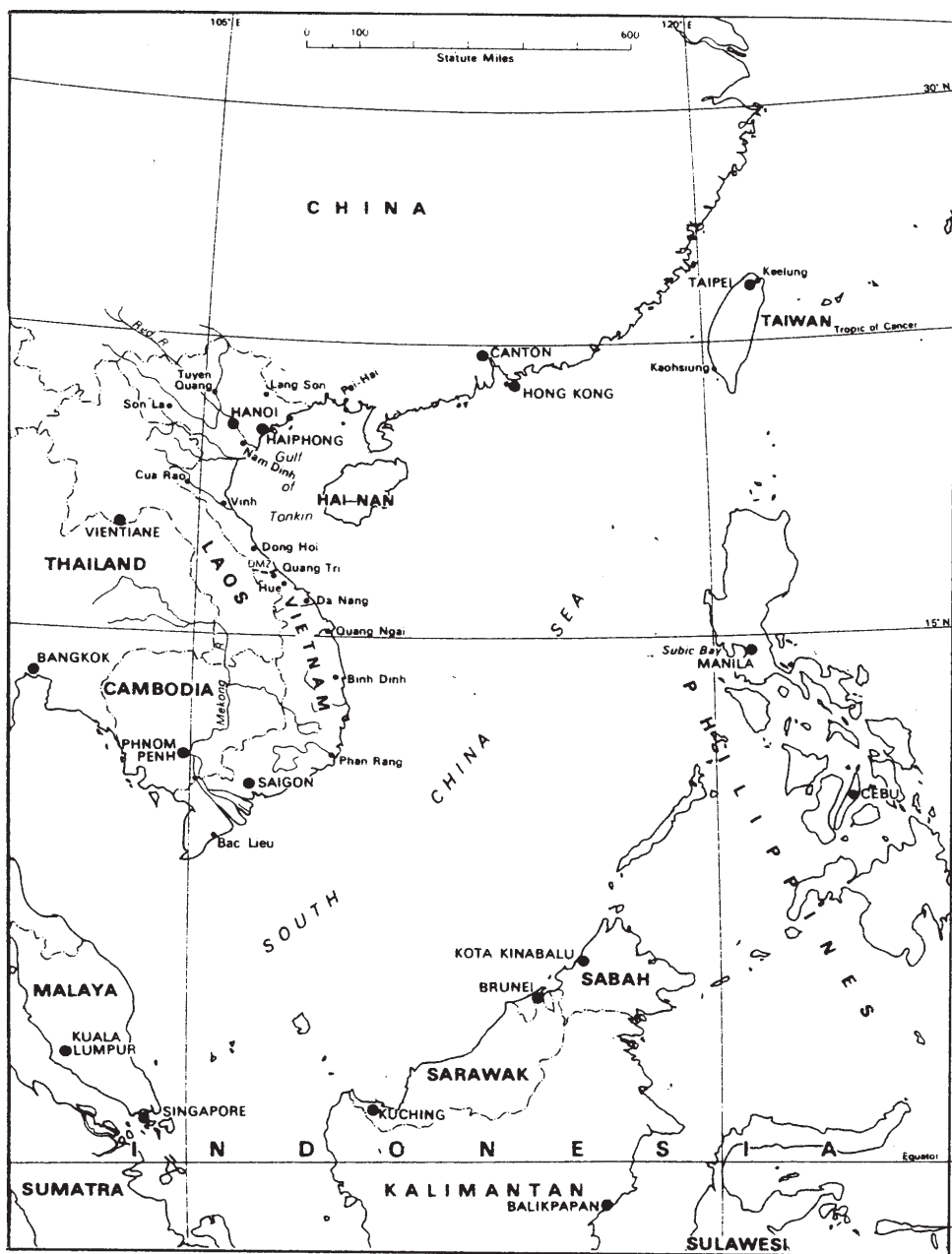
While we can have nothing but sympathy for the South Vietnamese, the Laotians and Kampuchians still suffering from communist oppression, we can be sure of one thing – that our dead, whom we commemorate with pride and honour, and our wounded and others still suffering from that conflict whom we think of today, did not die, or suffer, nor did we strive, in vain.

The war in Vietnam was a war for our national survival and, in this, was a complete success.

Let this never be forgotten.

John D, Evans, Lt Col, (Retd), Legal Adviser to the Commander, Australian Army Force Vietnam and Judge-Advocate to Australian and New Zealand Army Elements (1965–1966), Price Street, Nerang, Queensland.





# Forces Committed

In the early stages of the Vietnam War in 1965 and happening much closer to our own front door, Australia was involved with the so called and largely unreported and unrecognised, Indonesian Confrontation.

The importance placed on the Indonesian Confrontation by the Australian Government and the threat it posed to our national security, is best measured by the major commitment this country made in the campaign against the common enemy, Indonesia, and on the exercises and duties that were designed to protect the common countries of Malaysia, Singapore and Brunei and, of course, Australia itself.

That commitment included the following ADF (Australian Defence Force) Units:

Royal Australian Air Force units: No. 2 Squadron RAAF, No. 3 Squadron RAAF, No. 4 RAAF Hospital, No. 5 Squadron RAAF, No. 77 Squadron RAAF, Headquarters No. 78 Wing RAAF, No. 114 Mobile Control and Reporting Unit RAAF, No. 478 Squadron RAAF, 10 Squadron RAAF, Base Squadron Butterworth RAAF and Headquarters Butterworth RAAF.

Royal Australian Army units: 1 Field Squadron, 1 SAS Squadron, 1 Independent Field Squadron Workshops redesignated 1 Independent Field Workshop, 2 Troop (RAE) 11 Field Squadron (RE), 2 SAS Squadron, 3 RAR, 4 RAR, 7 Field Squadron, 570 Signal Troop, Det. 20 Fd. Pk. Squadron, 21 Construction Squadron, 21 Construction Squadron Independent Workshops, 22 Construction Squadron, 22 Construction Squadron Workshop, 24 Construction Squadron, 102 Field Battery, 105 Field Battery, 110 LAA Battery, 111 LAA Battery, 201 Sig. Sqd. redesignated 121 Sig. Sqd., 589 Sig. Tp, Australian Army attached to 55 AD Coy RASC, 28 COMWEL BRIGADE (Australian Component)\*,

## FARELF (Australian Component)\*

\*This includes all 28 COMWEL BDE and FARELF Units that had an Australian Component.

The Royal Australian Navy's role and those of our allies was to display an unmistakable show of strength in the straits separating Singapore and Indonesia against armed infiltrators and limit their naked aggression.

In 1965 the RAN had 14 ships in the area. They were: HMAS *Curlew*, HMAS *Derwent*, HMAS *Duchess*, HMAS *Gull*, HMAS *Hawk*, HMAS *Ibis*, HMAS *Melbourne*, HMAS *Parramatta*, HMAS *Snipe*, HMAS *Supply*, HMAS *Teal*, HMAS *Vampire*, HMAS *Vendetta* and HMAS *Yarra*.

Allied units included:

Royal Navy Ships: HMS *Victorious*, HMS *Eagle*, HMS *Bulwark*, HMS *Caesar*, HMS *Manxman*, HMS *Houghton*, HMS *Friskerton*, HMS *Maryton*, HMS *Chawton*, HMS *Corunna*, HMS *Kent*, HMS *Ajax*, HMS *Whitby*, HMS *Alliance*, HMS *London*, HMS *Barrossa*, HMS *Agincourt*, HMS *Chichester*, HMS, *Plymouth*, HMS/M *Andrew*, RFA *Tidereach*, RFA *Retainer*, RFA *Reliant* and RFA *Tidespring*.

The Royal New Zealand Navy Ship: HMNZS *Otago*.

Other Allied Units exercising in the South-East Asian region at that time included:

United States Navy Ships: USS *Jason*, USS *Bennington*, USS *Larson*, USS *Currituck*, USS (SS) *Charr*, USS (SS) *Blackfin*, USS *Kyes*, USS *Evans*, USS *Walke*, USS *Regulus* and USS *Platte*.

Thailand Navy Ships: HTMS *Pinklao*, HTMS *Prasae* and HTMS *Tachin*.

Royal Air Force units included: 205 Squadron RAF, 224 Squadron RAF, 5 Squadron RNZAF and 5 Fighter Wing from the Philippines were also active in South-East Asia at that time.

A formidable fighting force, the size of which, no doubt, will stagger some who had little or no knowledge of the Australian and Allied commitment at the time. It contained a high concentration of naval units, possibly due to the fact that most infiltration was by sea, that the troops involved were supplied by sea, and that the Indonesian Archipelago itself consists of some 17,000 islands.

## Service Unrecorded

**R**esulting from the Australian Government's decision in March 1965 to send troops to Vietnam, the media coverage of what was happening in South East Asia at that time quickly shifted its focus to the Vietnam War, leaving the Indonesian Confrontation largely forgotten, unreported and unrecorded.

While the Indonesian Confrontation was mainly about protecting British interests in South-East Asia and those of the newly formed (1963) Federation of Malaysia, at home it was seen as a highly sensitive 'undeclared war' for political reasons. The Australian and United States Governments did not want to drive the Indonesians into the arms of the Communist camp, then expanding throughout the region.



HMAS Melbourne - 1965

After the Indonesian Confrontation was over it seemed that no one wanted to know about it. Not even the Royal Australian Navy, who's own records of the conflict and those of the naval personnel who served there, were also left largely unrecorded and therefore remained unrecognised for more than 30 years.

While that may have been acceptable for political reasons, it was completely unacceptable for those who served in this undeclared war, for whilst their naval operational service was denied and went unrecognised, so too did their repatriation benefits and entitlements.

During the Malayan Emergency (1955–1963) and the Indonesian Confrontation (1964–1966), 10,500 Australians served in South East Asia, 51 were killed, and 29 were wounded. (Ref: *Australians At War*.)

Yet their service continued to go largely unrecognised until the Australian Government were prevailed upon to set up the *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955–75*, in April 1999, headed by Judge Mohr and Admiral Kennedy.

During which Judge Mohr stated,

Great anxiety has been caused among veterans by all three Services not keeping proper track of the whereabouts of its people during a conflict. Later, when a veteran makes a claim and 'the system' does not have appropriate records, the onus is placed on the claimant to come up with supporting documentary evidence.

This is clearly the situation where HMAS *Melbourne's* 1965 Ship's Diving Team now find there are no records available, with their names connected to the mine search operational dives they were ordered to carry out between 27–30 April 1965, in Singapore Harbour during the Indonesian Confrontation.

It therefore seems that documentation was sanitised at the time of writing to placate certain unknown elements in the upper echelons of the RAN, Australian Defence Forces and the Australian Government.

This lack of official documentation is directly caused by the Department of Defence and the Royal Australian Navy's failure to properly record, retain and safeguard information they once held.

After carefully researching all avenues available it's very apparent that the only place the divers' names would have been recorded, along with their details, diving operations, and associated incidents, is in HMAS *Melbourne's* Ship's Diving Log which, due to someone's neglect, has not survived the passage of time.

Therefore, as stated above by Judge Mohr, "the onus is placed on the claimant to come up with the supporting documentary evidence". Which is the very purpose for researching and recording this story about "unrecorded and unrecognised service by men at sea in the service of their country".

For, as stated at the beginning: "if you weren't there then you don't know".

And the only people who can now provide that supporting documentary evidence are the surviving members of *Melbourne's* 1965 Ship's Dive Team and members of *Melbourne's* 1965 Ship's Company, who observed, or were aware of, the mine search diving operations carried out in April 1965.

# Deployment

The following is a detailed account of HMAS *Melbourne*'s deployment to South-East Asia during the Indonesian Confrontation and early part of the Vietnam War, from 24 February until 22 June, 1965.

HMAS *Melbourne* was a Light Fleet Aircraft Carrier of about 20,000 tons (loaded), length 700 feet, draft about 25 to 30 feet. She was the Navy's Flag Ship and the largest ship in the Royal Australian Navy. At that time *Melbourne*'s Commanding Officer was Captain HD Stevenson RAN and the Flag Officer Commanding, HM Australian Fleet, was Rear Admiral TK Morrison, RAN, CBE, DSC.

On 24 February, 1965, *Melbourne* sailed from Sydney with its Carrier Air Group, consisting of 816 Squadron (Gannets) and 816 Squadron 'B' Flight (Sea Venoms) and 817 Squadron (Wessex Helos), in company with HMA Ships *Supply* and *Parramatta* bound for Singapore via Manus Island.

During passage all ships exercised in accordance with AF 112 dated 18 February, (PALM TREE).

Monday 1 March, *Melbourne* entered Jomard Passage and proceeded through the Louisiade Archipelago. After fuelling from *Supply* during the forenoon of Tuesday, 2 March, the ship passed through Vitiaz Strait and resumed flying training in the afternoon.

*Melbourne* arrived at Manus Island on 3 March, entered Seeadler Harbour at 0815K and anchored off Lombrum Point at 0900K. The day provided a welcome break from sea routine.

On 4 March at 0600K *Melbourne* weighed anchor and continued to exercise in accordance with PALM TREE during passage to Singapore through the top end of the Indonesian Archipelago. During transit of the Celebes Sea (0800K on



Friday 5 March to 1800HI Monday 8 March) Defence Stations were assumed in accordance with CTG 327.2 Opord 1/65. No incidents occurred.

During this time guns crews were closed up at their stations. Two Sea Venom aircraft were armed and manned with one aircraft ready for immediate launch on *Melbourne's* steam catapult.

At 0001 Z Saturday 6 March the ship 'chopped' (came under the operational control of) to COMFEF (Commander Far East Fleet).

On the evening of 7 March, the Commanding Officer of 816 Squadron, Lieutenant Commander TA Dadswell, RAN, flying Gannet 810 (XG 784) experienced a fire in the port engine and after some hair-raising moments carried out a successful single engine landing on the ship.

After passing through Basilan Strait during the evening of Monday 8 March, *Melbourne* crossed the Sulu Sea in poor weather and entered the Balabac Strait at 1430H Tuesday 9 March.

During the forenoon of Thursday 11 March, *Melbourne* fuelled from *Supply* and rounding the Anambas Islands early in the afternoon, proceeded on the last stage of the passage independently.

*Supply* had been ordered to proceed ahead by FOCAF (Flag Officer Commanding HM Australian Fleet) and *Parramatta* had been detached to rendezvous with ships taking part in FOTRAIN.

At 0800GH Friday 12 March, *Melbourne* passed Johore Shoal Buoy and secured to 'A' Buoy Dockyard Reach, Singapore at 1000, where the off loading of freighted ammunition commenced immediately.

Prior to their arrival in Singapore, all departments with CABA divers were ordered to release them from their normal duties to allow a Ship's Dive Team to be formed, as they were about to enter hostile waters.

The ship remained at 'A' Buoy in Defence Watch at OPERATION AWKWARD STATE 3 throughout the weekend, where the newly formed Ship's Dive Team

rigged bottom lines in readiness for diving operations, should they be required, at short notice, to search the ship's hull.

The Captain in his monthly Report of Proceedings stated that during this short period the behaviour of the ship's company was commendable.

## Singapore Area Duties

**A**t 0800 Monday 15 March *Melbourne* slipped and proceeded for FOTEX '65, the annual Far East Fleet exercises scheduled by the Flag Officer, Second in Command, Far East Fleet, Rear Admiral PJ Hill-Norton, RN, Escorted by HM Ships *Caesar*, (Captain HWE Hollins, RN) and *Whitby* (Commander JG Wemyss, RN) and HMAS *Parramatta* the ship proceeded via Malacca Strait at 19 knots to join up with FOTRAIN off Penang on the morning of Tuesday 16 March.

*Melbourne's* participation in FOTEX '65 was divided into five phases:

FOTRAIN : 16-17 March

FOTAC ONE : 18-19 March

FOSPELL : 20-21 March

FOTAC TWO : 22-25 March

FOFOT : 25 March.

FOTRAIN: During this period the ship was worked up for FOTAC ONE with Casexes, AA Firing and Flying training. The latter was again hampered by bad weather but overall it was a most beneficial two days particularly for the Gunnery Department.

FOTAC ONE: For this, the first tactical phase, the Flag Officer Commanding HM Australian Fleet was CTG of *Melbourne's* group. Ships proceeded in accordance with FOTEX Orders C.T.G. 320.0 Opord 1/65, dated 110900GH March.

The aim of FOTAC 1 was to exercise Search and Strike, Air Defence and Anti Submarine Warfare. The exercise took place outside Malaysian, Thai, and

Indonesian territorial waters between 5 Degrees and 10 Degrees North and 94 Degrees and 100 Degrees East. There was no strategic setting. Blue and Green Forces were opposed and Orange could attack both. Nuclear tactics were not allowed.

CTF 320 – Rear Admiral Hill-Norton in *Victorious*

**BLUE FORCES**

TG 320.0

(CTG-Rear Admiral Morrison in *Melbourne*)

*Melbourne*

*Victorious*

*Kent*

*Ajax*

*Lincoln*

*Zest*

*Caryfort*

*Caesar*

*Parramatta*

*Whitby*

*Hm S/M Alliance*

(until 191200GH)

*Supply*

**ORANGE FORCES**

TG 320.1

*Corunna*

AIR ELEMENTS RAF

*Tengah*

AIR ELEMENTS RAAF

*Butterworth*

**GREEN FORCES**

TG 320.2

(CTG-Rear Admiral Janvrin in *Eagle*)

*Eagle*

*London*

*Otago*

*Barrossa*

*Derwent*

*Hm S/M Amphion*

RFAs *Tidespring*

*Retainer*

*Fort Duquesene*

RFA's     *Fort Rosalie*  
              *Fort Dunvegan*  
              *Tidepool*  
              *Reliant*  
              *Resurgent*

Green Forces started to the south of a line drawn roughly through the area, Blue Forces to the north. The movements of *Corunna* and the submarines were unrestricted.

The start of the exercise was delayed 6 hours until 180600GH and soon after this time Blue and Green Forces detected each other simultaneously. From this time until 191000GH *Melbourne* was employed primarily in an anti submarine role while Green and Blue strike carriers waged an air battle. Blue escorts attempted a torpedo attack on *Eagle* during the night of 18/19 March without success.

All air and surface operations were completed at 191000GH and forces integrated to conduct an opposed replenishment en route to Langkawi.

FOSPELL: The time at anchor at Langkawi, from 1915 Friday, 19 March to 0400 Monday 22 March, was designed to provide a period for discussions, briefings, maintenance and recreation as well as to exercise ships in Operation Awkward and general drills. Operation Awkward was marred by a strong tidal stream which prevented the use of the ship's divers for much of the time. General drills, held on the forenoon of Saturday 20 March, were entered into with much enthusiasm and *Eagle's* ADA proved its integrity by declaring *Melbourne* winner of the Carrier Division.

FOTAC TWO: This second tactical exercise was conducted in accordance with FOTEX Orders and CTG 320.5 Opord 2/65 dated 190436Z March. The aim of FOTAC TWO was to exercise the FOTEX Fleet in all aspects of a Commando Ship Assault Operation. Ships taking part included all those in

FOTAC ONE plus:

*Bulwark*

*Manxman*

*Houghton*

*Fiskerton*

*Maryton*

*Chawton*

The assault was to take place at Langkawi at dawn on 24 March. While *Victorious* and *Eagle* provided an attack carrier group, *Melbourne* escorted the movement group (*Bulwark* and *Kent*) along a pre-arranged route to the assault area, providing anti-submarine protection during the passage. During the assault *Melbourne's* role was defence of the assault area and after the withdrawal of the assault forces on the evening of 24 March. Ships replenished before FOTAC TWO ended at 250200GH.

Earlier in the day at 0431 Wednesday, 24 March, during participation in FOTAC TWO, Gannet 811 (WN456) crashed over the side after landing on in position 5 degrees 58 minutes North, 99 degrees 10.5 minutes East resulting in the death of pilot Acting Sub/Lieutenant (SL) John M. Hutchison (P), RAN.

When fixed wing carrier borne aircraft land on the deck of aircraft carriers, they do so under power in case they miss all of the arrestor wires and need to go around again.

In the case of Gannet 811 (WN456), the pilot landed normally, caught the arrestor wire then throttled back on his power, as per normal, only to find that the aircraft was still moving slowly forward.

In catching the Gannet's deckhook the arrestor wire had broken the deckhook and instead of the aircraft coming to a halt it kept rolling forward. Because of

his limited reaction time the pilot had no chance of getting the aircraft into the air again.

He applied his starboard brake and tried to swing the aircraft into other aircraft parked in Fly One on the front of the flight deck. However by this time his port wheel and oleo had gone over the ship's side just past the angle deck and in what seemed like an eternity the Gannet screeched its metal tearing way forward until it toppled over the ship's port side off the bow.

There was nothing anyone could do, it just happened. Two of the aircrew survived and were rescued. The search for the pilot was abandoned after four and a half hours with only his helmet being recovered. 'Hutch' as he was known was possibly the most popular and likeable young man on 816 Squadron and his loss was felt by all. It brought home to everyone that they worked in a very dangerous environment.

All Gannet aircraft were immediately grounded while crack testing of their arrestor hooks was carried out, the testing of which revealed metal fatigue as the cause of the 811's arrestor hook failure.

In 1965 Lieutenant Commander TA 'Toz' Dadswell was CO of 816 Squadron. He later became Captain of *Melbourne* in 1975 and eventually attained the rank of Commodore, and NOIC Jervis Bay.

In a letter to Harry on 1 June, 2001, he made the following comments.

Dear Harry,

Thank you for sending me the draft of 'Onus of Proof'. I found it a fascinating story and was amazed at the depth of detail you have included in the work. I have checked the details of those incidents where I have record, such as the date of my single engine landing and the death of John Hutchison. They are correct.

The saga of WN 456 is a fascinating one. On 2nd February 1965, David Farthing had a double engine failure in XG 792 and ditched ahead of the ship. I flew into Nowra with another pilot on 12th February to test fly and take delivery of WN 456, the replacement for XG 792.



*Commodore TA 'Toz' Dadswell, AM, RAN (Rtd).*



I returned on board without mishap and, as you rightly say, we sailed north from Sydney on 24th February.

My log book shows that I flew WN 456 on 5 occasions the last being on 23 March so I guess I was the last pilot to fly WN 456 before Hutch had his accident.

The problem was that the engineers in Sydney had heat treated the hooks to extend their life but in so doing had seriously weakened the structure of the metal.

I sometimes wish that damn hook had broken during my landing on 23rd as it would have been in daylight and I might have been able to throw it into the water rather than try to brake. But then who knows.

Yours aye, 'Toz' Dadswell.

Between 25 March and 27 March, *Melbourne* participated in SHOWPIECE, a demonstration given to prominent Malaysians of the might and readiness of HM naval and air forces currently operating in the Singapore area.

The first SHOWPIECE practice was held on Thursday 25 March in open waters to the north of the Malacca Strait. *Melbourne* proceeded down the Malacca Strait in company with HM Ships *Victorious* (Captain DL Davenport, OBE, RN) and *Bulwark* (Captain DB Law, MBE, DSC, RN) overnight 25/26 and participated in a full SHOWPIECE rehearsal to the east of Singapore on Friday 26 March.

SHOWPIECE took place on Saturday 27 March, in accordance with the Flag Officer Second in Command, Far East Fleet, Opord 6/65 dated 18 March, 1965.

The demonstration ran smoothly and was watched with awe and interest. The sight of Squadrons of RAF Hunters, Javelins, Sabres and Vulcan V Bombers passing overhead and giving impressive displays of the accuracy with which they used their weapons must have been most reassuring to the political and military witnesses.

What was not encouraging was the sight of the Royal Navy Carriers, *Eagle*, *Victorious* and *Bulwark* drawing away as *Melbourne* struggled along with almost all stops out, at 22.5 knots.



*Gannet Aircraft displaying deckhook.*

At 0510 Sunday 29 March, *Melbourne* passed Johore Shoal Buoy and proceeded to berth at No. 7 Berth, Stores Basin, Singapore Naval Base at 0730. FOTEX '65 and its aftermath were completed and after a demanding and taxing period at sea all on board looked forward to a spell alongside.

During this stay in Singapore the Commonwealth Cup Rugby Trophy was played between the Combined British Services Team and the Combined Australasian Navy Team. The Australasian team consisted of 10 Kiwi's from HMNZS *Otago*, with one Australian from HMAS *Supply* and the remaining

4 coming from *Melbourne*, who included Flag Lt 'Wally' Rothwell (C), 'Ned' Kelly, Harry Harkness and Bill Brookes.

The Combined Australasian Navy team winning 9-3 in a game played under lights. *Melbourne's* rugby coach at the time was CPO (Shipwright) Peter George who now lives at Byron Bay, NSW.

Engineering Report: 'The performance of the main and auxiliary machinery has been most satisfactory. During the month a great deal of investigation was undertaken in an endeavour to keep clear funnels at high power. To a great extent this has been successful and at 206 revolutions the funnels can be kept clear.

With the ship's company keeping water consumption down to reasonable figures (approximately 150 tons/day) the distilling plant has been able to cope and water restrictions have been avoided.'

Electrical Report: 'During the first week in tropical conditions the failure rate of electronic components increased sharply. Items which had been operating normally in the cooler region for reasonable periods of time suffered the accelerating effects of increased temperature with consequent shortening of life. The need for air conditioning has again been demonstrated.'

## Self Maintenance

**M***elbourne* cast off at 1130GH Friday 2 April, and with *Parramatta* in company proceeded for Hong Kong for a fortnight self maintenance period.

On passage to Hong Kong exercises were carried out. Three new Gannet arrestor hooks (deckhooks), having been received shortly before departure from Singapore, allowed a limited amount of fixed wing flying to take place on Saturday 3 April and Monday 5 April.

Though a variety of other exercises were conducted, the planned programme suffered many changes, partly due to the deteriorating weather and partly due to trouble with *Parramatta*'s steering gear.

After passing Leiumun at 1000H Wednesday, 7 April, *Melbourne* berthed starboard side to at North Arm, Victoria Basin, Hong Kong, at 1055H.

During the stay many social exchanges at a high level took place. However from the time of arrival, maintenance was steadily progressed. Internally many minor defects had developed during passage north and ship's staff and Coolie labourers set about remedying them.

Externally, Jenny's Side Party, (almost entirely a workforce of women), went to work in their inimitable fashion and with the assistance of the ship's company soon improved the appearance of the ship.

As a result the self maintenance in Hong Kong was most successful. Despite the four day Easter break and a shortage of Coolie labour, maintenance was progressed at a satisfactory rate and the ship's company struck a good balance between work and play. 'Rabbits' flowed on board steadily and it was with an empty pocketed ship's company that *Melbourne* prepared to put to sea.



*Navy Rugby players.*

*L-r: Harry Harkness, Ernie Solway, Brian "Badger" Dall.*

Hong Kong advanced clocks to Summer Time during the visit and at 1100I, Wednesday, 21 April, 1965, *Melbourne* cast off and sailed to the accompaniment of a serenade of fireworks from Jenny's Side Party. HMAS *Supply* (Captain WJ Dovers, DSC, RAN) and HMS *Barrosa* having been delayed in Hong Kong, *Melbourne* proceeded for Singapore with only HMAS *Parramatta* in company.

On Thursday 22 April, *Melbourne* diverted from the direct route in order to carry out an air search for two Russian merchant vessels *Dubosuury* and *Polotsk* about which the Commander, Far East Fleet, was anxious to gain information.

Throughout 23 and 24 April air searches were flown off as frequently as aircraft availability would allow but the vessels in question were not located. In the event it was discovered subsequently that the intelligence was at fault and the vessels were well ahead of their suspected positions.

Meanwhile the Wessex helicopters remained grounded as they had been since 25 March. Officers of 817 Squadron were transferred to *Parramatta* for experience and others understudied ship's officers on *Melbourne*. Use was also made of squadron technical ratings to assist their opposite numbers in the ship's departments.

It was noted by the Captain in his monthly report that numerous small defects and a considerable percentage of the backlog of planned maintenance were made good during this month due to the length of time in harbour and the assistance provided by ratings from 817 Squadron Air Electrical department.

Members of the Fleet Air Arm were known as 'birdies' by their General Service counterparts, with great rivalry between the groups in every endeavour. However while the Wessex Helos were grounded, members of 817 Squadron's Air Electrical department displayed a level of adaptability and technical expertise in carrying out repairs and ship's maintenance that made them welcome everywhere they went.

*Melbourne* reached the Singapore Exercise Area during the forenoon of Sunday, 25 April, Anzac Day and made rendezvous with HMS *London* (Captain JC Bartosik, DSC, RN) at 1030GH. Flying training in preparation for the Annual SEATO exercise, SEAHORSE, was conducted between 25 and 26 April, though night flying was restricted by lack of wind on the night of 26/27 April.

## Mine Search Operational Dives

If researchers were to rely solely on the *Melbourne's* Report of Proceedings for what happened next, it would show that, "At 0900GH Tuesday 27 April, 1965, *Melbourne* passed Johore Shoal Buoy and secured to 'C' Buoy, Dockyard Reach, Singapore Naval Base at 1100. Subsequently the ship was moved to No. 8 Berth on 30 April and was there as the month closed."

As we shall now see a lot more happened in the space of those three days than was officially recorded.

On Tuesday, 27 April, 1965, after *Melbourne* secured to 'C' Buoy, Dockyard Reach, Singapore Naval Base at 1111, the Ship's Dive Team readied themselves for what could, and did, lie ahead. It is scantily recorded in *Melbourne's* Ship's Log, held in the National Archives.

Shortly after securing to 'C' Buoy, a number of large air bottles, used by the Ship's Dive Team in their dive boat, were transferred ashore to HMS *Terror* (Singapore Naval Base) by the Chief Bosun's Party to be refilled in case they were required for diving operations during the ship's stay in Singapore.

As it turned out they were required later that very night, when the Ship's Dive Team were ordered into the water to search for mines believed to have been attached to the ship's hull.

### Ship's Log:

(Arrival in Singapore) Tuesday 27th April, 1965: 1111 made fast to 'C' Buoy, Dockyard Reach. 1335 Divers operating STBD Side. (Divers were rigging Bottom Lines). 1515 Diving completed.

Because of the Defence Watch requirement in Singapore at the time, it was standard procedure for the Ship's Dive Team to rig bottom lines in readiness

for an OPERATION AWKWARD should it be necessary.

For ship's bottom searches (OPERATION AWKWARD'S as they were known) the ship was divided into priority search areas, the longest of which was about 180 feet. At the extremities of each area a rope (bottom line) was attached to pre determined places on one side of the ship and went down under the keel and came up the opposite side effectively dividing the ship into various priority search sections.

Diving in pairs divers used a lightweight swim line which they attached to one bottom line, pulled it tight and attached it to the other bottom line. They used the swim line to guide them in their search.

The dive boat was a navy cutter that moved from section to section as each was completed. Air supply was via air hoses attached to large air bottles lain side by side in the dive boat.

Divers wore overalls, face masks and flippers and were armed with only a knife. They had two divers in the water at a time, each attended by a fellow diver in the dive boat.

*Melbourne's* Captain, HD Stevenson RAN, ordered armed sentries be placed at close intervals, all around the ship, to increase security and to act as additional lookouts for possible underwater attacks.

Although there were eleven divers in the dive team they were split into two Watches. Port Watch Dive Team (5 divers) and Starboard Watch Dive Team (6 divers), and worked one watch on, one watch off.

#### Ship's Log:

2155 Tuesday, 27th April, 1965, underwater lights sighted off port bow.

2203 Assumed Awkward State 2, Condition Yankee. (Definitely not an exercise)

2210 Bottom Search commenced. (\*). Boat on Patrol.

(\*The Port Watch of the Dive Team, of which Harry was a member, were ordered into the water).



### Ship's Log:

0200 Wednesday, 28th April, 1965, Bottom Search Completed. (3 hour 50 minute dive)

Negative Result. (Port Watch) Diving Team Secured.

(A negative result meant the Dive Team were looking for something ..... 'mines').

Reverted to State 3 Condition X-Ray. (Threat downgraded)

0610 Boat Patrol Ceased.

### Ship's Log:

Thursday 29th April, 1965, (Port Watch Diving Team again on duty 29/30 April)

2110 Diving Completed. (Nothing recorded of when diving had commenced).

### Ship's Log:

Friday 30th April, 1965,

0040 Knocks Reported On Ship's Hull 5E Section STBD.

0043 Bubbles Reported 5E Section STBD.

0045 Assume Awkward State 2. Called Away ALL Divers & Boats Crews.

0050 Notice for Steam 2 Hours. (High state of readiness to put to sea)

0055 Patrol Boat On Patrol.

0110 Switched on underwater lighting.

0130 Commenced Bottom Search.

0205 Reverted to Awkward State 3 X.

0455 Diving Completed.

0510 Boat Patrol Ceased.

Because of the problems experienced with strong currents on the night of 27/28 April, underwater lighting had been rigged to assist the divers, although it illuminated them like 'sitting ducks'.

On Friday morning 30 April, after diving for most of the night protecting the ship and crew, the dive team had difficulty getting breakfast because they were too early for the cooks. The situation was rectified when the Port Watch Dive Officer, Lt Peter Cooke-Russell went directly to the Captain to get it sorted.

Even then they were required to sign for their breakfasts. It's something that still makes Harry and others angry, for it points to the fact that the ship's company had little regard for what the divers were doing.

### Ship's Log:

0913 Stores lighter secured Port side

1022 Assumed ABCD State 2, Condition Yankee. Emergency Party Closed up.

1025 Tugs secured alongside.

1027 SSD & Wire Handling Parties Closed Up

1145 Secured to No. 8 Berth.

This is a lot of activity not to have been recorded in *Melbourne's* Reports of Proceedings. It should raise questions as to why these incidents were not recorded. Especially when diving operations of a lesser nature like OPERATION AWKWARD State 3, Condition X-Ray were recorded in the Ship's ROP's.

Surely some signals must have been sent regarding these activities. It's difficult to imagine that people outside the ship were not told.

With *Melbourne's* Diving Log also missing it raises some additional questions. For example, were these mine search operational dives suppressed for some other reasons or purposes? The only officially documented evidence is that scantily recorded in *Melbourne's* Ship's Log.

On completion of these mine search operational dives the divers were told nothing and received no debriefings whatsoever. The fact that nothing was found did not diminish the danger or risk to the divers.

It should be noted that references to the various 'Boat Patrol' entries in the Ship's Log refers to the towing of razor wire around the ship as described by Ray Elley in his Statutory Declaration where he states;

1. (in part) What we did was totally unrecognised, yet RANRL (Royal Australian Naval Research Laboratories) designed a towing device with 'razor wire' for ships deploying to the Singapore area, to minimise underwater swimmer attack.

What is obvious from that, is Navy obviously knew there was a serious threat from underwater swimmer attack and RANRL took measures to solve it. Naturally what they designed was not advertised, because what they designed would tear a diver to shreds.

2. (in part) by then Lt. David Lees, 1965 Fleet Diving Officer, in a letter to Harry.

During this period, generally known as the 'Indonesian Confrontation', the RAN took the threat of ship attack, both surface and subsurface, very seriously. There had been a significant number of instances of high speed, small surface craft penetrations in and around the Singapore area, and the dockyard area was considered high risk. As such, *Melbourne* was often in a Defence Watch situation..... Diving operations were conducted under full threat conditions..... etc.

3. Quote (in part) again from Raymond John Elley, 1965 Clearance Diver, later becoming Commander Ray Elley RAN, Director of Mine Warfare and Diving, in a Statutory Declaration sent to Harry:

The threat was real and it was believed at the time we could well have been under attack, for I was personally ordered to investigate suspect bubbles and knocking noises under the ship's hull. It was scary diving at night underneath an aircraft carrier in hostile waters totally unarmed. It was not unlike the Vietnam War in many ways-when we got back home nobody wanted to know, not even the Navy..... etc.

According to the Diving Manual the situation called for 'scare charges' to be dropped over the ship's side before the divers entered the water to clear the area of enemy divers. For some reason this did not happen.

*Melbourne's* Captain HD Stevenson RAN and the Flag Officer Commanding, HM Australian Fleet, Rear Admiral TK Morrison, RAN, CBE, DSC stationed

themselves above the sections being searched and continued to do so all night. The threat was real. This was not an exercise.

These mine search operational dives were carried out with the ship secured to 'C' Buoy and with strong currents running, several divers experienced difficulties, including Lt Peter Cooke-Russell who was buffeted against the ship's rudder.

In Harry's case his air line became entangled in the swim-line while he was diving near the keel and it required the assistance of his diving partner POQMG 'Blue' Duke to free him.

As Harry descended down the aft bottom line towards the keel the currents had spun him around and twisted his airline around the swim line which 'Blue' Duke had then secured to the forward bottom line.

Without knowing this Harry secured his end of the swim line to the aft bottom line. He then signalled to his attendant and 'Blue' that he was about to start the search from his end. The attendant started to pay out airline so that Harry could swim the 180 feet to the forward bottom line.

Not far into the search Harry became stuck and could not move. He back tracked and found, by feeling around, that his airline was twisted around the swim line. He was trapped 9 meters under the surface.

Normally he would have signalled his attendant with a series of 'pulls & bells' on his airline, but because the attendant had begun paying out the airline to enable Harry to do the search swim, some 180 feet of slack airline had been swept away in the current, which meant he could not signal his attendant.

He knew he could not cut the swim line because 'Blue' was using it to guide him in his swim towards Harry.

Harry began coiling up the slack airline in an effort to signal his attendant. At one stage, with what seemed like 'miles' of airline coiled in his arms he began to panic. However his training took over and he tried to calm himself and relax as he continued coiling up the slack.

Sometime later he felt something touch his arm. It was his diving partner 'Blue' who took charge, assessed the situation and decided to abort the section search.

'Blue' dumped the coiled airline Harry had in his arms, signalled his attendant, cut the swim line, grabbed Harry and they both went for a ride down current and were pulled to the surface 2 minutes later where they reported what had happened. Following this they got another swim line, re-entered the water as ordered, and carried on the search.

It should be noted that this first mine search dive was carried out at night in complete darkness with no lights and during the many hours it took the divers to complete the search they could only feel their way.

Check that out again. No visibility. Working at night. Underwater in extremely difficult conditions. With the very real prospect of a mine ticking away somewhere near to where they were searching and not knowing for sure if those that planted the mines were still around.

It was spooky stuff they were doing down there, at times it was bloody frightening, but they did the job.

When diving on and near the propellers it was always on the divers minds that if the ship needed to move at short notice they were in an extremely vulnerable position and could easily be deemed expendable.

As the search progressed tiredness crept in and the tension became intense. For the longer it took the more likely it seemed that someone could get hurt or killed as a result of an underwater explosion.

During that first night's mine search diving operations on 27 April, 1965, all divers suffered with severe headaches caused, they believe, by bad air that somehow got into the air bottles when they were filled at HMS *Terror* in Singapore earlier that day.

As a result several people were unable to continue diving which added considerably to the risk and difficult circumstances they were already operating under and it was left to a couple of divers to complete the job.

As one time Minister of the Navy, Sir James Killen once said of RAN Divers

..... To see danger and to face it calls for its own character of resolve. To seek to find danger in order to protect others, and to conduct that search in waters that shut out all sight, calls for a very unique character of human resolve .....

They all knew that diving in the RAN was not a job for the faint hearted. However over time bad experiences can, and do take their toll. Especially when no debriefings were carried out after the dives.

This incident is the core of what happened later when the situation started to resurface.

In support of his story Harry contacted the surviving members of HMAS *Melbourne's* 1965 Dive Team and requested they forward him written accounts of what they could remember about the mine search diving operations carried out in Singapore Harbour in April 1965.



*Fleet at anchor in Singapore, April 1965.*

## Dive Team Statements

The following Statutory Declarations and letters are from members of HMAS *Melbourne's* 1965 Ship's Diving Team and from Harry and John's immediate Electrical Supervisor on 816 Squadron 'B' Flight.

Statutory Declaration: Commander Raymond John Elley, RAN (Rtd) 10 November, 2000.

I remember the following divers searching HMAS *Melbourne's* ship's bottom for mines or underwater sabotage in Singapore in 1965: David Lees, myself, Peter Cooke-Russell, Harry Harkness, Blue Duke, Ken Wunsch, Harry Brankston. There were others of course, but I do not remember them by name.

The threat was real and it was believed at the time we could well have been under attack, for I was personally ordered to investigate suspect bubbles and knocking noises under the ship's hull. It was scary diving at night underneath an aircraft carrier in hostile waters totally unarmed.

It was not unlike the Vietnam War in many ways-when we got back home nobody wanted to know, not even the Navy. For one day out of the blue in my pay packet came a '(British) GSM with Malay Peninsula', but no RAS Badge-it came 30 years later for Vietnam service. What we did was totally unrecognised, yet RANRL (Royal Australian Naval Laboratories) designed a towing device with razor wire for ships deploying to the Singapore area to minimise underwater swimmer attack. What is obvious from that, is Navy obviously knew there was a serious threat from underwater swimmer attack and RANRL took measures to solve it.

Naturally what they designed was not advertised, because what they designed would tear a diver to shreds. The designer to my knowledge was a Mr Mike Turner.

There was another professional diver onboard in 1965, CPOCD John Gilchrist.



He had little to do with diving at the time other than advice, as he was the ship's Chief Bosun's Mate (Buffer) which required him to organise the ship's seamanship. ie. Rigging berthing lines, anchoring, securing to buoys etc.

Even without a threat from an enemy and diving in hostile waters, diving in the propeller area of a steam powered ship at short notice for sea required the propellers to be turned periodically - divers were always at risk from this requirement and it used to happen.

With strong tidal currents and turning propellers in pitch blackness, one did not need any enemy to add to the hazards. However there was a threat and the divers from HMAS *Melbourne* handled it professionally and well.

(Signed) R.J. Elley.

Statutory Declaration: Robert David Luxford, 15 November, 2000.  
(Ex-CPOATWL3)

I was the immediate Electrical Supervisor of Harold Harkness and John Cole serving on 816 'B' Flight Electrical Section on HMAS *Melbourne*.

I had to release them from their normal electrical duties to carry out their specialised diving duties whenever required by the Ship's Commander.

This happened many times during our 1965 Far East tour.

(Signed) R.D. Luxford

Letter from: Lt CDR David Lees, RAN (Rtd) 15 November, 2000. (1965 Fleet DO)

Dear Harry, Firstly, I apologise for not answering your letter before this, but in defense, I have tried to verify my memories which unfortunately, are nowhere as good as yours.

My recollections on the information in your letter are:

1. During this period, generally known as the 'Indonesian Confrontation', the RAN took the threat of ship attack, both surface and subsurface, very seriously. There had been a significant number of instances of high speed, small craft surface penetrations in and around the Singapore area, and the dockyard area was considered high risk. As such, *Melbourne* was often in a DEFENCE WATCH situation. The details you provide as to Port and Starboard Watches, are correct, as are your recollection of the 'Ladder Searches', the underwater search technique of the day.
2. Diving conditions in the REACH AREA were poor, with strong tides and virtually no visibility.
3. Diving operations were conducted under full threat conditions, with the sheer underwater bulk of the ship making the operation a long, frustrating and tedious task. The naturally limited experience of Ship's Divers in this type of operation, created an atmosphere for 'mind games' to achieve a significant level of importance.
4. Details as to personnel, apart from Elley, and for some reason, Wunch, Brankston, and Dukes, I just cannot recall.

Harry, this is of little use to you, I know, as all it does is reiterate what is officially known. I would think that Ray Elley would probably recall more than I can. But the document that has all the information you need is the Diving Log, which I know was meticulously kept.

There are a couple of points I would like to make;

- a) Even under these circumstances, very stringent precautions were taken to prevent ship's moving whilst divers were in the water.
- b) Debriefings, as they are called now, were a continuing and integral part of a diving operation. They may not, however, have been a formal, documented, post diving procedure.

Sincerely (signed) David Lees.

Faxed Letter: H.R. Brankstone, 4 December, 2000. (Ex CPO Clearance Diver)

Dear Harry, In reply to your correspondence I do remember the events surrounding diving operations with HMAS *Melbourne* in Singapore during the Indonesian Malay Confrontation in 1965. I do recall the names of some of the persons you have mentioned including yourself as being involved.

Your statements regarding the ship being closed up in two watches for diving operation awkward states is entirely correct as is your statements with relation to search schemes used and the fact of a limited number of divers being available to carry out the underwater searches. For note the priority areas of search were the Free Area Aft (FAA) and Free Area Forward (FAF) and general ships hull including main circulator inlets.

Search schemes used at the time were the Ladder search using 2 divers with a swim line between 2 bottom lines and the Zig Zag search using 1 diver with a swim line between 2 bottom lines.

The requirement to dive throughout the night did become a regular occurrence due to the fact that just after pipe down (lights out) most nights visual sightings of objects or bubbles were reported by on watch sentries. These sightings resulted in the duty divers being required to enter the water and search the large underwater surface of the hull which took a number of hours to complete.

Following their duty, divers were given the option to either proceed ashore or turn to for work, if they remained onboard there was no option for turning in to sleep. During the period there was little or no thought given by others within the ship towards the diving team or an individual diver's well being or welfare. It is my recollection that some persons qualified as ship's divers at the time did forego their diving qualification as a result of these additional requirements and the nature of the operational tasks required to be undertaken by the ship's diving team. The withdrawal of these divers further expanded the task and put more strain on those who remained to carry out diving operations.

I also remember that it was thought at the time that *Melbourne* may have had an oil leak in its hull. This fact did not contribute to making diving on the ship's hull



*Harry Harkness and Harry Brankstone (right), 2004, Western Australia.*

any more an enjoyable task. Several attempts to locate the suspected FFO leak were unsuccessful.

I do remember on at least 1 occasion during the 1965 deployment having to wash myself off with Gamlen 'D' detergent to remove the Furnace Fuel Oil (FFO) from my body following a dive on the ship's hull.

Regards, Harry Brankstone.

Statutory Declaration: John Richard Cole, 15 December, 2000. (Ex-LEMAW)

I was attached to 816 'B' Squadron under POAW Robert Luxford onboard HMAS *Melbourne* in 1965.

As a CABA diver I was part of the ship's diving team that searched the ship several times, at night, in Singapore Harbour in 1965. This was during the confrontation between Malaysia and Indonesia.

The diving team was informed that knocking noises and 'underwater lights' had been recorded and we then searched the whole under water hull of the *Melbourne*.

My most vivid memory of that night was thinking to myself whilst swimming backwards, shining my torch into inlets and around propellers that I hope an Indonesian diver didn't stick a knife between my ribs.

My other vivid memory was being told by one of the guards posted around the ship's deck, Naval airman 'Debbie' Reynolds, that the guards on deck and in the motor cutter circling the ship were not issued with ammunition to go with the rifles and machine gun.

I was furious at the time as I considered that I had risked my life to search the ship but the navy cared so little for my life that they put me at extreme risk.

I was talked out of stating a complaint about this situation by the diving officer in charge, Lt. Lees.

(Signed) J. R. Cole.

Statutory Declaration: Albert James Duke, 2 January, 2001. (Ex-POQMG)

I remember the diving operations carried out in Singapore Harbour whilst a member of HMAS *Melbourne's* Ship's Company in 1965 during the Indonesian Confrontation.

As a member of the Port Watch Diving Team I remember the dive in question which included: Lt Cooke-Russell, AB Harry Brankstone, LEMAW Harry Harkness, Lt. Chris Bolton, and myself 'Blue' Duke.

Tuesday 27 April, 1965, just before midnight with the Port Watch on duty the ship assumed OPERATION AWKWARD STATE 2 CONDITION YANKEE. The Port Watch Diving Team was directed to carry out a search of the HMAS *Melbourne's* underwater section for mines that may have been attached to the hull.

The search lasted approximately 3 to 4 hours. The current was strong and I had some difficulty swimming to the forward Bottom Line. My dive partner was Harry Harkness.

Both divers left the surface down the rigged Bottom Lines to the ship's keel. Harry signalled me that he had tied off his swim line. I tightened up and tied off my end of the swim line and signalled Harry that I was ready to 'Start the Search'.

I then started to feel the ship's bottom for mines in Harry's direction. There was zero visibility. I could feel something was going on at Harry's end of the swim line and was concerned but continued my search towards Harry.

When I reached Harry I could feel that he was in a ball of hose and breathing very heavily and rapidly and I could feel that he was very scared.

I took the hose off him and dumped it. By feeling along Harry's hose I could feel that his hose had several turns around the swim line but there could be more further back towards the aft (Harry's) Bottom Line.

I decided to abort the dive and signalled the surface with 4 pulls and 2 bells (2 short tugs) meaning 'I want to come up, assist me up'. I then cut Harry's end of the swim line, made sure the swim line was clear, grabbed Harry and we went for a ride down current and were pulled to the surface about two minutes later.

We got another swim line, went back and completed the search.

I also remember later on that night during the bottom search we had contaminated air and most of the dive team suffered with carbon monoxide poisoning. However we completed the job regardless of these difficulties.

(Signed) A. J. Duke

Letter from: Commander Chris Bolton, RANEM, 15 January, 2001

I served with Harry Harkness in the aircraft carrier HMAS *Melbourne* in the Far East during 1965. I was the Special Sea Duty Watch Keeping Officer, Commanders Assistant, Maintop Divisional Officer and a Ship's Diving Officer in the rank of



*Leading hands from 816 Squadron ashore in Manilla in May, 1965.  
L-r: LEMAW Harry Harkness (CABA Ship's Diver), LEMAW Barry Sunderland, LEMAW John Cole (CABA Ship's Diver), LEMAC Tery Ford.  
(Photograph taken and supplied by then POEAW "Bob" Luxford)*

Lieutenant. As a ship's diving officer I supervised diving operations when the ship was at anchor or alongside.

During that year as I recall, HMAS *Melbourne* provided escort for the troopship HMAS *Sydney* on her way to Vietnam. At the same time the Indonesian Confrontation was still active so when the ship was in harbour a high degree of readiness to sail and to protect the ship was required to be maintained.

As such Harry and I were involved in diving during Operation AWKWARD on a number of occasions during April in Singapore.

To the best of my knowledge and memory the broader details made by Harry are valid. Times were demanding and conditions in the *Melbourne* were often intolerable given the nature of her operational requirements in the tropics and the lack of air conditioning for the Ship's Company.

During April 1965 when HMAS *Melbourne* was in Singapore I was involved in supervising diving from the ship and from the ship's 32 foot kitchener rudder geared cutters.

Later that month after the ship sailed I became ill, was transferred to a United States Naval Hospital at Subic Bay in the Philippines and was subsequently repatriated in HMAS *Supply* to Sydney.

Yours sincerely, (signed) Chris Bolton, Commander RANEM.

Little did Harry realise in 1965 how much these events and his being trapped under the ship would come back to haunt him in the years that followed. Nor the amount of difficulty he'd have, 35 years later, trying to prove to the Department of Veterans' Affairs that these mine search operational dives actually happened.

As indicated by the above statements, together with *Melbourne's* Ship's Log entries, it can be fairly seen that the mine search operational dives as claimed by Harry and Ship's Dive Team members, did in fact take place between 27 and 30 April, 1965, and that Harry was also trapped for a time under the ship.



It's also clear that these mine search diving operations and details of Harry's entrapment would have been recorded in *Melbourne's* Ship's Diving Log. As stated by David Lees in his letter and also verbally by Ray Elley, the 1965 Diving Log custodian, that 'the Diving Log was meticulously kept'.

Another item that would have been recorded in *Melbourne's* Diving Log is the incident where bad air somehow got into the divers' air bottles when they were filled at HMS *Terror* on 27 April, 1965.

Unfortunately *Melbourne's* Ship's Diving Log cannot be located. (More of that later.)

## SEATO Duties

The ship was at No. 8 Berth, Singapore Naval Base, at the beginning of the month and remained alongside for the weekend of 1 and 2 May. At 1000GH Monday 3 May, *Melbourne* cast off and sailed for Manila. Later in the day HMAS *Supply* (Captain WJ Dovers, DSC, RAN) and HMS *Corunna* (Commander BK Shattock, RN) joined company.

HMAS *Yarra* (Captain BH Loxton RAN) joined on Tuesday 4 May. HMAS *Parramatta* (Commander R Percy RAN) was delayed in Singapore with boiler trouble and did not join the force until Thursday 6 May.

On passage to Manila ships exercised in accordance with the programme BIN RUN ordered in FOCAF Message DTG 301130Z April. *Melbourne* conducted day and night fixed wing flying operations on 5 and 6 May and replenished from *Supply* during the afternoon of Thursday 6 May.

The force entered Manila Bay at 0700H Friday, 7 May and anchored in berths assigned for the SEATO forces. *Melbourne* anchored one and a quarter miles off the breakwater.

In Manila, just as Harry was about to go over the ship's side and down a scrambling net into a landing barge dressed in his white 6A's for some shore leave. 816 Squadron Regulating Chief, CPO(AH) Les Bailey, gave Harry a Navy Office signal saying he was drafted to a Petty Officers Course at HMAS *Cerberus* commencing 24 July, 1965. At the time it seemed like accelerated advancement possibly connected with the diving just completed in Singapore, or perhaps the Rugby win. With the Navy it was difficult to say.

Exercise SEAHORSE, the 1965 SEATO Maritime Exercise, was conducted in accordance with CTF 460 (Rear Admiral RL Fowler, USN) Opord 324-65, amplified by CTG 460.1 (Rear Admiral RA MacPherson, USN) Opord 306-65.

Participating units are listed below:

## **A. NAVAL FORCES**

### **1. United States**

USS *Bennington* (CVS)

USS *Currituck* (AV)

USS *Salisbury Sound* (AV)

USS *Charr* (SS)

USS *Blackfin* (SS)

USS *Keyes* (DD)

USS *Evans* (DD)

USS *Walke* (DD)

USS *Larson*

USS *Regulus* (AF)

USS *Platte* (AO)

### **2. United Kingdom**

HMS *Victorious*

HMS *London*

HMS *Corunna*

HMS *Agincourt*

HMS *Chichester*

HMS *Whitby*

HMS *Plymouth*

HMS/M *Andrew*

## **B. AIR FORCES**

### **United Kingdom**

205 Squadron (3 Shackletons)

224 Squadron (3 Canberras)

### **Australia**

10 Squadron (2 Neptunes)

### **New Zealand**

5 Squadron (3 Sunderlands)

### **Philippines**

5 Fighter Wing (6 F-86F's)

## **2. United Kingdom cont...**

RFA *Tidereach*

RFA *Tidepool*

RFA *Retainer*

RFA *Reliant*

## **3. Thailand**

HTMS *Pinklao*

HTMS *Prasae*

HTMS *Tachin*

## **4. Australia**

HMAS *Melbourne*

HMAS *Supply*

HMAS *Vampire*

HMAS *Yarra*

HMAS *Parramatta*

The orders made provision for three phases:

- (a) Assembly Phase - 1 to 8 May
- (b) Work Up Phase - 8 to 11 May
- (c) Convoy Phase - 12 to 22 May

During the assembly phase participating units arrived at Manila and discussions and conferences were held. In the event the Flag Officer Commanding, HM Australian Fleet, the Deputy Director of the exercise, became OTC for this and the Work Up Phase, and *Melbourne* was the centre of activity due to the unavailability of certain United States ships required for national commitments.

Very hot and trying conditions were encountered while the ship was in Manila and its effect on the watch keeping efficiency of the engine room personnel was marked. Temperatures in the high 120<sup>0</sup>s were commonplace.

The commencement of the Work Up Phase coincided with the lifting of restrictions on Wessex flying. After being grounded for nearly 7 weeks it was necessary to conduct an intensive Wessex work up programme to get both crews and aircraft back into an operational state.

*Melbourne* sailed at 0500H on Monday 10 May, and conducted flight operations, anti-submarine exercises and manoeuvres throughout the day. All ships taking part in the Work Up Phase joined the Underway Replenishment Group at 0500H.

A pre-sail conference was conducted on USS *Bennington* during the afternoon of Tuesday 11 May.

The Convoy Phase began with an opposed sortie from Manila during the forenoon of Wednesday 12 May.

*Melbourne* weighed anchor at 0700H and after crossing Manila Bay spent one and a half hours at anchor off St Nicholas Shoal, providing helicopter assistance to the screen, before proceeding down the swept channel astern of the convoy at the end of the forenoon.

To seaward of the swept channel the convoy formed up with *Melbourne* operating in situation Alpha. Except for replenishment periods the ship continued in this role for the 10 day period of the passage to Bangkok. The *Victorious* and *Bennington* Carrier Groups operated in a special disposition and provided air defence and anti-submarine defence respectively.

Opposed replenishments were carried out on 14, 17 and 21 May and a nuclear attack on the convoy was simulated on Thursday 20 May. Surface attacks by forces detached from the covering force were also made on the task groups.

The flying task varied throughout the passage. It was not until 15 May that the Wessex could be given an operational role at night, and thereafter an attempt was made to keep two aircraft on the screen for 18 hours a day. This was restricted only by unserviceability or when an active Intertropical Convergence Zone made helicopter control impossible. One Gannet was on task in daylight hours, and each Venom's crew flew up to three sorties a day.

Much use was made of helicopter delivery in an attempt to reduce signal traffic and for mail. As *Melbourne's* group consisted of 14 ships, this was an unenviable and exacting task for the SAR helo, but it paid handsome dividends. The requirement to flush helicopter engines after 10 hours flying meant an around the clock effort as deck space was available only at night. The maintenance effort was a commendable one.

Sonar conditions were poor and unalerted detections few. The Gannets made the most of their sensors and sighted no less than five submarines. The use of Buccaneers from *Victorious* in the attack role highlighted the difficulties of detection of low strikes, many of which were unopposed until within gun range. The heavy cloud added to the difficulties.

On Thursday 20 May one of *Bennington's* Douglas A4B Skyhawk aircraft was successfully cross operated onto *Melbourne* without difficulty. Helicopter aircrews were exchanged between *Melbourne* and *Bennington* on a daily basis and flew operational sorties in Wessex and SH3A (Sea King helo's)

Submarine and air opposition ceased on 21 May. During the forenoon of Saturday 22 May, *Melbourne* launched 2 Venoms, 3 Gannets and 6 Wessex which took part in a SEAHORSE Flyover of Bangkok. After recovering these aircraft the ship anchored off Bang Saen, near the head of the Gulf of Thailand, at 1245G Saturday, 22 May.



*L-r: Bob Luxford, Rob Taylor, Rick Forbes. HMAS MELBOURNE 1965. Alongside the 60/40 Twin Bofors situated starboard side just in front of the island. This gun mounting was removed in 1966/67 to allow for more flight deck space. (Photograph supplied by Bob Luxford)*

In general the exercise was considered to have been most valuable in furthering SEATO Co-operation, in providing anti submarine, air defence and replenishment training and in highlighting the difficulties which might be expected in passing a military convoy through an area subjected to different forms of threat.

*Melbourne* remained at anchor off Bang Saen from 22 to 25 May. The journey to Bangkok involved a 40 minute boat trip followed by a two and a half hour bus ride at the hands of drivers of questionable competence. Besides these obstacles, leave was restricted by local curfew and only about 250 men landed each day. Bangkok was not a popular leave port.

Harry's final dive in the 1965 deployment was at anchor in Bangkok where Ray Elley and Harry were tasked with cleaning the ship's ASDIC Dome of marine growth with wooden scrapers. They were diving from the dive boat off the starboard side of the ship. Unlike in Singapore it was daytime and in beautiful clear water, they could see, and be seen, for 'miles'. After sometime in the water Ray asked Harry if he had seen anything, Harry said 'no' and kept working until he thought to ask Ray what he'd seen. Ray said 'noah' and pointed up.

There was a 15 foot shark moving back and forth on the Port side feeding on offal being ditched over the ship's side by the cooks. Harry turned to signal his attendant they were coming up and when he looked back at Ray he was gone. They say Harry beat Ray into the boat by a full body length.

Following the earlier incident in Singapore where the divers could not get an early breakfast after diving all night protecting the ship and crew, this ditching of offal while divers were working in the water was not only against regulations, but plain bloody stupid. It also conveyed to the divers there was a complete lack of understanding by some of the ship's company, as to what it was the divers were really doing.

Thankfully *Melbourne's* Dive Team were not required again on this tour of duty, and after more than 6 years as a CABA Ship's Diver, it was to be the last time Harry ever dived, in the Navy or recreationally.

Remuneration for putting themselves at risk as Ship's Divers was one penny per minute while diving and a fifth of a penny while attending. Clearance Divers were paid at tuppence per minute while diving.

At the time Harry told himself it wasn't the 'breakfast' or the 'shark' that was the issue, but the lack of respect shown towards the divers. In actual fact, as he would come to realise many years later, it was because of the night he was trapped under *Melbourne*, in Singapore Harbour on 27 April, 1965.

For he'd been frightened and traumatised by that event and because no professional debriefing or counselling services were available at the time, it would



remain with him for the rest of his life, to surface again in his later years and become a major problem for him and his family. But more of that later.

## Escort Duties

For sometime there had been rumours about *Melbourne* going to Vietnam. The crew received letters from home saying that 2UE's Gary O'Callaghan was openly discussing the prospects on Sydney radio.

The rumours were denied by the Captain on several occasions. In particular, the night before *Melbourne* sailed from Bangkok for what the crew hoped would be a quick trip home. It was just before mail closed onboard and meant that those writing home told their wives and families not to believe the rumours and that the ship would be home on time.

After *Melbourne* weighed and proceeded at 0600GH Tuesday 25 May, the Captain informed the ship's company in general terms of the changed programme involving a late return to Australia.

He said it was unfortunate that this news could not have been broken to them earlier as various signals of low grade security had filled the ship with rumours.

The crew were not impressed, especially when many had made last minute arrangements to meet families and friends on their return. They felt duped because everyone seemed to know but them. There was also speculation on how long the Captain had known.

The general thrust was that *Melbourne* would proceed to Subic Bay, replenish and then sail southward and meet the fast troop transport HMAS *Sydney* which was loaded with Australian troops for Vietnam and escort them to their destination.

*Parramatta* replenished from *Melbourne* prior to detaching during the forenoon of Tuesday 25 May, and HMAS *Vampire* (Captain DJ Hamer, DSC, RAN) joined for passage to Subic Bay, in the Philippines.

A quarterly full power trial was carried out successfully on Wednesday 26 May. Day flying was exercised on 27 May. *Supply* joined from Singapore on Friday 28 May and *Melbourne* and *Vampire* replenished in the afternoon.

In an attempt to diagnose a suspected case of typhoid fever, a request for medical stores was made to Commander, ASW Group Five, (Rear Admiral RA McPherson, USN), in *Bennington*, who was about 150 miles ahead. USS *Larson* was quickly dispatched to join *Melbourne* and at 0045GH Thursday 27 May the required stores were transferred. This prompt assistance was greatly appreciated.

Replenishment at sea. During the night heaving line transfer with USS *Larson*, success was achieved using a new glowing Costen Gun Line. The afterglow was satisfactory and the line was clearly visible from both ships.

*Melbourne* entered Subic Bay at 0700H Saturday 29 May and secured to No. 25 Buoy at 0740H. Some difficulty was experienced in obtaining US Currency on a bill of exchange and this slowed down the necessary victualling storing programme.

The rainy season had arrived in Subic, but this did not dampen the ship's company's ardour for a run ashore, and some 700 men landed each day, in contrast to the few who braved the journey to Bangkok.

At the time Surgeon Lieutenant Straun Sutherland RAN was *Melbourne's* doctor. On 26 May an officer who had been sick since 20 May was clinically diagnosed as suffering from typhoid fever. Confirmation of this could not be made with the facilities available onboard.

He was landed at Subic Bay and subsequent intensive laboratory investigation carried out by the USN Medical Department indicates that he had a Viral Infective Mononucleosis, although the possibility of it being typhoid was not entirely excluded.

The officer in question was Lieutenant Chris Bolton, a member of *Melbourne's* Ship's Dive Team.



*SEA VENOM being launched from HMAS Melbourne - 1965.*

In the belief that the ship might be quarantined on arrival in Sydney with a communicable disease, a request for assistance to identify the typhoid carrier was made to the Medical Director General. Surgeon Commander SJ Lloyd, RAN was flown up to Manila and joined the ship on 31 May.

With HMA Ships *Supply* and *Vampire* in company *Melbourne* slipped and proceeded at 1130H Monday 31 May, for passage east via the Verde Island and San Bernadino Straits.

Under the heading of Health and Morale, the Captain reported that, “the health of the Ship’s Company was in general good, but there had been some deleterious effect from the prolonged spell of hot humid conditions without air conditioning. This is manifested by dehydration and alteration in body function”.

31 May-8 June, Passage to Cape Jacques (Saigon) area via Philippine Sea/Sulu Sea escorting HMAS *Sydney* to South Vietnam.

At the beginning of June, 1965, *Melbourne*, with *Supply* (Captain WJ Dovers DSC, RAN) and *Vampire* (Captain DJ Hamer, DSC, RAN) in company, was in the San Bernardino Strait, having sailed from Subic Bay to rendezvous with *Sydney* (Captain GJB Crabb, DSC, RAN) in position 3 degrees 25 minutes North, 132 degrees 00 minutes East.

Day and night flying were exercised when clear of Philippine waters. Good weather conditions aided the ship's preparations for escorting of *Sydney* to Vietnam.

After gunnery exercises during the forenoon of June 3, *Melbourne* fuelled from *Supply* in the afternoon. *Supply* was then detached by the Flag Officer Commanding HM Australian Fleet and with *Vampire* only in company *Melbourne* proceeded for the rendezvous.

POQMG 'Blue' Duke, Harry's dive partner, was Captain of the Gun of the twin 60/40 Bofors then located forward of the Island. By 1967 this gun mounting had been removed to allow for more flight deck space.

Defence Stations were assumed at 0001H Friday 4 June and the rendezvous with *Sydney* and her escorts *Duchess* (Commander IM Burnside, RAN) and *Parramatta* (Commander R Percy, RAN) was effected at 0100H.

For the next four days, during the passage to Vietnam via a route laid down in ACNB 170221Z May, ships proceeded in accordance with CTF 327 Opord 4/65 promulgated by FOCAF message 30025Z May.

The force was joined by *Supply* on June 4. After *Sydney* and the escorts had fuelled *Melbourne* topped up before *Supply* was detached to return to Subic Bay. During the day Wessex helicopters were used to transfer stores, including 3 aircraft engines, from *Sydney* to *Melbourne*. A boost to morale was the unexpected arrival of mail which had been missing since the ship left Bangkok.

One Wessex, operating in the screening role, was kept continuously on task from 4 to 6 June and after clearing Balabac Strait this was increased to two. One Gannet was employed on anti submarine patrol during daylight hours throughout.

Venoms were flown on dawn and dusk probe missions when wind conditions permitted and at other times remained at Condition 3. Due to round the clock efforts by the maintainers aircraft serviceability remained good and the only incident of note was a single engine landing by a Gannet on Sunday 6 June.

The wind was favourable for flying and no difficulty was experienced with the high speed of advance.

The ship remained at Defence Stations during the passage. Long periods of inactivity gave sailors a real appreciation of the monotony of escort duties. No incidents occurred.

## Homeward Bound

**A**t 0200H Tuesday 8 June, *Melbourne* detached from *Sydney* and with *Vampire* in company proceeded for Manus Island on the first leg of the passage home. Defence Stations secured at 0800H Tuesday, 8 June and all hands turned to the task of completing preparations for Admiral's inspection.

In poor weather *Melbourne* fuelled *Vampire* on Wednesday 9 June and passed through Balabac Strait into the Sulu Sea that evening.

*Supply*, with mail, stores and replenished tanks, made rendezvous at 1600 Thursday 10 June at the western side of Basilan Strait. After passage through the Strait *Melbourne* replenished from *Supply*, embarking 1530 tons of FFO and 3660 lbs of fresh provisions in a two and a half hour night RAS. In bright moonlight and a flat calm sea conditions were well nigh perfect.

The Flag Officer Commanding, HM Australian Fleet commenced his inspection of *Melbourne* on Friday 11 June progressing it during the passage to Manus Island.

From 11 to 15 June ships were ordered to conduct economical steaming in a well dispersed formation.

*Melbourne* chopped from the Operational Control of COMFEF at 1200Z on Saturday, 12 June.

Off Manus Island on the morning of 15 June, a Wessex was flown off to photograph a mission centre at the western end of the island. This was the result of direct correspondence between the ship and the Mission home where the idea had arisen as a result of watching the Wessex during a tactical reconnaissance flight while the ship was on passage north in March.

*Melbourne* entered Seeadler Harbour at 1100K Tuesday 15 June and anchored at 1145K. The arrival of mail and the prospect of a night at anchor were welcome after 16 days at sea.

At 0830K Wednesday 16 June, the Flag Officer Commanding, HM Australian Fleet inspected *Melbourne's* Ship's Company at divisions. On completion of his inspection the Admiral addressed the ship's company and expressed himself satisfied with the appearance of his flagship and her sailors.

It would have taken more than the poor weather which prevailed to dampen the morale of the sailors as *Melbourne* weighed and proceeded at 1300K Wednesday 16 June, for the final stage of the passage home. With the annual inspection completed and four months valuable training behind them, all onboard looked forward eagerly to the return to Sydney.

Bad weather attended the ship during the passage through the Solomon Sea but once clear of Jomard Passage at 1300K Friday, 18 June, conditions improved temporarily. Flying operations were conducted that afternoon and on the forenoon of Saturday 19 June.

During the passage across the Coral Sea entertainment was provided by a sports meeting on Saturday 19 and a ship's concert on Sunday 20 June. A volleyball competition for the John Hutchison Memorial Trophy (recently presented by 816 Squadron) was keenly contested and resulted in a marathon final which was eventually won by the Regulating Staff.

The final of the John Hutchison Memorial Trophy was played between the ship's Regulating Staff captained by none other than 'Rughead' Gilbert himself while the team they played represented 816 Squadron which included 'Bob' Luxford, John Cole, Harry Harkness, 'Jet Pipe' Fields, Brian Sargeson and Len Bolden.

The Squadron tried desperately to win this trophy for obvious reasons but were pipped on the post by a better team on the day.



The prize for losing this match, was to share with the Regulators (Crushers) a carton of cold beer which 'Rughead' produced, It was quickly consumed on the forward lift well where the match was played.

The trophy was 816 Squadron's way of keeping 'Hutch's' memory alive and it was played for every trip.

At 1300K Monday 21 June, customs officials and two commonwealth police officers were embarked by helicopter off Coffs Harbour. On completion of customs clearance the 5 Gannets and 3 Venoms of 816 Squadron were flown off to Nowra. 817 Squadron (12 Wessex) disembarked shortly before entry into Sydney on 22 June.

*Melbourne* entered Sydney harbour at 0930K Tuesday 22 June and secured at the Fitting Out Wharf, Garden Island at 1030K. A large crowd had assembled to welcome the ship whose arrival coincided with the breaking of the drought. Families were invited onboard for morning tea.

During this deployment to South-East Asia *Melbourne* had steamed approximately 30,000 miles.

Following some shore leave Harry took up his posting to HMAS *Cerberus* for a Petty Officer's course.

# Questions and Answers

The text of this story is drawn directly from *Melbourne's* Reports of Proceedings, Ship's Log, Statutory Declarations and letters by fellow Dive Team members and Harry's own vivid memory of what took place.

Due to the lack of official documentation held by the Department of Defence, Naval Historical Directorate, Navy Records, and the Department of Veterans' Affairs, Harry puts the following Questions and Answers.

## To Whom It May Concern

Question 1. Was Harry onboard *Melbourne* during the 1965 Far East deployment? .....Yes.

Question 2. Was Harry a CABA (Compressed Air Breathing Apparatus) Diver? .....Yes.

Question 3. Was Harry a member of *Melbourne's* 1965 Ship's Dive Team? .....Yes.

Question 4. Was *Melbourne's* 1965 Dive Team tasked with searching the ship's hull for mines in Singapore Harbour between 27 and 30 April, 1965? .....Yes.

Question 5. Was Harry trapped under *Melbourne* on the night of 27 April, 1965? .....Yes.

Question 6. How did Harry remember the details?

Answer: He lives with them every day of his life.

.....

When Harry paid off in October 1977 after 20 years and 114 days service, he lodged an application for treatment with the Department of Repatriation in Western Australia on 29 December 1977 and tried to get recognition for his service disabilities.

In this he was unsuccessful as the Department of Veterans' Affairs rejected his claims in March, 1978.

So in true naval tradition, he said 'stuffit', and tried to get on with his life, which he did for almost 20 years.

The memories of the 1965 mine search operational dives had always been with Harry, but somehow they stayed in the background most of the time. But by early 1997 he was beginning to have problems.

Waking at night unable to sleep because of recurring bad dreams. It reached a stage where he could no longer focus properly on his work so he went into early retirement in mid 1997, continuing to work only part time.

Over the next 12 months things progressively got worse and he found himself reliving these bad memories and experiences almost on a daily basis and it was now beginning to impact on his home life.

At a service reunion in October, 1998 at Nowra, NSW, commemorating the Golden Jubilee of the Fleet Air Arm, a navy friend Harry confided in suggested he contact the Department of Veterans' Affairs and make a claim to get some treatment before things got completely out of hand.

Harry pointed out that he had tried that without success back in 1977, but his friend told him that things had changed since then, and that he should contact DVA again.

## DVA Process

In early 1999 Harry contacted Dick Harrison, Pensions Officer at Bundaberg RSL. Dick told him to get his records. Knowing that the Department of Veterans' Affairs in Western Australia had copies of his Medical records back in 1978 he requested copies under Freedom of Information through DVA.

The DVA advised in a letter dated 12 March, 1999, "To obtain a copy you need to contact Navy Office, PO Box E33, Queen Victoria Terrace, Canberra". He did this and waited for a reply, but nothing arrived.

On the 25 October, 1999, he tried again. This time he contacted Navy Records by phone, who advised they had no record of his request for copies of his Medical Records. When he told them of the address he'd written to, he was told it was the wrong address. In fact the PO Box address given to him in the letter from DVA, Brisbane, dated 12 March, 1999, had not been used for more than two years.

Having already lost seven months in time he explained that he wanted copies of his Medical & Service Records so he could lodge a claim for a Disability Pension with DVA. The lady he was directed to speak to was very helpful and suggested he send her a fax with his service details.

He sent it the same day and the requested Medical Records arrived shortly after. His Service Records also followed, arriving 1 November 1999. But these failed to show anything about his diving history.

It was an unexpected setback and for a long while it left him not knowing what to do. Then in July 2000 Harry received a Gold Card in the mail resulting from Dick Harrison's help with a DVA low income claim.

Harry contacted Navy Records again and asked specifically for his diving records and drew another blank.

They referred his letter to the Navy Personnel Training Centre where he drew yet another blank.

Expanding his search for official documentation Harry contacted the National War Memorial in Canberra and spoke to Bronwyn Myrtle of the Research Department but drew another blank. However she referred him to the National Archives in Sydney from where he obtained copies of HMAS *Melbourne's* Ship's Log which clearly show the events did take place and when. But no names were recorded.

He then phoned Noel Payne, Vice President of the Naval Association, who suggested he contact Naval Historical Services and request a copy of *Melbourne's* Reports of Proceedings. These arrived but with no mention of the diving operations. Leaving the Ship's Log as the only document recording they had occurred.

Next he contacted the Navy's Diving Museum at HMAS *Penguin* in Sydney and spoke to WOCD Glenn Spilsted, OAM. Harry told him of the problem to which Glenn replied, "there are no records of the dives and no, we don't have *Melbourne's* Ship's Diving Log".

Harry said he remembered about eight of the divers names and through that Glenn was able to look up a register and give Harry some addresses. That got the ball rolling and from then on it was word of mouth.

Dive Team members that he could remember were: David Lees (1965 Fleet Diving Officer), Peter Cooke-Russell (Port Watch Dive Officer), Ray Elley, John Cole, Harry Brankstone, Ken Wunsch, Chris Bolton, 'Blue' Duke and himself. There were more from the starboard watch but Harry couldn't remember them.

In the following days he telephoned and spoke to most of the 1965 Ship's Dive Team and told them of his plight and that he believed that none of their names had been recorded, requesting they fill out Statutory Declarations and return them to him, along with any other information they could remember.

Three of the 1965 Ship's Dive Team had gone on to become Commanders in the Royal Australian Navy:



From rear L-r: Nev Plunkett, Rick Forbes (dec), Terry Ford, Barry Icelton, Keith Staff, Bob Luxford, Lt John Selby (AEO), Lt Peter Berzins, Fred Rubly, 'Jet Pipe' Fields, Brian Leggett

Lt Brian Dutch, Harry Harkness, Mike Carr, Les Sykes.

CPOAE 'Robbie' Roberts, Bill Koest, Brian Sargeson, Mike Stubbington, Lt Dave Innes (SO), CPOAW George Wiley (dec), Lt Bill Davies (L&R Officer)

Kevine Roberts.

Colin Alexander, Lt 'Poona' Bruce Ledlie (dec), Owen 'OG' Hughes (dec), Lt 'Dusty' King, Commodore John R Da Costa RAN (Rtd) (But Lt at the time) & OIC 816 SQUADRON 'B' FLIGHT.

- \* Commander Ray Elley, RAN (Rtrd), became Director of Mine Warfare and Diving.
- \* Commander Peter Cooke-Russell, RANR, still serving in Canberra.
- \* Commander Chris Bolton, RANEM, now living and working in Sydney.

All confirmed his membership of *Melbourne's* 1965 Ship's Dive Team and offered their support.

It seemed utterly unbelievable that no records existed of the people who carried out these mine search operational dives in Singapore Harbour on *Melbourne* during the Indonesian Confrontation in 1965.

What they did during those dives was important, it should have been recorded, not forgotten.

As a result, the surviving members of the 1965 Ship's Dive Team resolved to gather as much information as they could and record the facts of these events for posterity, believing it might even produce a book.

Another diver Harry remembered was CPO CD John Gilchrist, a professional Clearance Diver who was the Ship's Chief Bosun's Mate and although he took no part in the diving operations because of his other Ship's duties he gave invaluable advice and support to the Dive Team. Sadly, John is no longer with us.

When Harry telephoned Veteran's Affairs outlining the problems he was having he was told to put what he had in writing. This he did then DVA forwarded him an application for Disability Pension which he took to his GP on 7 November 2000, who examined him, completed the application form and returned it to DVA.

The GP sent Harry to see a clinical psychologist on 8 November 2000. The DVA in processing his application arranged for him to see a psychiatrist on 12 December 2000 and again in the New Year.

The following is a typical episode of waking each night as described by Harry to his therapist:

Wake every morning between 2.10 am and 5.15 am.  
Wake with a sudden start. Whole body reaction; twitch.  
(My wife says I sometimes make a noise but not always)  
Bubbles, I can sense lots of bubbles.  
A feeling of panic, tightness in chest/stomach area.  
Arms heavy.  
I'm in water, everything happening at once, but very slowly.  
It's dark and hot, I'm sweating, breathing is restricted.  
Image of a dead fish on a line with one large lifeless eye is looking at me.  
Legs moving slowly back and forth.  
Cannot move my upper body, my back is caught on something.  
Helpless, trapped feeling, intense fear.  
My pulse is noticeable and strong.  
Coils of hose in my arms.  
Slowly, like in a fog, I know where I am, a familiar place, situation.  
'Blue' is there.  
Knife, double sided navy issue, image like a broadsword.  
Suddenly swept away in the current.  
Heavily restricted, rushing water.  
On the surface. Helped into the boat by friendly hands, a feeling of safety, discussions.  
We enter the water again.  
Strong feeling of foreboding at having to do this again.  
A question of mind over matter, but definitely not at ease or comfortable, thoughts of Fay and Steven.



By this time I'm fully awake and must get out of bed and pull myself together. Wake Fay every morning.

Usually go into the study and do something. Almost never go back to sleep. Sleep later in the day.

Afterwards I have a sort of numbness about the whole thing. Difficult to explain. More like a body reaction.

In describing his symptoms and how they affected him Harry related the following:

By mid 1997, I'd lost the ability to focus on my work. Everything had become too difficult. There was no motivation, drive or energy. Without really knowing why at the time.

My communication, mediation and people skills had become non existent.

Working in groups was a major hassle and I couldn't handle stress anymore.

In 1998 I started getting flashbacks at night about diving and other related matters. It affected my wife who is being treated for tension headaches. Our relationship seems to be continually under stress these days from my bouts of moodiness, anxiety and depression.

Flashbacks of past events wake me nightly causing loss of sleep and extreme anxiety.

Talking about my problems with people who don't understand only increases the anxiety after which moodiness and depression sets in and I just want to be left alone.

I've shouted at my family for years and been intolerant towards their needs. My wife has lost sleep

We don't go to clubs or socialise as I'm no good at small talk anymore.

I cannot be bothered with people or their problems.

Being pre-occupied with past events has affected my ability to have sex.

In a short space of time I've gone from being heavily involved in local community activities to being involved with nothing at all.

I suffer from fear and anxiety, depression, flashbacks, bad memories, nightmares, tension, anger, irritability, and have relationship difficulties.

Following these initial visits Harry commenced therapy and was given medication to help him sleep.

On 15 November, 2000, Harry received a letter from Lieutenant Commander David Lees RAN (Rtd) advising that *Melbourne's* Ship's Diving Log was the document he required for his information.

In support of his claim with DVA, Harry forwarded copies of Statutory Declarations and letters he'd received up until that time from members of *Melbourne's* 1965 Ship's Dive Team.

He also enclosed a Statutory Declaration from POEAW Robert David Luxford, his immediate supervisor on 816 Squadron, 'B' Flight, during 1965, who also identified John Cole as a Ship's Dive Team member.

Both Harry Harkness and John Cole were LEMAWs attached to 816 Squadron 'B' Flight, Electrical Section, which comprised of just four people. The other two being POEAW 'Bob' Luxford and EMAW Owen 'OG' Hughes. The Squadron's Air Electrical Officer was Lt 'Bill' Davies, who now lives at Rose Bay in Sydney. When the CABA divers were required by the Ship's Dive Team it left only two in the electrical section to service the Squadron's Sea Venom jet aircraft.

On 24 November, 2000, Harry was told that because HMAS *Melbourne* had not been allotted for special service in a special area during the Indonesian Confrontation it was therefore not covered for DVA benefits.

## **Background**

In May 1965, the Minister for Defence advised the Minister for Repatriation that:

- \* The whole of the Federation of Malaysia has now been proclaimed a security area under the (Malaysian) Internal Security Act.

- \* Indonesian infiltrations have occurred in various places on the Malayan Peninsula, including Malacca, Johore and Singapore. The Joint Intelligence Committee's view is that they will continue and will not be confined to any particular areas.
- \* Australian ground forces have been engaged against infiltrations in Malacca in addition to their operations on the Thai/Malay border and in Borneo.
- \* Plans for defence of the Malayan Peninsula against infiltrators divide Malaya into regions for which various brigades are responsible. 28 Commonwealth Brigade (encompassing ADF Army Personnel) is responsible for Malacca. However, this would not necessarily preclude their use elsewhere in an emergency and if suitable other forces were not available.
- \* Australian naval and air forces are also available for use against Indonesian infiltrators and our air force participates in the air defence alert in the air defence identification zone over Malaya/Singapore.
- \* The Defence Committee's view is that, having regard to the inability to predict in what areas infiltrators would operate, the continued activity in this sphere, and the fact that the whole of the Malayan Peninsula has been declared a security area under the Malaysian Security Act, it would be appropriate now to declare the Malayan Peninsula (including Singapore and adjacent waters) a special area for the purposes of eligibility for repatriation benefits.
- \* Should the whole of the Malayan Peninsula be prescribed as a special area as proposed, the effect would be to extend the cover for repatriation eligibility to all areas in South-East Asia on which our servicemen are engaged, or likely to become engaged, in operational activities in present circumstances as all other areas in Malaysia (ie Thai/Malay border) and South Vietnam are already prescribed as special areas.

In Decision No. 1042 of 07 July 1965, Cabinet approved the whole of the Malayan Peninsula and Singapore being declared a 'special area' under the SOS Act 1962. Eligibility for repatriation benefits arising from this decision was to be confined to those personnel who were specifically allotted for special duty in relation to communist terrorists in the Thai/Malay border area and Indonesian infiltrators. This decision is reflected in item 5 (Thai/Malay border) and item 7 (remainder of Malayan Peninsula) of schedule 2 to the VEA 1986.

## Operations against Indonesian infiltrators:

In deciding whether or not to declare Brunei as a 'special area', Cabinet was briefed on the kinds of service that would render personnel eligible for repatriation benefits under the Act. The general criterion in determining whether or not 'special duty' was appropriate was the assessment that such service exposed ADF personnel 'to operational risks beyond the line of ordinary peacetime duty'. Cabinet submission No. 462 of October 1964 and Decision No. 531 (amended) of 15 October 1964 refer.

It would appear that although *Melbourne* was in an 'operational area', ie., Singapore Harbour, the powers that be did not allot her for 'special service' and hence her crew were not entitled to DVA benefits.

That was despite the clearly stated evidence in the following Far East Command letter, that the Commonwealth forces were in fact engaged in a military campaign during the Indonesian Confrontation.

The letter CINCFE 2337/2315/5 dated 26 May 1965, Headquarters Far East Command reported to the United Kingdom (UK) Defence Services Secretary and the Ministry of Defence UK the following:

- \* British and Commonwealth Forces in West Malaysia first became affected by operations in July 1964, when the first of the Singapore racial riots started. Up to this time, the main operational involvement had been on the Thai/Malay border against the Communist Terrorist Organisation.
- \* From August 1964 onwards, Indonesian aggression was directed against the Malay Peninsula and Singapore Island, and on a number of occasions British and Commonwealth Forces were directly involved in counter-infiltration operations against enemy forces.
- \* The first direct act of Indonesian aggression against the Malay Peninsula occurred on 17 August 1964, when three groups of infiltrators, totalling 108, landed in the Pontian area of South Johore.
- \* This was followed by a parachute landing of 98 infiltrators into the Labis area of Johore on 1 September 1964. Two aircraft loads dropped on two separate DZ's, and a third aircraft is believed to have crashed into the Straits of Malacca en route to the DZ.

- \* A force of 52 infiltrators landed from 5 fishing boats on the Malacca coast on 29 October 1964.
- \* The Indonesian landing parties consisted of Indonesian regular troops drawn from the (PGT) (Air Force Quick Action Troops), volunteer regular troops and a small proportion of Malaysian Chinese volunteers, who had previously defected to Indonesia for military training. All were uniformed and armed.
- \* This pattern of infiltration has continued with increasing tempo up to the present date (26 May 1965).

Up to that time, naval, land and air activity included:

Land forces: British and Commonwealth forces have been deployed against Indonesian infiltration in the Malay Peninsula on three occasions since August 1964, and have been brought to a high state of readiness on a number of other occasions.

Air Force: The air defence organisation of the Far East Air Force has been maintained at a high state of readiness since August 1964. Following the landings at PONTIAN on 17 August, air patrols were carried out. During the following weeks aircraft were scrambled on numerous occasions to investigate reports of unidentified aircraft.

Air defence forces continue to maintain a high state of readiness and patrols are regularly flown from airfields in West Malaysia. Offensive air support of ground forces has been provided by Hunter, Sabre and Canberra aircraft. Reconnaissance sorties have been carried out by Shackleton, Canberra, Pioneer and 'V' aircraft.

The Commander-in-Chief Far East and his three Service Commanders consider that there is in effect a campaign taking place in West Malaysia and that all forces in the area are taking part in that campaign..... (Including Australian Defence Force personnel).

This was devastating news for Harry and a particularly low point in his quest for justice and recognition.

It required him to fill out another, more detailed, Statutory Declaration and lodge a claim through the Department of Defence, for Rehabilitation and Compensation, with MCRS (Military Compensation and Repatriation Service). Which he completed and forwarded to MCRS on 27 November, 2000.

Somehow it didn't seem right. So he decided to tackle the problem head on by contacting his local Federal Member in Bundaberg, Mr Paul Neville, MP, Member for Hinkler and then National Party Whip.

Paul and Harry had a friendship dating back some 15 years, to the days they were both members of the Bundaberg District Tourism and Development Board, when Paul was Manager and Harry a Director. As a result Paul already had some insight into Harry's service background.

He told Paul he was aware of the good work done in recognising servicemen who served in South East Asia during the Malayan Emergency from 1955 to 1963 as part of the Far East Strategic Reserve.

However his concern was with mine search operational dives on HMAS *Melbourne* in Singapore Harbour during the Indonesian Confrontation in April 1965, of which there is little documented. "No one knows but us" he told Paul.

Harry related the story to Paul who asked him to put it in writing, along with whatever supporting documentation was available, and send it to him as soon as possible as the 'House' was sitting and he would endeavour to get it to the Minister. In a letter dated 28 November, 2000, Harry set out all the details of his case and sent it to Paul.

While this was going on Harry was still looking for his diving partner 'Blue' Duke, his most important witness. It was proving to be a very difficult task for he'd been told that 'Blue' was working for the Melbourne Port Authority a few years ago. So his search was focused in Victoria.

Then from out of left field just before Christmas, 2000, he got a call from Brian Dall, ex-Clearance Diver off HMAS *Vampire*, and an old Navy Rugby team mate, then living at Nanango, Queensland. It appears that Brian was walking down the street in Evans Head, NSW, on a visit for the day. When he bumped into Ray Elley. They got chatting and Ray tells him Harry's looking for 'Blue'. Brian tells Ray, "He's in Townsville". So Brian got Harry's phone number off Ray, called Harry and gave him the news.



*Albert 'Blue' Duke (left) and Harry Harkness, Townsville, QLD 2004*

Actually, he gave Harry a mobile phone number. It turned out to be analogue and no longer in use, but that didn't matter. Harry called the Townsville RSL, who gave him the correct number and next day he was in touch with 'Blue' himself. Just like it was meant to be.

Harry hadn't seen or heard of 'Blue' since the 1965 deployment, more than 35 years ago. They talked and he asked 'Blue' if he remembered the night and what happened. 'Blue' said he did and volunteered to send him a Statutory Declaration of the incident. They also promised they'd get together sometime for a beer. 'Blue's' Statutory Declaration dated 2 January, 2001, arrived early in the New Year.

It was a defining moment for Harry in his quest for justice. At last he'd found the only other person in the world who knew exactly what happened on the night in question. Perhaps now he might get somewhere.

At about the same time, just prior to Christmas, 2000, Harry contacted Anthony Staunton, of the DVA, Policy, Eligibility and Research section in Canberra who listened to his story and then told him that the Government, as a result of the 'Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75', was looking into this period of service, during the current session of Parliament adding that he expected something would be forthcoming early in the New Year.

It came on the 15 January, 2001, when Harry received a faxed copy of the 'Instrument of Allotment of Persons Under the Veterans' Entitlement Act 1986' for Malaysia, Singapore and Brunei, 17 August 1964 to 14 September 1966, Schedule 2 Item 7, which 'allotted for duty in the operational area' (as described above), all ADF units who took part in the Indonesian Confrontation, including HMAS *Melbourne*.

The Instrument of Allotment was signed by Rear Admiral Christopher Angus Ritchie, AM, RAN. With the determination commencing on 1 January, 2001, and dated, 28 December, 2000.

Which was something of an odd connection in itself or maybe an omen. For he'd written his letter to Paul Neville on 28 November, 2000, without noticing at the time it was his wife's birthday, followed by the date the 'Instrument' was signed, 28 December, 2000, his birthday.

With this news Harry thought he was now over the hump and that everything would flow on to a logical conclusion. However this was not to be the case, for while *Melbourne* had now been 'allotted for operational service', there was still no documented proof that he'd been part of the Dive Team, or that the mine search operational dives had taken place, except for some scant entries in the Ship's Log.

Unable to find the Ship's Diving Log, Harry received advice that he should forward a statement under Section 119 (h) of the Veterans' Entitlement Act, with regard to HMAS *Melbourne*'s missing Ship's Diving Log, which he did on 6 March, 2001, stating in part:



I wish to confirm that I have sought to obtain HMAS *Melbourne's* Ship's Diving Log through all possible avenues including Naval Historical Services, The Royal Australian Navy Diving Museum in Sydney, Australian War Memorial and the National Archives at Chester Hill in NSW without success.....

I would expect to find recorded, all diving incidents, exercises and OPERATION AWKWARD diving operations, including the 'mine search operational dives' carried out in Singapore Harbour in April, 1965.

The contents of HMAS *Melbourne's* Ship's Diving Log would carry great weight and provide itemised details of the events and the names of the people who took part in the 1965 diving operations.

I would also expect it would include the 'incident' where my airline became entangled in the swim line trapping me under the ship as recorded in Statutory Declarations sent to you by 'Blue' Duke and myself.

The fact that these 'mine search operational dives' actually took place is clearly recorded in HMAS *Melbourne's* Ship's Log between the 27th and the 30th April, 1965. Copies of which are available through the National Archives, Chester Hill N.S.W. (As previously supplied)

Other diving operations during the 1965 period in Singapore are recorded in HMAS *Melbourne's* Reports of Proceedings as indicated in a Department of Defence letter dated 7 November, 2000, from the Naval History Directorate, where JH Straczek, Senior Naval Historical Officer, suggests that if diving operations were carried out they would be recorded in the Ship's Log, which they are. (As previously supplied).

I hereby tender the above statement under Section 119 (h) of the Veteran's Entitlement Act 1986.

In the search for another Dive Team member, Ken Wunsch, Harry enlisted the assistance of fellow ex Navy Rugby player, Kevin 'Ripper' Doyle, who works at HMAS *Albatross* telephone exchange. He gave 'Ripper' the details and within a week he phoned back with Ken's address and phone number.

Meanwhile the waiting game continued while DVA set about processing his application. To be fair it must be remembered that DVA had been swamped with

applications following the release of the Instrument of Allotment for Malaysia, Singapore and Brunei as of 1 January, 2001.

For the next three months he phoned DVA every week to check on the progress of his application. On the 13 February 2001, the DVA received Dr Jenkins's psychiatric report on Harry following his examination of him on 12 December 2000. On Friday 20/04/2001, he phoned DVA, to check once again and was told they were waiting on a Historical Report to come in. He asked who the contact was and was told, John Tillbrook. On Monday he phoned the Naval Historical Directorate and spoke to a David Griffin who said John Tillbrook didn't work there but was in fact a private researcher who worked out of Tuross Head, NSW.

Harry found that with DVA still to be convinced they had enlisted the services of a group of private researchers Writeway Research Service of Tuross Head NSW to research the case in detail and check out his story. This group, headed by John Tillbrook, utilises the services of retired ADF personnel on their staff who are familiar with the ambiguities of service cases.

Harry phoned Telstra, got John's phone number then rang and introduced himself. John said, "Yes they were working on the case and have Commodore Philip Mulcare, RAN (Retd) doing the research".

Harry offered to send what information he had to assist them. John Tillbrook said because the research was almost finished he should fax it directly to the Commodore and he gave him the fax number.

Harry rang the number to see if it was a phone/fax, it was a straight fax. So he phoned Telstra and obtained Philip Mulcare's number and rang him. Introducing himself he asked if Philip would like him to send what he had. Philip said "yes". He faxed 16 pages of information which included copies of letters, Statutory Declarations and a contact list for most of the Dive Team and also a few other contacts.

When they spoke, Philip said when he checked the National Archives in Sydney he found a note in the Ship's Log that said, 'Quote for Harkness' so he knew Harry had checked there. He phoned next day to see if Philip had received the fax, he said, "yes, but that some was difficult to read". (Faxes of photocopies don't transmit very well). Harry mentioned Peter Cooke-Russell, Chris Bolton and Ray Elley and he said, "yes, he knew of them".

On Tuesday 24/04/2001 Harry received a call from Ross Reid, a DVA Reconsideration Officer, in regard to his MCRS claim saying that now he was covered by DVA he could not claim through MCRS.

Harry requested Ross copy and return the original Statutory Declarations and letters sent to them. Ross said he would do so ASAP. All original Statutory Declarations and letters arrived from MCRS 30/04/2001.

On 30/04/2001, Harry rang John Tillbrook to see if the information he sent was useful.

John said 'yes', and added that Commodore Mulcare had researched the case by checking the National Archives, *Melbourne's* ROP's, FOCAF ROP's and had spoken to various members of the dive team.

On Tuesday 01/05/2001, Harry phoned his DVA delegate to see what progress had been made. She replied that nothing had come to hand yet in regards to a report but would check with the researchers at the end of the week.

On 14 May, 2001, Harry tried to contact his DVA delegate and left a message. The delegate phoned back and asked if he was checking on the report from Philip Mulcare, he said 'yes'. She said it had arrived last week, was on her desk with his file and she should be able to get to this week.

He checked again on Friday 18 May, to be told he should receive it on Tuesday 22 May. Because the assessment did not arrive on Tuesday 22 May, 2001, Harry again phoned DVA who said, "they were doing it today".

He enquired about obtaining a copy of the Historical Research Report and was told to lodge a request under Freedom of Information with DVA. He immediately faxed a request under FOI for the Historical Research Report and attachments.

Harry also contacted Ross Reid of MCRS on 22 May, who had previously advised him on 24 April that as his claim would now be accepted under DVA, MCRS would terminate his application and advise this in writing. It never came so Harry rang Ross to remind him. To which he said he'd get it done ASAP.

## Claim Refused

**O**n Thursday 24 May, 2001, Harry received two letters from DVA.

The first advised that his request for a copy of the Historical Report under FOI was being processed.

The second advised that DVA had refused his claim for PTSD, stating, “There is no history of ever having experienced a severe stressor, as defined by the RMA, and required by the Statement of Principles”.

This news completely devastated Harry and he was greatly angered by the decision.

For despite compelling evidence that what had happened was true, it had taken the DVA from November, 2000, to 22 May, 2001, ie., 6 months, to reach this outrageous conclusion.

Outrageous because the DVA delegate had judged that, “because Harry had gone back into the water and finished the job, his being trapped under the ship was therefore not a life threatening experience”.

When of course the exact opposite is the truth.

The delegate also stated in the decision,

Note the incident in which you were entangled in the swim line.

In your statement (f 193) you state that during this incident your diving partner assisted you in cutting the swim line, your ‘training kicked in’ and you returned to the surface, .... ‘got another swim line and started the section search once again....’. The available evidence suggests that despite the incident you continued your duties.

Followed by, I am reasonably satisfied that the incidents as described do not meet the definition of ‘severe stressor’ as defined in the Statements of Principle. I am

reasonably satisfied that the available evidence does not support your contention that the condition is service-related.

In Harry's Statutory Declaration dated 13 November, 2000, sent to DVA he stated quite clearly on page 2 'The following is a brief account of those diving operations', ie., It was not a detailed account.

Followed on page 5 of the Statutory Declaration where Harry clearly stated, 'When required further documented evidence....., will be supplied in support of this claim'. What was encouraged by DVA and supplied initially up front on 13 November, 2000, was a general overview not a detailed account.

It's fairly obvious from the above that the DVA delegate has used the available evidence rather selectively to arrive at her outrageous conclusion. For it simply ignores the true facts and the documented evidence.

There is no mention of the time Harry was trapped under the ship in complete darkness and in strong currents, or that mines could well have been attached to the ship's hull close to where he was trapped.

Nothing of Harry panicking when coiling up his airline in an effort to try and signal the surface for help.

Nor the time it would have taken 'Blue' to search the 180 feet between them. Nor the difficulties they had in freeing Harry from the swim line. Nor that both divers were hauled to the surface on 'Blue's' airline.

When all the evidence is taken into account it cannot seriously be doubted that Harry had been through a life threatening experience. Nor can it be doubted that 'Blue' saved Harry's life that night in Singapore.

*Yes*, Harry was traumatised that night; and *yes*, he did go back into the water as ordered, to complete the mine search, there was no choice; and *yes*, he is still suffering the effects more than 36 years later.

To be judged otherwise more than 36 years later by someone sitting behind a desk in a comfortable office with no idea of the true nature of the operational

circumstances at the time, is completely outrageous!

How would they really know? It bears out the saying, 'If you haven't been there, then you don't know'.

Included with the 22 May, 2001, DVA decision was advice that Harry could appeal the decision through the Veterans' Review Board if he wished.

Harry phoned the DVA delegate who handed down the decision to discuss the decision with her.

She advised if he wasn't satisfied with the decision he should contact his advocate and appeal it.

Harry then contacted his advocate who told him to immediately lodge an appeal under Section 31 and also through the Veteran's Review Board. Harry did this immediately by letter and caught the next mail.

Under Section 31, DVA will look at the decision again and if they refuse it once more the matter will be passed to the Veteran's Review Board which is another lengthy process of possibly 3 to 4 months.

Next Harry phoned his health care professionals and told them of the DVA decision. They advised him to appeal his case and keep on appealing for as long as it takes to get justice.

On Friday 25 May, 2001, on advice from his advocate, Harry followed his VRB appeal letter with a formal Veterans' Review Board Application for Review stating, 'he was unhappy with the decision because the decision has failed to recognise THE STRESSOR', adding that, 'the Delegate has erred'.

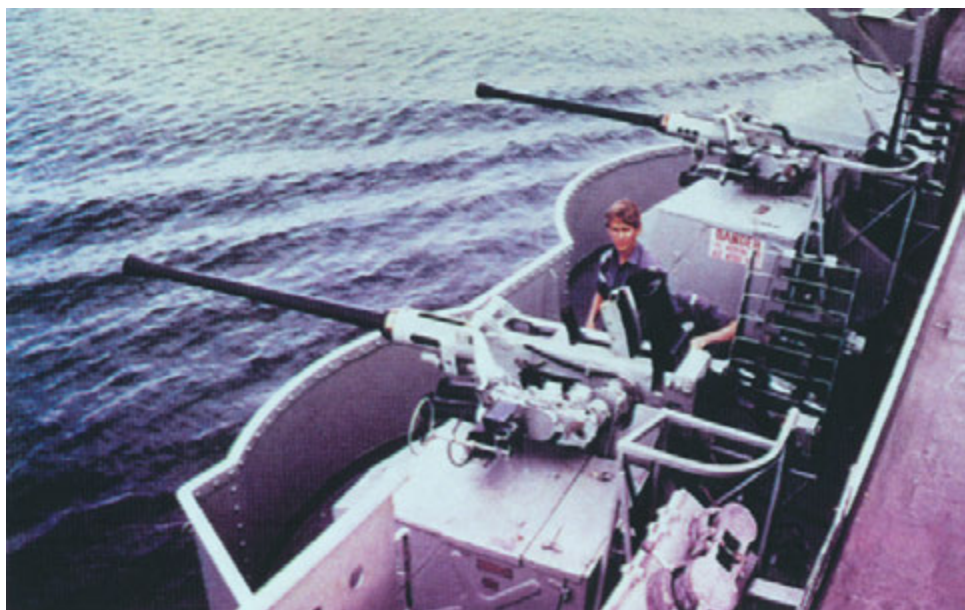
In trying to put a positive spin on DVA's outrageous decision, it would appear they have now accepted;

\* Harry was a CABA Diver in 1965 on HMAS *Melbourne*, attached to 816 Squadron 'B' Flight.

- \* The mine search operational dives actually took place between 27 April and 30 April, 1965.
- \* The dive team members, as found by Harry, are the people who did the dives in 1965.
- \* Harry was a dive team member and a member of the Port Watch dive team.
- \* Harry was trapped under the ship and rescued in the manner described by 'Blue' and Harry.
- \* Harry continued to dive as part of the mine search diving operation after being rescued.

It would now appear the remaining thing for the DVA to accept, is that;

Harry did have a life threatening experience when he was trapped under the ship on 27 April, 1965.



Single 60/40 mounts. (photo - Mike Mellier-Phelps)



## Review under Section 31

**O**n Friday 1 June, 2001, Harry received a letter from DVA dated 30 May, 2001, stating they had received his application for a review of the delegates decision of 22 May, 2001, on 28 May, 2001.

The letter further advised that he would be contacted shortly by a Review Officer regarding his request. Inviting him to contact her by phone if he had any queries before being contacted.

Harry phoned immediately but she wasn't available. He left his number and she phoned back shortly after.

He expressed his disappointment at the delegates' decision and pointed out that his Statutory Declaration of 13 November, 2000, was only an overview of what had happened, as encouraged by DVA, and only included a brief account of his being trapped under the ship and that this was clearly stated as such in the document.

After some further discussion the Review Officer invited Harry to supply a detailed account of when he was trapped under the ship. He told her he was writing a book about *Melbourne's* 1965 Far East deployment advising her it was written in the third person and enquired if it would be alright to take the information directly from the book and send to her.

The Review Officer replied that it would be alright, but to make sure the letter containing the account clearly stated the reason for it being in the third person, as other people may possibly have to read it, and they would need to know why.

He then sent her a letter containing his initial response to the delegates' refusal of his application, stating the reason it was in the third person and included the following detailed account of his entrapment under *Melbourne*.

On 7 June, 2001, Harry received a letter from MCRS dated 5 June, 2001, stating that because he was on operational service he was covered under Veterans' Affairs and could not claim through them. ie.

Letter from MCRS: Safety, Rehabilitation & Compensation ACT 1988 (SCRA)

I refer to your claim for compensation in respect of Post-Traumatic Stress Disorder (PTSD).

From your compensation claim it appears that you attribute your claimed condition to your service as a Naval diver in 1965. A psychiatric report from Dr Scott M. Jenkins dated 19 February 2001 notes that in April 1965 you were involved in a series of operational dives in Singapore Harbour. Dr Jenkins states;

"He relates being trapped under the ship at night and all incidents surrounding that entrapment. Although he was successfully able to resolve that, being trapped under the ship with an awareness of his limited air and zero visibility has consistently troubled him since that time."

In his diagnosis Dr Jenkins concludes that the information obtained met the criteria for post traumatic stress disorder and notes certain events, in particular the events in 1965 to be a significant contribution to the diagnosis.

It would appear from the available evidence that your condition arose out of circumstances and events within your service employment whilst on operational service.

DECISION: I determine that the claim is disallowed. (Through the MCRS)

Signed.....Leanne Firkin, Delegate SCRA.

Harry then sent all the original Statutory Declarations and letters returned by the MCRS to the DVA.

## Detailed Account

**H**aving finally identified what DVA finds difficult to accept, the following is a detailed account of Harry's life threatening experience while trapped under *Melbourne* during mine search operations in hostile waters on Tuesday, 27 April, 1965, in Singapore Harbour during the Indonesian Confrontation.

A review of the facts as presented, with closer attention to the operational conditions prevailing at the time, together with a detailed examination of all the documented evidence, including the diver's Statutory Declarations, letters, historical report and psychiatrist's report, should put this matter beyond doubt.

To assist the DVA in this matter, let us revisit the point at which Harry became trapped under the ship.

Harry was on his back facing the ship's bottom and swimming towards the forward end of the ship with one hand on the swim line to guide him and the other sweeping in an arc feeling the ship's bottom for 'mines'.

As described earlier there was no visibility. It was pitch black and there was a strong current running. Not far into the swim Harry came to an abrupt halt. He was stuck and could not go forward.

He back tracked along the swim line and found by feeling around that his airline was twisted around the swim line and he couldn't go forward or back.

He was trapped in complete darkness, 9 metres under the surface, and for all he knew there could have been a mine ticking away somewhere near to him, ready to explode. It was a frighteningly difficult situation.

As can be imagined, Harry's mind was racing as he considered the options available to him. He knew he could not cut the swim line because his diving partner 'Blue' was using it to guide him in his swim towards where Harry was trapped.

When he'd signalled his attendant he was commencing the search swim he knew the attendant had payed out extra airline. This had been swept away in the current making contact with the surface impossible.

Why? Because the airline needed to be reasonably taut in order to send signals to the surface.

Harry also knew if he cut the swim line he would be swept away in the current like a rag doll and probably be snapped off the end of his airline which was only attached to his harness by a wingnut and bracket.

Not knowing for sure what problems 'Blue' might be having at his end under the conditions. Harry decided his best option was to coil up the slack airline and signal his attendant on the surface for help.

So against the strong current he slowly pulled in the slack airline coiling it up as he went.

Then with what seemed like 'miles' of airline coiled in his arms, he suddenly realised he'd started to panic.

For instead of breathing at a slow even rhythm, he was breathing too quickly, and far too heavily. He was also aware of his heart pounding and sensed his whole body was pulsing, he was terrified of his situation. He'd been frightened before when conditions were bad but this was vastly different.

Realising what was happening his training took over and he tried to relax as he coiled up his airline.

Sometime later something touched his arm. It was his diving partner 'Blue'. By talking into his demand valve (breathing device) Harry told 'Blue' his airline was twisted around the swim line.

'Blue' took the coiled airline off Harry and dumped it. It was quickly swept away in the current.

Again by talking into his demand valve, 'Blue' told Harry to grab hold of the forward end of the swim line and also his airline to hold them both in place.

‘Blue’ cut the swimline and cleared it from Harry’s air line. Then he grabbed Harry and signalled his attendant on the surface with 4 pulls and 2 bells (2 short pulls) meaning, *I want to come up, assist me up*.

With that he told Harry to let go of the swim line and they were swept away by the current in total darkness praying that ‘Blues’ airline would hold them both as they were pulled towards the surface.

Because the section they were searching was on the port side just aft of midships they also had to negotiate their way around *Melbourne’s* bilge keel as they came up.

On reaching the surface they were pulled into the dive boat where they reported what had happened to the Port Watch Diving Officer, Lt. Peter Cooke-Russell. Following this they got another swim line, re-entered the water as ordered, and carried on the search.

What other option was there? For these were demanding times, the ship was under threat and there were only 5 divers in the Port Watch. The job had to be done and under the warlike conditions in which they were diving, there was no saying, *I’ve had enough, I’m quitting*. The divers just followed their orders.

It was the same with the bad air in the air bottles, the divers simply did their duty and kept on diving.

‘Blue’ and Harry completed the section search without further mishap and continued to dive throughout the night until the mine search diving operations were completed at 0200 on Wednesday, 28 April, 1965.

Being trapped under the ship in 1965 has played on Harry’s mind for more than 36 years and without any doubt he knows that ‘Blue’ saved his life that night and without delving too deeply into his psychiatric report it’s sufficient to say here that he’s been greatly troubled in recent years by those past events.

When the DVA decision was made not to accept Harry’s claim, *because Harry went back into the water after being trapped and continued to do his duty that night*,

*therefore being trapped did not affect him and he did not suffer a severe stressor.*  
Imagine the effect that decision had on Harry.

The DVA should be looking at the other side of the coin and giving credit to the fact that Harry went back into the water and continued to dive and do his duty after surviving a life threatening experience.

This group of divers were special people. They were volunteers and not all professional Clearance Divers and were people drawn from various departments in the ship who did diving as an extra job in the Navy.

Few others could do the kind of work they were called upon to do, and survive.

It took real guts to put themselves continually at risk in the hostile and dangerous waters where they found the prevailing operational conditions of the job to be extremely frightening almost all of the time.

It's the key to understanding why Harry was traumatised when things went wrong and he was trapped under the ship and he panicked. For most of the time the divers were working right on the edge of their limits and it didn't take much to tip them over the edge.

It's really a matter of perspective. ie., from whose position it's looked at.

Given the same set of circumstances, most people trapped like Harry was, would have drowned.

Harry has clear memory of the above details because he's lived with them for more than 36 years and also because of the work done recently with his psychiatrist and particularly his clinical psychologist, whom he has visited 10 times since 8 November, 2000, unlocking and opening his mind to confront the terrifying situation he experienced when trapped under the ship.

Revisiting traumatic and frightening events such as these is not an easy process. Initially things get much worse before they get any better, about which there is never any guarantee.

In recent years Harry's condition impacted greatly upon his employment, home life and lifestyle forcing him into early retirement because he found it too difficult to cope. The world is a lonely place when no one believes you. Something he came to understand while trying to work his way through his problems.

What is required here is understanding, not doubt.

Everything claimed by Harry has been corroborated to a large degree by others.

This ends the detailed account of when Harry was trapped under *Melbourne* on 27 April, 1965.

However the following documentation, accessed through Freedom of Information by Harry on 30/05/2001, should be read in conjunction with the above as it includes important details and contains important similarities to Harry being trapped under *Melbourne* and his life threatening experience.

On Wednesday, 30 May, 2001, Harry received a copy of the Historical Research Report carried out by Writeway Research Service, dated 4 May, 2001. The Research Report was carried out by Commodore Philip Mulcare RAN (Rtd) In particular it contained a statement by Commander Peter Cooke-Russell RAN (Rtd) who was *Melbourne's* Port Watch Diving Officer, in 1965, and also a Dive Team member.

Account by Peter Cooke-Russell: 24 April, 2001.

To whom it may concern,

I served onboard *Melbourne* from December 1964 to June 1965. During this time I was employed as a Bridge Watch keeping Officer, Ship's Armament Stores Accounting Officer and as a member of the Ship's Diving Team. At the time I held the rank of Lieutenant.

The Diving Team was used to carry out searches of the ship's bottom to ensure that it was clear of sabotage devices or mines placed there by hostile forces. The Diving Team also carried out maintenance on underwater fittings of the ship's hull.

During our time in the waters in the Singapore area, a threat existed which arose from the confrontation between Malaysia and Indonesia. The scenario was that when the ship was moored or berthed alongside in this area there was a possibility of an underwater attack being made on *Melbourne*. As a defensive measure, the Ship's Diving Team was divided into watches, one watch being maintained at immediate notice throughout the night.

Whilst I do not remember the particular incidence of Harry Harkness becoming entangled in the swim line, I do remember that the Diving team was used on several occasions whilst the ship was secured to a buoy in Johore Strait just off the Singapore Naval Dockyard. The threat was real and the divers entered the water with an expectation that the ship had been attacked by underwater saboteurs.

I had a similar experience to Harry Harkness when doing a bottom search during this period with *Melbourne* at anchor in an open anchorage. I was working at night at the stern of the ship with a current running. The current increased while I was submerged and my lines became caught around the rudder post and formed a large bight of airline and life line between the boat and the rudder and myself on the other side of the rudder post with another bight of lines between the rudder post and myself.

The predicament was caused by

- \* *the current increasing whilst I was in the water;*
- \* *my attendant thinking I needed more line when in fact it was the current dragging on the lines that gave the impression that I needed more line; and*
- \* *the ship moving as a result of wind and current action which placed me on the wrong side of the rudder.*

I had to swim against the strong current to clear my lines from the rudder post before I could surface and be drawn back to the boat by my attendant heaving in on my lines. It was a frightening situation which was aggravated by the possibility that there may have been hostile swimmers and mines in the area.



I felt very vulnerable whilst carrying out bottom searches under the operational conditions that existed during *Melbourne's* deployment to the Far East Strategic Reserve in 1965. Whilst my memory of the exact details of events on the nights we did these searches is sparse. I will never forget the time that my lines were fouled and the desperate effort that was required to clear them so I could surface and be brought back to the boat.

Signed by Peter Cooke-Russell, Commander RAN Rtd.

1. An important point to be noted here is that Harry remembered Peter being buffeted against the ship's rudder on the same night as he was trapped under the ship and stated this in his Statutory Declaration, of 13 November, 2000, which was forwarded to the DVA.
2. Peter's account of what happened to him while diving alone in the FAA (Free Area Aft) or stern section of the ship that includes the rudder, 'A' frames and propellers, is a very similar episode to that experienced by Harry while diving under the same conditions a little later on the same night. It also corroborates the evidence given by other divers about the operational conditions prevailing at the time.
- 3 It should be noted that when a lone diver carried out a search of the FAA (Free Area Aft) or FAF (Free Area Forward) in 1965, they were also fitted with a life line (rope), tied around their waist.
4. It should be further noted that the Research Report received by Harry was incomplete as it did not contain the attachment copies (3 pages) of *Melbourne's* Ship's Log as indicated by the researcher.

These are essential documents in that they show the Duty Watch of the day, ie Port and Starboard. Harry contacted DVA's, FOI section and arranged for the attachment copies to be forwarded to him.

5. The report also omitted to include the words 'negative result' which appear in *Melbourne's* Ship's Log on: Wednesday 28 April, 1965, ie., 0200. Bottom

search completed. 'Negative result'. Diving team (not teams as appears in the report) secured. Boat patrol continued. Reverted to State 3 Cond. X-Ray.

These words 'negative result' are important for they clearly show that the purpose of putting divers into the water was to search for something, ie., 'mines' as stated by dive team members, yet not officially recorded. It's another reason why the attachment copies of *Melbourne's Ship's Log* are important.

Another point worth making here is what Harry Brankstone had to say in his letter of 4 December 2000, where he pointed out the reason why *Melbourne's Dive Team* was short of Ship's Divers:

It is my recollection that some persons qualified as ship's divers at the time did forego their diving qualification as a result of these additional requirements and the nature of the operational tasks required to be undertaken by the ship's diving team. The withdrawal of these divers further expanded the task and put more strain on those who remained to carry out diving operations.

Conclusion: As a result of being trapped under the ship Harry had been frightened and traumatised and because no professional debriefing or counselling services were available at the time it remained with him for the rest of his life to surface again in his later years to become a major problem for him and his family

On 25 June, 2001, Harry received a Departmental Report Prepared For Referral to Veterans' Review Board Section 137 (VEA). Which was a copy of his file in preparation for his appearance before the VRB.

As a result Harry phoned his DVA Section 31 Review delegate who advised a decision had been made under Section 31 but because another Review Officer had done the assessment while she was on holidays she did not know the outcome but that he would be advised by letter.

Harry phoned his advocate, Noel Payne, and informed him of the news. Noel said he also had received a copy of his Section 137 and would be looking at it over the next few days.

Then on Wednesday 27 June 2001, Harry received a letter from his advocate saying he was going into hospital for an operation on his hand. He suggested if Harry still had not received advice about his appeal under Section 31, he should contact the Review Section Manager, John Sharrell and ask him about the outcome.

Harry followed this advice and phoned John Sharrell on Wednesday afternoon. John told him the Review Officer had rejected his appeal and that the matter would go the Veterans' Review Board.

However he didn't know why Harry had not been notified of this decision and said he would follow it up.

On Friday 29 June 2001, Harry received a letter dated 18 June 2001, from the Departmental Review Officer (DRO) advising there were no grounds on which to conduct a review under Section 31 and that the matter would be referred to the Veterans' Review Board for hearing.

On this day he also received a letter from the Veterans' Review Board dated 27 June 2001, with an Applicants Advice form seeking details about how he would like the Board to deal with his application.

It required details about: 1. Attendance at Hearing, and  
2. Representation,  
which he completed and sent straight back to the VRB.

He then contacted his advocate about both issues. Following some brief discussion his advocate said he would immediately write to the VRB and advise they were ready to proceed to hearing.

## Comments & Endorsements

All Dive Team members from 1965 and others who contributed information towards the book *Onus of Proof* were sent a draft copy for them to read, comment on, and add or subtract material if they wished.

Draft copies were sent to: Toz Dadswell, Barry Icton, David Lees. Chris Bolton, Peter Cooke-Russell, Ray Elley, Harry Brankstone, John Cole, 'Blue' Duke, Ken Wunsch, Bob Luxford, John Da Costa,

Listed below are their responses to that circulation.

Letter from Commodore T.A. 'Toz' Dadswell AM RAN (Rtd), 1 June 2001

Dear Harry,

Thank you for sending me the draft of *'Onus of Proof'*. I found it a fascinating story and was amazed at the depth of detail you have included in the work. I have checked the details of those incidents where I have record, such as the date of my single engine landing and the death of John Hutchison. They are correct.

One small point of detail. When talking about an aircraft, as you are in the Hutchison incident, it is usual to record it in the following format. Gannet 811s (WN 456). Similarly in my case, Gannet 810 (XG 784). A very minor point.

The saga of WN 456 is a fascinating one. On 2nd February 1965, David Farthing had a double engine failure in XG 792 and ditched ahead of the ship. I flew into Nowra with another pilot on 12th February to test fly and take delivery of WN 456, the replacement for XG 792.

I returned onboard without mishap and, as you rightly say, we sailed north from Sydney on 24th February.

My log book shows that I flew WN 456 on 5 occasions the last being on 23 March so I guess I was the last pilot to fly WN 456 before Hutch had his accident.

The problem was that the engineers in Sydney had heat treated the hooks to extend their life but in so doing had seriously weakened the structure of the metal.

I sometimes wish that damn hook had broken during my landing on 23rd as it would have been in daylight and I might have been able to throw it into the water rather than try to brake. But then who knows”.

I do congratulate you Harry on the standard of your story and marvel at the detail in it. I sincerely hope that all your efforts will in time be rewarded by the authorities at Veterans’ Affairs. (It is great to achieve a personal goal, but why do we have to climb so many hills to get there?).

Yours aye, ‘Toz’ Dadswell

Letter from Barry Icton, 14 June 2001, ex POEAC, *Melbourne’s* Headquarters staff

Dear Harry,

After our conversations of late I have reflected back to the period you are relating to (1965) and have pulled recollections of the circumstances of that time.

I had been drafted to *Melbourne* headquarters in November 1964 as a POEAC, to be part of the crew manning the Electronic Maintenance Room. Lieutenant Commander Frederick F. Lewis was the Officer in Charge, Danny Hannigan was Chief EAC, W. Hillzinger POEAC, LEMAC W Sonsee, REMAC B Bird and REMAC C Cook.

As part of that section it was our function to maintain and repair Radio and Electronic equipment from the Squadrons attached to *Melbourne* and as such had regular communication and dialogue with the squadron maintenance and servicing crews, as the requirement of the headquarters staff was to provide quick response to squadron personnel needs, so as to keep the aircraft serviceable and available to respond to any scheduled or un-scheduled flying commitment.

I clearly remember the circumstances regarding your involvement with the ship's diving team, as a CABA diver, it was not looked upon as a cushy number as divers were required to work in the dark, shark infested waters, on call any time of the day it was not a career move many people made, and as we are all aware of the foul water and terrible stink that used to emanate from Singapore, as soon as you entered the Johore Straits you could identify your relatively close position to Singapore.

At the time of incident you relate to, the Electronic Maintenance Room was located on three deck just before the Quarterdeck so from our vantage point it was possible to see the response to the reported sighting of bubbles and related activity in activating the dive team to do a bottom search.

It was expected and part of the heightening tension which was a result of the politics of the region and the increasing involvement of Australian forces in the South East Asian area, it was really the start of a new state of readiness which was necessary for all to respond to, your involvement as a ship's CABA Diver really placed you and the dive team in the front line and should have gained greater recognition. If the circumstances had been somewhat different in outcome than what they were, the dive team would have received a medal and hero status.

The passing of time has somewhat reduced my powers of recall but I can say that the detail and information you have painstakingly put together should not be allowed to just be your memories as we all had a period in our life where we put forward our life for Queen and Country and for many it will give back some of those memories that have faded with time, but in our remaining years will enable us to remember.

Yours truly, signed..... Barry L. Icton

Letter from Harry Brankstone 18 June 2001, (ex CPOCD)

Dear Harry,

Please find enclosed copy of *'Onus of Proof'*. It provided interesting reading, you have obviously done considerable research into the period in question in support of your claim.

As stated in our telephone conversation the best input I can give relating to the period in HMAS *Melbourne* is contained within my original letter to you.

Hopefully you can overcome the bureaucratic hurdles, which have been placed before you and gain a successful outcome with your claim.

Regards

Harry Brankstone

PS. A point of note towards your claim, I have always understood the word post to relate to after.

In the case of (PTSD) it would be expected to occur at some time after an event, not necessarily at the immediate time following the situation or event, which was the initial cause of the problem.

All the best.

Letter from John Cole received 19 June 2001, (ex LEMAW 816 'B' Flight 1965)

Dear Harry,

It was a great trip down memory lane to read your manuscript. You are to be congratulated. It is a magnificent piece and I greatly appreciate your time and effort.

Not to sound nit picking, much, but as I said on the telephone the third person narrative in the latter pages probably is over done a little.

One other small point I noticed is that in Chris Bolton's letter he refers to a 32' cutter with kitchen gear. I thought it was Kitchener gear. It sounds like we had a galley to cook us luxury meals.

I look forward to hearing from you soon.

Regards..... signed John Cole

Letter from Lieutenant Commander David Lees RAN (Rtd), 19 June 2001

Dear Harry,

Herewith returned your Draft Copy 'Onus of Proof' and I must congratulate you on a most painstakingly researched document.

There is nothing more that I can add to that already mentioned and obviously cannot comment on DVA's review.

I sincerely hope that you have success with your review/appeal.

Cheers for now.

Signed..... David Lees

Letter from Commander Chris Bolton RANEM 20 June 2001

Dear Harry,

I received your account last Wednesday, read it and found it incredibly readable and interesting. You've made a huge effort to be taken seriously and to be believed. It triggered and brought back memories but none that I think might help you.

It certainly filled a lot of gaps that reside in my brain at this time and clearly when you compare the time scale in my letter with your narrative, for me the month of April extended into May!

Harry I can recall the challenges at the time. They were immense! Overall my memory is still hazy because I think we all lived life on the edge. Under Captain Hugh David Stevenson we made our best effort and when you are working your hardest you tend to shut out the harsher aspects which were mostly aggravated in my case by a combination of too much duty to perform and a constant chronic lack of sleep.

Maybe that's a clue for your case for in our own way the Ship's Company needed Rest and Recreation when it went into harbour. The majority achieved that R & R but types like the Diving Team got no rest.

They were obliged to get on with the task of searching the ship's bottom.



I wish you had included a photograph of yourself in the account. The picture I have of you is a very large frame, good looking open face, cheerful deep voice, a big guy and always good willed and dependable.

Being Commanders Assistant to Harold Edwin Bailey had its moments for me but I really loved working and planning the days efforts for the Ship and her Company producing Daily Orders and XOTMs.

Later as Assistant Navigating Officer I wrote the Report of Proceedings! The Company had a unique spirit all of its own that was influenced and shaped by Captain Stevenson.

You see the period was post *VOYAGER* and H.D.'s purpose in life was to lead us through it.

For me that's why we were so steadfast in attempting to achieve better than our best within ourselves on board or in company with other nationals especially when we were in the company of other aircraft carriers.

I worked for and with Toz Dadswell closely as the Carrier *Melbourne* Air Group Torpedo Anti Submarine (CAG TAS) Officer in the period 1969-71.

As a junior officer I had a close relationship with H.D. Stevenson. I trusted him.

Have you been in touch with Mitch Mitchell of the HMAS *Melbourne* Association, I think he could help with his contacts.

In the light of your account some gaps in my poor memory have been filled. I read many letters stored in the roof of my home. There is mention of diving on the props but none on your personal misfortune.

Yours sincerely .....CHRIS

PS. I qualified as shallow water diving supervisor in 1961 whilst as a Midshipman RAN at BRNC Dartmouth with the RN at Portsmouth UK and later in 1963-4 under Lieutenant Ross Blue and CPO Gilchrist at HMAS Rushcutter Sydney as ASLT.

Best Regards..... CHRIS



*"Catch of the day", Barracuda speared by Ray, 1965. L-r: Ken Wunsch, Ray Elley, Dave Neenan.*

Letter from Bob Luxford, (ex CPOATWL3), Sunday 24 JUNE 2001

I have been completely surprised and amazed at how much time and effort you have put into the research of the 1965 trip, it reminds me of the TV ad, "how can one man have so much talent", any lesser person would have given up years ago.

My Son-in-Law Shane Firkin was very impressed at the in depth account. He joined up as a S.E. Rating, changed to aircrew and finished up a Lt. Cdr.

Reading your account has brought back many memories that have remained dormant for many, many years. I can see you leaping up the side of the *Venom* with your long red handled screwdriver to thump the Generator relay box. (to bring the generators online)

How you didn't set off the ejection seats I don't know.

Also when Carl Fellenberg lost his earmuffs in the jet air intake.

I can also see the mess of diving gear on the Port side - to my untrained eyes it was a jumble of black hoses, bottles and ropes and I often thought, "thank God it's them and not me doing that diving".

Harry that's a great idea of yours at the end of the 'Draft' copy to include, "I Remember", it reminded me of many old faces. Rather sad to see so many with (Dec) after their names.

It's great that you have given an over all cover of the trip as we all tend to think of our own little sphere of operation and I'm sure it will be a hit when you bring it out in print,

I have enclosed a few photos that may be of use to you. I can't remember the names though. I still have many slides to check so if I find any that may be of use to you I will forward them on.

Keep up the good work.

Regards, Bob

Letter (edited) from Ken Wunsch (ex LAMW) 24 June 2001

Dear Harry,

I clearly remember one of the diving officers commenting in the dive boat one night that "if the current was running any faster diving operations would not be possible because divers would not be able to swim against it"

I remember that these searches kept us in the water most of the night and were not only very exhausting but filled with apprehension because of the uncertainty of what might be encountered in the way of mines or possible unfriendly divers.

Apart from the consideration that these searches were conducted in the dark and largely by feel, the uncertainty about mines was exacerbated by the fact that anything and everything from a tin can to who knows what had to be considered as suspicious.

All was not bad however as I recall the diving party (team) getting preferential treatment in a number of ways eg. We had exclusive use of the Port Weather Deck to put up canvas stretchers when we were able to catch some sleep. This was one of the choicest spots for fresh relatively cool air rather than the stifling conditions below decks, and we didn't have to vie with the rest of the ship's company for a clear space above decks for a few days at least.

We also had our own 'seemingly unlimited' supply of ice cold 'Limers', also made available on the weather deck so we did not have to stand in line in the sailors mess to be doled out maybe one meagre cupful.

Apart from the diving operations, as an Aircraft Weapons Mechanic attached to 817 Squadron I recall one of the squadron's Westland Wessex Helicopters being fitted with bomb racks so it could be armed with a MK 44 Torpedo. From my memory this aircraft was on standby during the entire period that we were at Defence Stations (during transit of the Celebes Sea).

During this period we carried out a number of practice drills to gain speed and proficiency in transporting the MK 44 Torpedo to the flight deck via the forward lift and loading it onto the bomb rack with a hand winch should it be needed.

To my knowledge, this was the first and only time the RAN used this weapon in conjunction with the Westland Wessex Helicopter. I assume from this, that it was deemed necessary solely because there was a real threat of being engaged in actual conflict during that part of the voyage.

I have enclosed a photo of Ray Elley, Dave Neenan and myself holding a barracuda which Ray speared at Pulau Sengah Besar in the Langkawi group during a stopover, I think on the return trip.

Regards..... signed K. C. Wunsch. (ex LAM (W) R 93769)

Letter from Commodore John R. Da Costa RAN (Rtd) 25 June 2001  
(ex Officer-in-Charge 816 Squadron 'B' Flight in 1965, but Lt. at the time)

Dear Harry,

Congratulations on putting together such a comprehensive record of *Melbourne's* 1965 SEATO Cruise.

Your account of the circumstances surrounding *Melbourne's* three periods in Singapore and the associated OPERATION AWKWARD's accords with my own somewhat sketchy memory of those days (noting that I had no Ship's duties during the visits). However, I certainly recall that the Ship had taken precautions against the threat of underwater swimmer attacks at the time, something that apparently was not considered necessary during the many other visits to Singapore that I made in *Melbourne* over a period of some 18 years.

Best of Luck..... signed John Da Costa

Letter from Peter Cooke-Russell 29 June 2001, Commander RAN (Rtd). Peter was the Port Watch Diving Officer in 1965 and then in the rank of Lieutenant

Dear Harry,

Reading your draft of '*Onus of Proof*' brought back a lot of memories that were well and truly buried in the depths of my skull. Some of the details I do not remember but I will defer to your excellent memory and accept that it was so and that your research, which is quite remarkable, has uncovered the story under the short and terse notes in the Ship's Log and the Captain's Reports of Proceedings.

I have attached extracts of letters I wrote at the time to my fiancée, Cynthia Lind. The first concerns the events of the night of 27 April 1965 which is relevant to your claim. The other two relate to the loss of the Gannet, I quote them to show that even in exercises, life in an aircraft carrier or any other naval ship for that matter, is not a bed of roses and that death is constantly just over your shoulder.

The letters have been under our house since 1975. Up to yesterday, I thought that they had been destroyed. I found them when I was having a final look in an old trunk

for my Diving Log Book. It wasn't there. For the record Cynthia and I were married on 26 June 1965 and celebrated our 36th wedding anniversary earlier this week.

I have enclosed a photograph of myself as you requested and copies of another taken during 1965 when I was XO of HMAS TEAL. The photo was taken just after Teal's CO, Leut Keith (Gus) Murray had been decorated with the Distinguished Service Cross (DCS) for an incident in the Singapore Strait in December 1964.

I have enclosed copies of contemporary press clippings that provide further proof of the public view at that time of the Indonesian activities in the Singapore area.

Extract from letter dated 24 March 1965

..... By the time you receive this letter, it will be old news, but today has not been a very happy one onboard, we lost a Gannet with its pilot at 0432 this morning. He made a successful landing but his arrestor hook broke and his aircraft kept running along the deck until it fell over the side just short of the bow.

Two of the three aircrew members managed to get out, they are not quite sure how, but the pilot, a very nice young bloke (20), was lost. We searched the area for four hours but found no trace of him, so we had to assume that he had been killed. The observer, LT. Bessell-Brown was in the Gannet that Dave Farthing ditched several weeks ago. Very lucky man.

We have stopped flying the Gannets now until all arrestor hooks can be examined for possible weaknesses. We will be holding a special memorial church service onboard for him later this week.

To my knowledge, he was the second person to be killed during these exercises. The other was sucked into the jet intakes of an aircraft onboard one of the R.N. carriers. Eagle also lost a helicopter this morning, but I do not think anybody was hurt in it.

I do not envy these birdies of their 19/- a day flying pay at all, a couple of months ago I did, but now having watched them operate off this ship over the last three months I have come to the conclusion that they earn every penny of it, the fixed wing flyers especially. They must feel quite dry in the mouth and have butterflies in the stomach every time they take off..... End of extract.

Extract from letter dated 25th March 1965

..... As I said in yesterday's letter, it has been a rather expensive exercise period. *Eagle* lost another helicopter again today. She lost two men, one Sub Lieutenant and an LEM. Some people say they were lost in a Gannet, others say it was in a helicopter. There are many conflicting stories, but the basic facts are true.....  
End of extract.

Extract from letter dated 28th April 1965

..... I was duty diving officer last night. I had had my dinner then spent an hour or so talking to David Lees on the quarter deck [sic] about our future plans, then at about 2130 I went forward to see how my divers were settling down for the night. I got them all together then I was piped to go to the gangway. While on my way there another pipe was made to Assume a higher degree of Damage Control readiness and to close up the diving watch. When I reached the gangway I was told that a couple of lights had been seen moving underwater and that they thought the ship had been attacked by underwater saboteurs. I was to search the bottom of the ship for foreign objects ie, bombs. We started the search at about 2215 and three and a half later at 0145 had completed it. Luckily not finding any bombs..... End of extract.

Congratulations on the standard of your work '*Onus of Proof*'. I hope that you have success in the appeal process.

Best wishes,

Signed..... Peter Cooke-Russell, Commander RAN (Rtd)

Letter from Raymond Elley 3 July 2001, Commander MCD RAN (Ret'd). Ray was the first Director of Mine Warfare and Diving, appointed to head up the branch in Canberra

Dear Harry,

You have done it all and there is nothing more I can add, however, I've tried to explain what it was like diving under a carrier at night.

*What it is like to dive at night underneath an aircraft carrier in dirty water, a strong tidal stream and 100% zero visibility.*

To the uninitiated laymen, diving under a ship doesn't sound so much of a big deal, so I will try and describe just what it was like to us who dived under HMAS *Melbourne* in Singapore during 'Confrontation' in 1965.

Firstly, one must appreciate the size of the ship. (700 feet, that's more than two football fields long).

As was stated, the ship was divided up into sections with ropes passed under the ship and up to the upper deck to allow divers to have some idea as to where they were and allow the command to know just how much searching had been done and if a mine was found just exactly where it was from the inside.

Each of the sections was approximately 180 feet long (two thirds of a football field) and every one of them had to be searched, this was because of the *sheer size* of the ship underneath.



*Photograph of Lieutenant Commander Raymond John Elley, RAN, taken in 1982 when he did two years exchange service on the staff of Commander Mine Warfare Command at Charleston, South Carolina, USA.*

*On his return to Australia Ray was promoted to the rank of Commander in May 1985 and appointed DMCD (Director Mine Warfare and Diving). He was the first person to hold this position. Now retired, Ray lives at Evans Head, NSW.*



Visibility was *zero*, it was usually night time, not that it mattered, for the sheer size of the ship and the always dirty water made it ALWAYS night time.

There was nearly *always* a strong current that made life difficult to dive, swim, get into and out of the dive boat as a team. There was always the risk of being injured by the dive boat for they were not your standard forward and reverse, but always going ahead type with propeller buckets as reverse.

Every precaution was taken to prevent the ship's propellers from turning, but we all knew it was a risk and sometimes happened, and because we were in operational conditions, the risk was even greater; and there was just no way of us knowing because we were in pitch blackness.

To make a comparison, to swimming along a designated path upside down underneath twenty thousand tons of steel in absolute blackness thrusting your hands back and forth, back and forth looking for limpet mines stuck to the ship's hull or worse still, an underwater enemy frogman armed to the teeth, is impossible; for there is nothing else like it in the world.

There was nearly always some drama, albeit small most of the time, usually caused by a Ship's Company that didn't appreciate what was involved with diving, like the times they ditched 'offal' (food scraps) over the ship's side during Diving Ops which nearly always attracted sharks, or refilling diving gas cylinders with contaminated gas.

These are but some of the things we had to continually think and worry about, there was more of course, for it was a long time ago and some things one never forgets, so I've tried to paint a picture for the uninitiated of what it was like for us.

But I will never ever be able to describe that absolute blackness and loneliness of not being able to communicate whilst underneath an aircraft carrier just meters off the harbour bottom in the middle of the night.

Yours sincerely

Signed..... Raymond Elley, Commander MCD (Mine Clearance Diving)  
RAN (Ret'd)

Newspaper extracts supplied by Commander Peter Cooke-Russell 29 June 2001. DSC for two navy officers

LONDON, Wed,

Two naval officers have been awarded the Distinguished Service Cross (DSC) for outstanding service in Far East waters, it was officially announced today.

One is Lieut. Keith Murray, of the Royal Australian Navy, for his coolness and sound sense of judgment in handling HMAS *Teal* when an unlit powered sampan was detected between Raffles Light and Sultan Shoal last December.

The sampan was stopped by Bren Gun fire and its crew of three arrested.

The other officer is Lieut. CmDr Christopher David Prentis, of the Royal Navy, who was in command of HMS *Friskerton* on patrol in the same area in the previous month.

She was engaged with a sampan, also carrying arms and ammunition, which returned her warning shots with grenades and Sten guns.

### **Accurate fire**

Sub-Lieut. Peter Stephen Blomeley of the Royal Navy, who was officer of the watch during the same engagement, *manned a Bren gun and maintained constant and accurate fire from the wings of the bridge.*

He was awarded the MBE (Member of the British Empire).

Petty Officer George Richardson, also manned a gun on the bridge and received the BEM (British Empire Medal) for his *fine example, initiative and aggressive spirit.*

Mentioned in dispatches were Capt. the Hon. David Peter Seely, Royal Navy, commanding officer of HMS *Ajax* and the pilot of *Ajax's* helicopter, Lieut. Anthony Thomas Dunkerley Brewster, following another engagement with seven sampans in December.

The Far East operations officer, Commander Peter William Buchanan, was also mentioned in dispatches for his *outstanding contribution to the Far East fleet and particularly to anti-Indonesian operations.*- Reuter.



*HMAS TEAL - Singapore - October 1965.*

*Photograph taken after Lieutenant K. (Gus) Murray received the DSC for action against Indonesian infiltrators, Singapore Strait, 1964.*

*L-r: Leut PJ Cooke-Russell, Leut K. Murray DSC, CPOUW K Drew, LSUW Burnett (holding Fred Malacca), Mid F Alica, Mid R Ashmore.*



*Commander Peter Cooke-Russell. RANR.*

*HMAS MELBOURNE's, 1965, Ship's Dive Team member and Port Watch Diving Officer, then in the rank of Lieutenant*

Another extract supplied by Peter Cooke-Russell

*Lieutenant Keith Murray*, 28, of Newtown, of the R.A.N., who was awarded the Distinguished Service Cross yesterday. (October 1965).

Lieut Murray is captain of the Australian 450-ton minesweeper HMAS *Teal* on patrol in Malaysian waters.

He is the first RAN officer decorated for service in Malaysia.

The award, approved by the Queen, is in recognition of *Teal's* interception of two groups of infiltrators in the Singapore Strait last December (1964).

Engaging two Indonesian motorised sampans in darkness a mile outside Singapore Harbour, the crew captured one.

The ship is still on anti-infiltration patrols in Malaysia.



*Distinguished Service Cross*

# Part Two

## Introduction

Having lodged PART ONE, of *Onus of Proof*, in support of his appeal to the VRB for review of the Repatriation Commission's Primary Delegate's decision not to grant him a disability pension for his PTSD.

PART TWO of the book contains a personal account of the pursuit of his case through the long and demoralising Appeals process.

An account that relates, through first hand experience, the many difficulties veterans encounter, and are forced to endure, when making claims with the DVA, or, who are seeking the review of a Primary Delegate's decision, under the Veterans Entitlement Act, Section 31, or through the long drawn out VRB decision making process.

However, it's a process that must be endured by Veterans before they are allowed to appeal their case to the Administrative Appeals Tribunal where they can finally be represented by legal counsel and subject to the rule of law.

## Veterans' Review Board

In a letter dated 10 July 2001 from the Veterans' Review Board, Harry was advised the Board had arranged a hearing for Thursday, 9 August at 10.30 am, in Brisbane.

He immediately contacted his advocate and advised him of the date and time. Noel said he was available and booked the above date and time into his diary.

The letter included an 'Acknowledgement Of Notice Of Hearing' card which Harry signed and returned.

### Affect on Service Career

On 24 July 2001, Harry's therapist questioned whether or not his traumatic diving experience had affected his service career.

To answer the question he summarised his service career which revealed, he;

- \* joined the RAN on 24 June 1957.
- \* was promoted to Electrical Mechanic (Air) 2nd Class on 24 December 1957.
- \* married on 14 February 1959.
- \* was promoted to Electrical Mechanic (Air) 1st Class on 24 April 1959.
- \* qualified in May 1959, as a CABA Ship's Diver after a diving course at HMAS *Rushcutter* in Sydney.
- \* son Steven was born on 13 April 1960.
- \* was promoted Leading Electrical Mechanic (Air) on 4 November 1960, 3 years, 5 months after enlisting.

- \* represented Navy teams at rugby union from 1958 to 1966 and played many other sports.
- \* did his first tour of duty to the Far East on HMAS *Melbourne* in 1961, as a member of 805 Squadron (Sea Venoms) in a deployment lasting 7 months. This was followed by a shorter cruise to New Zealand.
- \* served in various shore billets between 1961 and 1965, and enjoyed married life with his family.
- \* enjoyed service life and his career in the Royal Australia Navy, re-engaging on 18 June 1962 to complete 9 years, and again on 27 November 1963 to complete 12 years service.
- \* embarked on HMAS *Melbourne* for a second tour of duty to the Far East, departing Sydney on 24 February 1965, as member of 816 Squadron 'B' Flight (Sea Venoms) Air Electrical Section,
- \* was confronted with the following in quick succession:
  - i) death of A/Sub Lt. John Hutchison when his aircraft crashed on 24 March 1965.
  - ii) trapped under ship on night of 27 April 1965 during diving operations in Singapore Harbour.
  - iii) encountered shark while diving under the ship off Bangkok on 23 May 1965.
- \* in June 1965 *Melbourne* escorted *Sydney* to Vietnam, arriving home late on 22 June 1965.
- \* commenced his Petty Officer's Course at HMAS *Cerberus* in Victoria on 24 July 1965.
- \* was awarded a Herbert Lott Memorial Trust Fund prize on 21 April 1966 for topping the PO's course

- \* was promoted to Petty Officer Electrical Air Weapons on 5 August 1966.
- \* received superior assessments, in the years following, for his work skills.
- \* remained a Petty Officer for the next 11 years.
- \* suffered intermittent chest pain from 1968 to 1973
- \* was diagnosed in 1972 by Navy doctors with cardiac anxiety.
- \* was treated with Valium for chest pain in 1973. (Although his electrocardiograms, chest X-rays, heart size and BP were normal).
- \* was chosen as an instructor for the 1974 Sea King Project in the United Kingdom but turned it down.
- \* appeared to be suffering from stress at the time and wanted nothing to do with it, preferring instead to stay with what he knew as it was less stressful.
- \* remained stagnating as a very senior Petty Officer until his discharge on 16 October 1977.

In hindsight, it's possible the entrapment under *Melbourne* in April 1965 affected his personality and changed his general outlook and the high personal ambitions he once held for promotion in the RAN.

His psychiatrist and therapist believe that the cardiac anxiety and chest pains he suffered back in 1968, 1970 and 1973 were really stress symptoms relating to his traumatic diving experience in 1965.

Unfortunately, Navy doctors chose to treat the effect of the problem rather than looking for a real cause.

They told him to lose weight and treated him with Valium for chest pain.

The above summary raises the probability his service career was affected by that experience.



## **After Discharge**

In looking at the years since his discharge from the navy we find;

From 1977 to 1981, he and his wife travelled around Australia picking up work when it was available.

Due for discharge on 24 June 1977, Harry had a job lined up in Perth, Western Australia. However while playing squash in early June 1977 prior to discharge, he ruptured his achillies tendon and was hospitalised by the navy and his discharge was delayed until 16 October 1977, after which he travelled to Western Australia with his family only to find when they arrived that, the job was gone.

It was in Perth in December 1977, that Harry lodged his first claim for treatment and disability pension with the Western Australian Department of Repatriation, but this was rejected in March 1978.

In February 1978 he was offered a job at Port Hedland working for Mount Newman Mining. It was a short term position that involved maintaining the computer room at number two plant while the person in charge, Greg Turpin, an ex-airforce officer, took a couple of months long service leave in Perth.

The money was good so he took the job. When Greg returned Harry and Fay hit the road again, continuing to travel and picking up work when it was available. In April 1981, while working in the citrus industry in Gayndah, Queensland, they discovered the quiet, rural country town of Mount Perry, situated about 100 km south west of Bundaberg.

The town had a population of about 150 people and a total shire population of just 384.

They found an acreage block at a place called Wolca, about 6 km out of town, built a house and settled down. It was the first place in more than four years that Harry seemed content. It was quiet and except for one nearby neighbour they were well away from people, noise and responsibilities.

They built their own home and Harry soon had a steady flow of work that kept him busy. During the next few years he built four more homes for local people and settled into the quiet atmosphere of the community. He felt more at ease here and together with his wife Fay they had a number of pleasant years.

In 1986 Fay took up pottery and Harry built her a pottery workshop on the property. At about the same time his next door neighbour Mr Charlie Salgo, a mining engineer, asked him to do three weeks concreting work at a new mine they were developing at New Moonta, about 20 km East of Mount Perry.

The three weeks work grew into six months. Harry became the foreman in charge tasked with the construction of the treatment works. On completion of the construction he was offered and took on the position of commissioning works superintendent, a position he held for a further eight months.

While he was working at the mine, Fay had been steadily building a pottery business. Known as *Wolca Pottery* it became a small tourist attraction in the years that followed. With both of them working full time in the pottery it allowed them to develop a number of additional outlets for their work.

During this time Harry became involved with the regional tourist industry. In 1991 he was elected to the Bundaberg District Tourism and Development Board where he continued to serve until 1998.

Also in 1991 he was approached to contest the local Perry Shire Council elections but was unsuccessful.

However he did take up a position with the newly formed Mount Perry Health Services Committee which saved the local hospital from closure. A position he held until 1996 when he resigned to become a member of the Bundaberg District Health Council.

Because he saw the need for a local tourism promotional body he instigated the formation of the Mount Perry and District Tourist Association Inc. In March 1991 he was elected President, a position he held until April 1998, when he stood down because of his failing health.

In September 1991 the association conducted a tourism promotion event for mountain bikes at Wolca Reserve, Mount Perry. Named the *Mount Perry Mountain Cup* the event was a huge success becoming an annual event attracting contestants, sponsors and visitors Australia wide and from around the world.

It saw a great many benefits flow into the small country community for which Harry was recognised, being awarded the National Australia Day Council Citizen Award in 1994, and the National Australia Day Council Sports Administrator's Award in 1996.

In October 1992 he qualified as a Sports Administrator through the Australia Society of Sports Administrators becoming a member of the Society. In this capacity he worked for various organisations in the fields of Local Government, Business, Sport, Economic Development and Youth Employment.

He also conducted lecture modules for ASSA (Queensland) courses in Fundraising and Public Relations.

In March 1997 he was elected to Local Government on Perry Shire Council where he held a number of positions including representing the Shire in tourism, sport and economic development.

At the 1997 Central Queensland and Southern Reef Tourism Awards, embracing the Bundaberg, Gladstone and Rockhampton Regions, he was awarded the Graeme Stielow Memorial Award for 'Outstanding Contribution by an Individual'.

However by mid 1997 deteriorating health problems caused him to cease full time employment.

In 1998, after eight years service, he received an award for 'Outstanding Contribution to Regional Economic Development and Tourism' from the Bundaberg District Tourism and Development Board.

Due to failing health Harry was finding it increasingly more difficult to cope with his Council duties and informed the CEO, Greg Wallace, in late 1999,

he would not be standing again for Council at the March 2000 elections. He said he and his wife would sell their home at Wolca and move closer to health services in Bundaberg.

Having made their decision Harry and Fay sold their home to a mining company who were setting up in the area and moved to Bundaberg on 25 March 2000. It was then that Harry sought help by lodging a claim with the Department of Veterans' Affairs, for Disability Pension and Treatment.

After recounting the above to his therapist she asked what outcomes he wanted from the VRB hearing:

He listed the following:

- \* To be believed.
- \* To have the 1965 'mine search operational dives' on HMAS *Melbourne* officially recognised.
- \* To have his disability claim for PTSD accepted.
- \* To somehow gain a better quality of life for his remaining years.
- \* To put aside the ongoing trauma associated with dealing with the Department of Veterans' Affairs.

At the VRB hearing conducted on Thursday 9 August 2001, in Brisbane, Harry, represented by his advocate Noel Payne, put forward his case for review.

Under the heading of Post Traumatic Stress Disorder, his advocate, submitted that;

The Veteran's statement, titled 'Onus of Proof' at Folio's 101-173 clearly outlines the circumstances of a stressor. The facts of the incident are attested to by colleagues, who were present at the time, by way of Statutory Declarations, these are included in the document 'Onus of Proof'.

The event occurred within a period of eligible service.

The circumstances of the event clearly meet the requirements of the relevant SOP, and raise a reasonable hypothesis. Nowhere in the document or evidence available, is the hypothesis proved to be wrong 'beyond reasonable doubt'; a requirement of the Act.

The Delegates' determination is flawed as follows:

The Delegate sites the fact that the Veteran returned to his duties after the event (stressor) as indicating that he had not suffered a 'stressor' as defined in the Act. This defies logic. All defence personnel are trained to get on with their duties. If this were appropriate grounds for refusing a claim for psychiatric disorder, then no sailor, soldier or airman who continued on with their duties after a horrifying event would be eligible to have their claim succeed under the Act. That is, a soldier who was shot at and returned fire would be disqualified for claiming for conditions arising out of the initial engagement. An Airman who engaged in one fighter attack, and went to a second engagement would be disqualified concerning events arising out of the first. Defence personnel are trained to obey orders at all costs, the exact reason we have awards for bravery.

The Veteran experienced an event, which was shocking, causing him distress and horror. It was life threatening and has become a problem for him for the rest of his life. He has progressively deteriorated. This constitutes a stressor in line with the Act. Qualified medical diagnosis is that PTSD is present. The Veterans' hypothesis is neither fanciful nor proven untrue.

I submit that the contention of the Veteran complies with at least one factor of the relevant SOP, there is a diagnosis made by a suitably qualified medical specialist and the hypothesis raised must stand.

Yours sincerely, .....signed..... Noel Payne.

When asked to describe the events surrounding the death of John Hutchison and Harry's entrapment under *Melbourne* the situation engulfed him and he became very emotional.

When asked where the date 27th of April 1965 came from in regard to the diving operations Harry blurted out ‘the Ship’s ROP’s’ which was an incorrect answer, for the date is only recorded in the Ship’s Log, in Ray Elley’s Diving Log, ‘Blue’ Duke’s Statutory Declaration and Harry’s own Statutory Declaration.

He didn’t realise until later that night that he had given an incorrect answer to the question. He later contacted his advocate and told him. Noel said it didn’t matter as he thought they had won the case.

On 14 August Harry had a session with his clinical psychologist where he related what happened at the VRB hearing and how it affected him.

Following some in depth discussions it was decided that after the VRB decision was finally handed down, regardless of outcome, Harry should consider:

- \* Rewriting *Onus of Proof* in the first person as it would become a more powerful document.
- \* Accepting things as they are and try and move forward with his life in a positive way.
- \* Do different things; like rearranging the daily routine and planning future trips etc.
- \* If the VRB decision is unfavourable, appeal the decision to the Administrative Appeals Tribunal.

On Monday 17 September 2001, Harry received a letter from the VRB dated 14 September, 2001, stating that the Board had adjourned the hearing on 9 August 2001, to seek a further report from the Secretary of the Department of Veterans Affairs. Stating further that his application would be listed again for hearing when the Board received the report from the Department.

In the Board’s Determination they stated in part;

22. At Folio 43-46, in an undated report received by the Department on 13 February 2001, Dr Jenkins, Psychiatrist, diagnosed Post Traumatic Stress Disorder. Accordingly the Board was reasonably satisfied that the veteran had this condition and next turned to consider the connection between the Post Traumatic Stress Disorder and his service.

#### Airline entanglement in the dive:

25. The Board noted there was extensive material provided by the veteran to support his contention that his airline had become entangled with his swim line, and accepted the supporting material tally with the veteran's contention that such an event occurred.

26. The Board noted the veteran had training and experience, and indicated in a written submission that his training kicked in when he found himself in trouble (folio 67). The Board also noted Mr Harkness had oxygen available and a partner in close proximity, and that he continued to dive until 23 May 1965.

27. The Board noted there was little material submitted in relation to the incident in which an aircraft was lost over the side of the ship, but was aware that such an event did occur.

28. The Board noted witnessing the shark had a considerable impact on the veteran, as he had not dived since.

29. Dr Jenkins indicates in his report (Folios 43-48), said:

‘He reports several incidents during his time of service relevant to tours of duty which may be contributing to his symptoms’.

30. Dr Jenkins, in the same report, said:

Symptoms which he reports of relevance include the following:

- Sleep disturbance with frequent waking
- Intrusive memories
- Nightmares
- A variety of anxiety symptoms
- Difficulty with driving

- Avoidance of service related functions
  - Gradual loss of interest in activities
  - Irritability
  - Pessimism regarding the future
  - Hyper-awareness and hyper-vigilance regarding noise and security
  - Exaggerated startle reflex,
31. Although Dr Jenkins had indicated that witnessing the shark was less important in the generation of the veteran's symptoms, there is no other indication provided by Dr Jenkins as to what stressor or stressors are involved in the symptoms he listed. It was uncertain whether Dr Jenkins was relying on a single incident or a combination of incidents to make the diagnosis.
33. Clearly, to accept that Post Traumatic Stress Disorder is service caused, the incidents which are responsible for the veteran's symptoms and which Dr Jenkins has relied on to make the diagnosis, must meet the definition of 'experiencing a severe stressor' included in the statement of principles.
34. The Board could not be certain which stressor or stressors were responsible for the symptoms Dr Jenkins relied on to make the diagnosis of Post Traumatic Stress Disorder in this case.
35. Accordingly, the Board determined to adjourn the further hearing of this matter pursuant to section 152 of the Act. During the course of the adjournment, it asks that the Repatriation Commission require Dr Jenkins to provide a report from the records he took at the time he interviewed the veteran, which answers the following questions.
1. Which incident or incidents does Dr Jenkins record were associated with the veteran's sleep disturbance and frequent waking?.....
  2. Which incident or incidents did Dr Jenkins record as associated with the veteran's intrusive memories?.....
  3. Which incident or incidents did Dr Jenkins record as associated with the veteran's nightmares?....



4. What symptoms of anxiety did Dr Jenkins make note of?....
  5. Which incident or incidents did Dr Jenkins record being associated with the veteran's anxiety symptoms?.....
  6. Which incident or incidents did Dr Jenkins record being associated with the veteran's avoidance of service related functions?.....
  7. Which incident or incidents did Dr Jenkins record being associated with the veteran's gradual loss of interest in activities?.....
  8. Which incident or incidents did Dr Jenkins record being associated with the veteran's irritability?.....
  9. Which incident or incidents did Dr Jenkins record being associated with the veteran's pessimism regarding the future?....
  10. Which incident or incidents did Dr Jenkins record being associated with the veteran's hyper-awareness and hyper-vigilance regarding noise and security?....
  11. Which incident or incidents did Dr Jenkins record being associated with the veteran's exaggerated startled reflex?.....
36. When the requested information is available, the Board will reconvene". Quote ends.

Harry contacted his Veteran Review Board Case Manager, on 01 October 2001, to see what was happening. He was advised it was up to the Department of Veterans' Affairs to request the report and that he should contact the Compensation Section of DVA.

In doing so Harry spoke with a Review Officer who advised that his file had arrived in their office on 24 September 2001, was currently with the Senior Medical Officer Dr Peter Grant who would shortly write to Dr Jenkins requesting he compile a further report for the VRB.

On Monday, 8 October 2001, Harry contacted DVA again and enquired about the letter to be written to Dr Jenkins. He was told that Ms Bev Swords was handling this matter and that she had been away last week.

He was transferred to her and told that an appointment would be made for him to see Dr Jenkins so that a report could be prepared by Dr Jenkins for the VRB and he would be advised of the appointment date by letter at the end of the week.

According to the VRB decision to adjourn the hearing Harry understood that the VRB required the DVA to request Dr Jenkins to provide a report from the records he took at the time he interviewed Harry which answers the specific questions set out in the VRB letter dated 5 September 2001 under Section 152 of the Act.

After re-reading the VRB decision Harry rang Bev Swords again and questioned his having to see Dr Jenkins again. Ms Swords said that she understood what the VRB had requested, but added, that the Senior Departmental Medical Officer had decided he should see Dr Jenkins again.

On Friday 12 October 2001, Harry received a telephone call from Ms Swords advising she had arranged an appointment for him to see Dr Jenkins at 9.00 am Saturday 20 October 2001.

The appointment was confirmed by letter on Wednesday 17 October 2001.

As arranged Harry attended Dr Jenkins office where he was examined at length in regard to the questions raised by the VRB at folios 187 & 188.

The examination focused on the which stressor or stressors had caused his PTSD.

Although these issues had been addressed in previous examinations it was deemed by the VRB they were not clearly enough defined by Dr Jenkins in his psychiatric report of 9 February 2001 where three incidents were identified, namely;

1. The death of A/Sub Lieutenant Hutchison on 24 March 1965,
2. When Harry panicked when trapped under the ship on 27 April 1965, and
3. Harry's encounter with a shark on 23 May 1965.

After more detailed examination of the above it was clear to both Dr Jenkins and Harry that the single stressor which caused his PTSD was the incident when he *panicked while trapped under the ship*.

See references at folios #30 para 7, #43 para 5, #68 para 3, #69 para's 15,16 17, #84 para 4, #124 para 13, #150 para 15, #153 para 14.

It's the root cause of his bad dreams, nightmares and range of associated problems.

The morning John Hutchison lost his life when his deck hook broke was a terrible accident that should not have happened. He was someone Harry knew, but he rarely dreams about the incident.

With regard to the shark incident, it was over in a flash. Sharks were part of the job.

It occurred during daylight hours in crystal clear water and Harry was always in control.

When the incident presented he simply removed himself from the situation by getting out of the water.

He never dreams about the shark incident.

Although the outcome of this examination remained consistent with previous findings (see folio 43) Dr Jenkins agreed his original report of February 2001 could have been more clearly defined.

Following this appointment with Dr Jenkins on 20 October 2001, Harry sent the following letter to Noel.

Hi Noel,

Following my recent examination by Dr Jenkins it would appear that the crux of the matter is;

'that I panicked when trapped under the ship', and that is the 'Severe Stressor' in this case.

Everything else, before and after, just adds to the problems.

It's sad that it took so long to come to this simple conclusion which was right in front of us all of the time.

The ‘Severe Stressor’ was not being trapped under the ship, ‘it was when I panicked’. When I said that I started to panic. It was an incorrect statement. If you panic, then you panic and that is what I did, and it’s been right there in the evidence all the time. There is no doubt that the operational conditions and circumstances associated with the dive and being trapped caused the panic. But the ‘Severe Stressor’ in this case is the act of ‘panicking’ itself.

I believe Dr Jenkins’s will state this quite clearly in his report..

Regarding the Board’s Determination, I’ve identified the following deviations from the way it was:

1. At folio #185, paragraph 26. “The Board noted the veteran had training and experience, and indicated in a written submission that his training kicked in when he found himself in trouble (folio 67)”. \*

*\* please note the above are the ‘delegates paraphrased words’ not mine. See Folio #62 paragraph 9, of the Delegates Decision dated 22 May 2001.*

In a letter of reply on the DVA Delegates Decision, during Review under Section 31, dated 01 June 2001, at Folio # 150, paragraph 9, I pointed out this misquoting by the Delegate; and also at Folio #150, paragraph 15, I further pointed out that the Delegate had completely ignored the statement about my..... “panicking when coiling up my airline in an effort to try and signal the surface for help”.

For other references regarding my ‘panicking when trapped’ please refer to Folios: #30 paragraph 7, #43 paragraph 5, #68 paragraph 3, (also read folio #67) #69 paragraphs 15, 16, & 17, #84 paragraph 4, #124 paragraph 13, #150 paragraph 15, #153 paragraphs 14 & 15, #154 paragraph 14.

You also alluded to this at Folio #176 paragraph 6, in your ‘Advocates’s Submission’, 9 August 2001.

2. Also at Folio #185, paragraph 26. “The Board also noted Mr Harkness had oxygen available and a partner in close proximity, and that he continued to dive until 23 May 1965”.

a) With regard to 'a partner in close proximity' it should be pointed out to the Board that the partner was 180 feet (55 meters) away in distance, and some 8 to 10 minutes away in time. ie., the time it took to properly search the distance in between where the two divers were situated.

b) With regard to the statement "continued to dive until 23 May 1965". It should be clarified, that in the period 27 April to 23 May 1965, the Port Watch Dive Team were only involved in two more dives. The first at night on 29-30 April 1965 where underwater lighting was used, and;

The second on 23 May 1965 in daylight hours in crystal clear water which was my last dive. I dived on both occasions but I mainly opted for deck duties as an attendant to support the divers under the water.

It should be further noted that although I completed the dives in the dark on 27-28 April 1965, the night I was trapped under the ship and panicked, I never ever dived again in the dark.

3. At Folio # 184 paragraph 20, the shark referred to was 15 foot long (4.6 meters) not 15 meters as they have stated. For further reference to the shark's size please refer the Board to Folio 134 paragraph 8.

4. At Folio # 184 paragraph 21. This statement is also wrongly put. For a more correct chronology of what occurred please see Folio #134 paragraphs 7 to 13

Noel, I have real concerns that the DVA Delegate and Veteran Review Board have placed incorrect emphasis on these critical areas and disregarded vital information which is distorting the true story.

I would feel much happier if the above matters could be put to the Board, when the hearing resumes, to set the record straight.

What do you think?

Can this be done in written form?, Or should I do it verbally? Or perhaps not at all?

Sorry to be a problem Noel, but they are my genuine thoughts and concerns on the above matters.

If they are corrected it may help the Board to come to a speedier conclusion.

I trust this finds you and the family fit and well.

Regards,

Signed..... Harry Harkness, 24 October 2001.

## Passing of a Football Mate

**O**n Monday, 12 November 2001, Harry received an email from Glenn Spilstead advising that Brian 'Badger' Dall had passed away at Kingaroy Hospital on Thursday 8 November 2001. It was sad news, and quite a shock, as Harry had kept in touch with Brian since he had telephoned him of the whereabouts of 'Blue' Duke, back in December 2000.

From the wording of the email it looks as though Brian was another casualty of the DVA process.

His death notice, taken from the Far East Strategic Reserve Association's, December 2001 Newsletter, reads as follows:

**Vale**

**Brian Gilbert Dall**

**11 October 1935-08 November 2001**

Shipmates and Members of the Clearance Diving Branch mourn the loss of Brian 'Badger' Dall, one of the real characters of the Royal Australian Navy.

Mackay born 'Badger' joined the RAN aged 17 in 1952 serving in HMAS *Watson* as a TAS rate before joining HMAS *Rushcutter* for the rigours of Clearance Diver Training.

Badger thrived on the tough exacting role of Clearance Diver attaining the rank of CPOCD in a 22 year career, which included extensive trials of the IKARA weapons system. A posting to Manus Island left him with ulcerated legs which troubled him throughout his service life.

All things Queensland equalled his loyalty to his job as a Clearance Diver. His State of Origin football jersey adorned his coffin and 'Badger' gained honours in all codes of football. Rugby Union, Rugby League, representing in each and respected for his tough no-nonsense style, 'Badger' loved it so much he played two finals in one day. Yarns will be told about 'Badger' forever.

'Badger' old Mate, you gave him 'Five Bells' and he called you up – God Speed and Good Sailing.

Joe Linaker

## **LEST WE FORGET**



## Second Report

**O**n Thursday 22 November 2001 Dr Jenkins's office advised Harry the report would be mailed to the DVA on Friday morning 23 November 2001.

On Tuesday 27 November 2001 he phoned Ms Bev Swords, DVA review assistant, to enquire about Dr Jenkins report and what would happen next. He was told that his file and the report were with the SMO, Dr Peter Grant, who was checking to see if the report answered all to the VRB questions.

If it has, then his file will go back to the VRB, where his appeal would be listed for hearing again, where, at the appointed time and date, the VRB hearing would resume again.

Harry asked if he would have to appear again and was told 'no' as the Board had adjourned under section 152 of the Act to gain additional information in their deliberation of his appeal.

He was told that a copy of Dr Jenkins's report would be forwarded to him in due course.

On Friday 30 November 2001, he phoned his VRB Case Manager, Chris Hilder, to see if there had been any movement in this regard and was told that the report had been passed to the Senior Member to see if it answered all of the questions raised by the Board.

On Friday 7 December 2001 Harry phoned Louisa Adams at VRB and was advised the report was still with the Senior Member and that he would receive a copy of the report when it was accepted.

On Friday 14 December 2001 he again phoned the VRB and was advised by Case Manager, Chris Hilder, that the report was still with the Senior Member

however they had been instructed by Mr Bill Ralph in Canberra that the matter should be finalised before the Christmas break.

Chris Hilder advised that a copy of the report should be available by Christmas and that the hearing could be listed to resume in the week commencing 14 January 2002.

On Tuesday 18 December 2001, VRB Case Manager, Louisa Adams phoned to say she had good news; that the Senior Member was satisfied with the report; that it answered the Boards questions; that the hearing adjourned under Section 152 of the Act on 9 August 2001, would resume at 10.30am on Friday 18 January 2002; that a letter to that effect would be forwarded later today together with a copy of Dr Jenkins's report.

Harry thanked her for the phone call and said the news brought tears to his eyes. He wished her a Merry Christmas and a Happy New Year ending the conversation by thanking her again. He phoned his advocate, Noel, who said he was available, and noted the time and date the hearing was to resume.

The letter with the report arrived on Wednesday, 19 December 2001, confirming the arrangements.

Harry received a copy of Dr Jenkins's report and was advised in a letter dated 18 December 2001 that his VRB hearing would resume on 18 January 2002 at 10.30am in Brisbane.

Dr Jenkins's Report dated 22nd November 2001 states,

Thank you very much for your request for further assessment and clarification of Mr Harkness's story.

I must admit that I find the questions with which (of) the Veterans' Review Board perplexing. However on the assumption that I wasn't able to state clearly what occurred previously I have seen Mr Harkness again and done an additional comprehensive history and reviewed all of the documentation which you have provided.

It appears that there are three events at issue regarding causation of Mr Harkness's condition. First, there is the episode when he was trapped under the ship with a

diving mate and his line became caught, second, an episode when a friend was killed and third, when he was diving with a shark(s).

I would like to be clear at the outset that I believe the cause of Mr Harkness's Post Traumatic Stress Disorder is the episode which occurred when he was trapped under the ship.

This occurred when he was stationed with the HMAS *Melbourne* on 27th April 1965.

There were operational conditions at that time and he was ordered into the water with a partner to check the ship.

Mr Harkness states that there was a strong current on the day of their dive and the visibility in the water was extremely poor.

He states that in the particular episode where he was required he was looking at section three which includes mid-ship section to aft on the portside.

He states that they were diving in complete blackness.

He states that the other diver went to the forward section.

He states that he had swim-line between them. He took the section between the keel and the swim-line sweeping 6' around him over 180' area.

He states that he was spun around in the current and temporarily lost his orientation. He then signalled the attendant regarding the fact that he would be commencing the sweep. He was able to make brief progress and then came to a complete stop.

At this point he checked and found that his airline was wrapped around the swim-line. He tried signalling to the attendant but the signal line was slack. During that time he was stuck approximately 8 to 12 minute waiting for the other diver. During that time he decided to coil up slack in the airline in order to signal. All of this occurred against the background of his concern that the other diver may not check on him or that there might be active mines present.

During this period of time he developed severe acute panic with obvious hyperventilation and a persistent thought he might drown. He states that he was trying very hard to regain control at the time then the other diver arrived. The other diver was able to cut the swim-line and signal. At that point they both let go and were washed

into the current. They surfaced and the episode left him extremely fearful with marked tremor. As per standard procedure on reporting regarding the events they were ordered back into the water and were successfully able to complete the operation.

However from that time on he began to develop increasing anxiety symptoms and these were exacerbated by other events, which occurred to him during his time in the Navy, but they were not causative.

I also note that his anxiety had been reported during his naval service but that no interventions had been offered that he was aware of.

After the dive in question he only ever had two further dives one at night with lights and one in daytime. He was never able to do an unlit night dive again.

Therefore I would like to answer the questions of the Review Board in the following manner:

I believe the incident of being trapped under the ship as stated in April of 1965 are associated with the Veterans' sleep disturbance and frequent waking;

I believe the incident regarding being trapped under the ship as reported in April of 1965 was responsible for the Veterans' intrusive memories;

I believe the incident of being trapped under the ship in April of 1965 is associated with the Veterans' nightmares;

I believe that the symptoms of anxiety have been noted include peripheral tremor, cold sweats, avoidance of further night dives, mood swings, marked irritability, sleep disturbance, intrusive memories;

I believe the incident being trapped under the ship in April of 1965 is associated with the Veteran's anxiety;

I believe the incident of being trapped under the ship in April of 1965 is associated with the Veterans' avoidance of service related functions;

I believe the incident of being trapped under the ship in April of 1965 is associated with the Veterans' gradual loss of interest;

I believe the incident of being trapped under the ship in April of 1965 is associated with the Veterans' irritability;

I believe the incident of being trapped under the ship in April of 1965 is associated with the Veterans' pessimism about the future;

I believe the incident of being trapped under the ship in April of 1965 is associated with the Veterans' hyper-awareness and hyper-vigilance;

I believe the incident of being trapped under the ship in April of 1965 is associated with the Veterans' startle reflex.

I hope this answers their questions....

Signed ..... Dr Scott Jenkins.

On Friday 18 January 2002, Harry arrived at the VRB office at 9.15 am, for the resumed VRB hearing scheduled to start at 10.30 am where he reported to the receptionist and took a seat in the waiting room.

A short time later a VRB staff member advised him that his advocate Noel Payne was unable to attend the hearing and would he please ring Noel on his mobile phone number. Harry was shown to a room with a phone where he rang Noel who told him that due to the death of a close friends son he was unable to be at the hearing in person but had arranged for a phone conference to include him in the hearing.

Also that he had arranged for Ken Sanders a Pension Officer from ASAC to accompany Harry at the hearing. Although the news had shaken Harry it was reassuring to know he wasn't entirely alone.

At 10.30 am Harry and Ken were called before the hearing where Harry was confronted with the same Senior Member but two new Board Members the news of which took a further toll on his confidence.

The new Veteran's Review Board consisted of: 1. The original Senior Member Ms Julia Cowdroy, 2. Captain Alan 'Wally' Farquhar, RAN (Rtd) 3. Dr Alan Purcell from Perth in Western Australia.

The senior Member introduced the new Board members and opened the hearing, whereupon Noel, via the telephone hook up, referred to Harry's letter (see Folio's 190-191) forwarded to the Board which identified various deviations in the Boards Reasons for Decision compared with that of Harry's own detailed record of events contained in his statement *Onus of Proof*.

The Senior Member acknowledged receipt of the letter and its contents and said it would have no bearing on the outcome.

The Senior Member then stated that having received Dr Jenkins report she had no further questions for the veteran however she said that the new Members of the Board may have some questions.

Suddenly the hearing was interrupted by an announcement over the building's intercom system, something to the effect there was a practice fire drill taking place within the building. The intercom speaker was situated directly behind where Harry and Ken were sitting. The sudden announcement nearly finished Harry off on the spot. It was also the third thing that had gone wrong for him that morning.

All three Members of the Board sat back, threw their hands in the air and laughed at the situation. The Senior Member apologised for the interruption and said it wouldn't take long. Harry asked the Board generally "do we have to leave the building" and was told "no it was only a practice drill".

A short time later the Senior Member asked Harry if he was alright and although visibly shaken by the events of the morning so far he answered "yes" and the hearing resumed;

Captain Farquhar complimented Harry on his documentation then asked a series of questions as did Dr Purcell. Both Noel and Harry provided answers to these questions during which time Harry's whole body was shaking violently as he tried to control the emotions and anxiety the questions created within him.

Throughout the hearing Harry tried desperately to maintain a slow deliberate response to the questioning as he knew he was close to being engulfed once

again by the emotions of the situation just as he had been at the initial VRB hearing on 9 August 2001.

The hearing lasted more than an hour, at the completion of which the Senior Member advised Harry he would receive the Board's decision in about two weeks.

The Senior Member thanked everyone for attending and then Harry and Ken left the hearing room.

Outside Ken confided to Harry that he almost called for a break during the hearing because Harry was shaking so much. Noel called Ken on his mobile and asked how he thought it went. It was difficult to hear so Ken and Harry went back to the ASAC office where they phoned Noel and discussed how they thought the hearing went. Ken, as the observer present, thought it went well.

Meanwhile Harry's nightmares continued unabated.

In the week following this latest hearing Harry had the worst case of depression he could remember in almost 2 years, unable to sleep at night he slept most of the days and generally retreated from the world.

On Friday 25 January 2002 he phoned his VRB Case Manager Louisa Adams to see if a decision had been reached. She advised their office had not yet received anything back from the Board but said he would be advised of the Board's decision within 24 hours of her office receiving the decision.

On Saturday morning 26 January 2002 he woke at 2.30 am having relived the nightmare of his entrapment yet again. However on this occasion also came a hopeless feeling of ever being able to resolve his case with the DVA/VRB and his thoughts turned to the recent loss of Brian Dall and Straun Sutherland both of whom had lost their respective battles to survive and who are now resting peacefully.

It was a thought that persisted in the early morning and one that refused to go away.

As he had done so often in the past he got out of bed and went into his study and put pen to paper.

Was his long running battle with the DVA/VRB beginning to extract a deeper toll on his health than he realised? Was he reaching the end of his tether? And was the continued rejection of his claim/story by the DVA/VRB forcing him to look at other ways of resolving the nightmare that has tormented him for so long?

It was strange in that these thoughts did not frighten him. They were thoughts he had not entertained before and he found that with them came a certain calmness. He could see now why people in hopeless situations entertained such thoughts and sometimes give in to their need for a permanent solution.

By putting pen to paper it allowed him to see that the calmness he experienced was born out of deep despair and was one he shouldn't give in too because deep down he knew that one of life's greatest lessons is knowing how to struggle.

Never-the-less he could see that his despair had reached another level and it was something he should talk to a professional about. Luckily he already had an appointment with Dr Jenkins for 31 January 2002.

He knew his despair was caused by the DVA/VRB process, not the original disability and he wondered if the-powers-that-be really cared or in any way understood what the added torment of their long drawn out process was causing him and other veteran's to suffer in addition to their service related disabilities.

He questioned; how can this be an allowed outcome of Commonwealth Government policy under the Veteran's Entitlement Act which was enacted to care for Veterans, not to further their torment.

Someone in government should take steps to address this as a matter of urgency.

Resulting from a Clearance Diving Association (Northern Branch) Newsletter dated 31 December 2001, passed on by Ray Elley, Harry discovered another diver from his diving past listed in the Association's Life Members by the name of Darcy Wilcoxson. Darcy was the AB CD (Clearance Diver) assisting the





*Darcy Wilcoxson (left) and Harry Harkness, Townsville, QLD, 2004.*

course instructor POCD Colin Car who conducted the CABA Diving course at HMAS *Rushcutter* in April 1959 when Harry had qualified as a Ship's Diver. This course was Col's last before he paid off from the Navy.

Harry contacted the Association's Secretary/Treasurer 'Mouse' O'Halloran who gave him Darcy's address and phone number. He phoned Darcy and renewed another old friendship after a gap of some 43 years.

A few days later 'Mouse' phoned back and offered Harry membership of the Association which he accepted. The Association has a system where ex-divers on reaching a certain age can purchase a 'paid up Life membership'. Other Life Members include 1965 Dive Team members David Lees and Ray Elley. Brian Dall who passed away on 8 November 2001 had also been a Life Member of the Association.

Harry kept his appointment with Dr Jenkins on 31 January 2002 where he related what had occurred since their last session on 20 October 2001. Dr Jenkins was very concerned about the turn of events especially the strange feelings Harry had experienced on the morning of 26 January 2002 and the calmness he felt at the time. He explained they were warning signs that needed to be closely monitored and made appointments to see Harry more often in the coming weeks.

On Friday 1 February 2002 Harry phoned his case manager, Louisa Adams at the VRB and was advised the Board's decision was not yet available. He phoned again on 5 February and was told the Board's decision had been forwarded to Western Australia for signature by Board member Dr Alan Purcell and that he would receive a copy of the decision within 24 hours of their office receiving it.

## Battle On Another Front

**B**ack in August 2001, Noel Payne noticed in Harry's file that he'd served on HMAS *Stalwart* in September 1975 when he accompanied two Wessex Helos on detached duties to the ship for the Papua New Guinea Independence celebrations held in Port Moresby on 16 September 1975.

Noel told Harry he was entitled to the PNG Independence Medal and that he should apply to the PNG Government. This he did in a letter dated 13 August 2001 to the PNG High Commission in Canberra.

In due course he received acknowledgement of his request and a copy of the letter sent to PNG.

Despite several phone calls to Canberra and PNG he received no further response to his request.

On Thursday 7 February 2002 he phoned Navy Medals Section in Canberra to see if they had received a request for confirmation of his service on *Stalwart* from PNG. He was told that Navy Records were the people he needed to contact.

From the records he held he knew there was nothing recorded about the detachment to *Stalwart* but he phoned Navy Records anyway and was referred to the person who looked after this section. Harry was asked to update any records he had together with any supporting material in his possession and forward copies to Navy Records. This he did, posting the information to them on Friday 8 February 2002.

On Monday 11 February 2002 he had an appointment with his clinical psychologist where he related all that had happened since their last session. As Dr Jenkins had been, she also was concerned about the strange feelings he'd experienced on Australia Day and the calmness that had accompanied them.

They discussed things at length and it was suggested Harry needed a break away, perhaps a short holiday doing something totally different to his usual daily routine. Harry said he would see what he could arrange in the next few weeks.

On Tuesday 12 February 2002 he phoned the VRB again and received the same advice as before.

He phoned Navy Records also to see if they had received the information he'd sent. They had and he was advised he should hear from them soon.

In response to an earlier phone call to Bob Geale, the Curator at the Naval Aviation Museum at Nowra NSW, Harry received the following Email dated 13 February 2002:

Harry,

I have spent a considerable amount of time searching the 817 Squadron Diaries for anything that might help, but unfortunately I found nothing. The aircrew and the Electrical Officer get a mention but that's all. My only advice would be for you to approach the Australian War Memorial, give them the dates and ask them to check HMAS *Stalwart's* records for that period because you must have been on the ship's books once you went onboard. Whether you got a mention in 817 Squadron's Report of Proceedings is debatable. Anyways good luck with your request and if you do get the right list please let me know so I can put your names in the records.  
Sender; Bob 'Windy' Geale.

Harry rang Bob that night and thanked him for his efforts.

On Wednesday 14 February 2002, Harry and Fay's 43rd wedding anniversary, he contacted Ms Ann Treverrow at Navy Records and discussed the errors and anomalies in his records and was advised they had recently changed to a new system and were unable to correct errors in documents anymore. However they would try to get them changed but it would take time. Ann said to give her a month.

Next he phoned David Brightwell at Navy Medals to follow up his application for the PNG Clasp and also to confirm he'd served on HMAS *Stalwart* in 1975.

He told David they (Navy Medals) had missed HMAS *Melbourne*'s deployment to the PNG area in 1966 between 16/10/1966 and 23/10/1966 (7 days) and also her deployment to the PNG area again in 1972 between 02/02/1972 and 05/02/1972 (4 days).

Inclusion of these times would give Harry 29 days in the PNG area towards eligibility for the PNG Clasp.

David said he had represented the matter to Brett Mitchell at Naval Historical Services for their confirmation and added that because Harry's records only showed that he was on 817 Squadron and not also at the same time onboard HMAS *Melbourne* the dates had been missed by Navy Medals.

Harry obtained Brett's phone number from David and contacted him shortly after. He gave Brett the dates concerning 817 Squadron's deployment to *Melbourne* and pointed out the records did not show the squadron was also attached to the ship at the time.

With respect to the time Harry served on HMAS *Stalwart* in September 1975, Brett said he would contact Navy Pay Records at the Defence Pay Accounting Centre in Melbourne as Harry would have received a Sea Going Allowance for the time he was attached to the ship and they should be able to confirm this fact.

He asked Brett if he would provide him with written confirmation of the outcome. Brett said he would and took the contact details. Harry apologised for being such a problem, to which Brett responded, "not at all, the extra dates may also help others with claims for the Australian Service Medal, PNG Clasp".

The recording of Harry's ongoing story with its many twists and turns provided him with something positive to hold on to as the agonising saga of his claim with the DVA, VRB, and others slowly unfolded in a day by day, week by week, month by month and by now year by year, grind.

Known professionally as 'narrative therapy' this process of recording all things connected with his claim was first suggested by his therapist and it not only helped Harry to recall what had happened in the past but it also allowed him

to get things off his chest and out of his head as they occurred, and then to seek professional help to resolve the issues.

Perhaps more importantly it provided a daily routine to sustain him throughout the period of his ordeal with the DVA which proved timely at this point because he really needed a structured routine to support him.

At the conclusion of the VRB Hearing on 18 January 2002 the Senior Member advised Harry that the Boards decision would be handed down within a few weeks.

## VRB Appeal Refused

**T**hirty one days later, on 18 February 2002, he received a copy of the Boards Decision in a letter dated 15 February 2002, which states: 'the Board had decided to *affirm* the decision under review in relation to post traumatic stress disorder. This means that the Repatriation Commission's decision is unchanged in relation to that matter'.

A brief summary of the Board's Reasons For Decision, under the headings: Applicants Case, at paragraph 16; and again under the Board's Determination, at paragraph 19; clearly show there are a number of incorrect statements which are taken out of context, with incorrect chronology, miss quoting and a total lack of understanding that the Veteran was trapped with no means of communicating his predicament to those on the surface, that he panicked, and was threatened with death by drowning.

In particular the Board's Determination contains the following errors: (corrections in brackets)

Paragraph 18: This matter was previously adjourned by the Board to ascertain from Dr Jenkins, the medical specialist who had diagnosed the veteran's PTSD, what incident or combination of incidents he was relying on to make his diagnosis. Given Dr Jenkins advice, the task for the Board is to determine whether the incident concerned constituted a 'severe stressor' as defined in SOP 3/99. In order to qualify, there must be evidence that the airline entanglement incident, which the veteran experienced when diving under HMAS *Melbourne* on the night of 27 April 1965, constituted a threat of death or serious injury.

Paragraph 19: The Board sought to understand the degree to which an emergency such as described by the veteran might be anticipated and what responses were available in such an event. The veteran informed the Board of the safety and support arrangements in force on the night that he had undertaken the dive concerned. He

explained the dive team consisted of 5 qualified ships divers (actually it was 1 x CD and 4 x Ship's Divers) operating from a boat secured to the ship.

(This is incorrect! The dive team were operating from a ship's 32 foot Kitchener Rudder Geared cutter manned by a boat's crew of 3 and not secured to the ship. In fact the dive boat was underway, held in position against the current by the coxswain's expert use of the propeller buckets.)

Two divers were employed diving at one time with air supply from the same bottle through separate airlines. The submerged divers were individually attended by those in the boat. The attendants transmitted and received messages from the submerged divers by means of pulls and tugs on the lifelines attached to the divers.

(As previously stated signalling to the surface was done on the airlines as the divers did not have lifelines attached due to problems with the currents. They had enough problems getting their airlines to pass each other each time they crossed in the ladder search pattern without the added problems of another two lines becoming tangled.)

Underwater the submerged divers assisted one another in difficulties, when possible, and his diving partner was in the vicinity (up to 180 feet away) conducting a bottom search of an adjoining area.

(Here again there seems to be a lack of understanding of the nature of the search pattern. In fact the divers were searching the same section but on different levels, ie., one on top of the other in a ladder search pattern separated by up to 8 to 12 minutes in time.)

Also in attendance in the boat was an emergency diver.

(Yes! that's all very fine but what was the good of it when the veteran was trapped, unable to communicate his circumstances to anyone, ie., no one knew he was trapped so at that point in time how could the safety crew have assisted him. These were the circumstances that caused him to panic when he was hyperventilating and believed he was going to die).



Paragraph 20: Amongst the divers in the boat was Lieutenant (now Commander) Cooke-Russell who had undertaken a dive earlier that night. The boat contained a number of 100 lb gas bottles containing compressed air sufficient in normal circumstances for about an hour's diving by two divers.

(As previously stated the dive in question was the third dive that night and the air bottle the divers were connected to had been used in the earlier dives.)

On the night concerned there was a strong current and no visibility. The strength of the current caused communication difficulties with attendants as the lifelines used for passing signals became swept away preventing tugs and pulls being properly interpreted.

(As previously stated the only divers who used lifelines that night were the single divers who carried out searches of the FAA, free area aft and the FAF, free area forward, see Folio 152 paragraph 3. There were no lifelines used that night by divers carrying out two man 'ladder search patterns', signalling was done on the airlines.)

Paragraph 21: The Board enquired why the Officer in Charge permitted the veteran to re-enter the water after the 'frighteningly difficult' incident experienced by the veteran. The advocate explained that in the circumstances of a perceived threat where time had been lost, it would not be unreasonable for the Officer-In-Charge to order the diver back into the water.

(When this question was asked by the board the veteran stated that had they not put him back into the water straight away that night they would never have got him back into it again. As it was he never ever did another unlit night dive again after that night.)

The advocate further explained that naval discipline gave the veteran no license to disobey the order to re-enter the water.

Paragraph 22: Given the above evidence, the Board turned to consider whether the incident concerned constituted a severe stressor which is defined in SOP 3/99 as follows:

experiencing a severe stressor means the person experienced, witnessed, or was confronted with an event or events that involved actual or threat of death or serious injury, or a threat to the person's, or another person's, physical integrity.

In the setting of service in the Defence Forces, or other service where the Veteran's Entitlement Act applies, events that qualify as stressors include:

- (i) threat of serious injury or death; or
- (ii) engagement with the enemy; or
- (iii) witnessing casualties or participation in or observation of casualty clearance, atrocities or abusive violence;"

Paragraph 23: The Board found the veteran to be a credible witness and was impressed with the depth of investigation undertaken by him in support of his application for review. The Board understands that in the hostile diving environment of darkness, strong currents and a perceived enemy threat, it would be reasonable for him to have experienced fear and panic when he believed he could exhaust his air supply.

Paragraph 24: However the Board notes the veteran was an experienced diver who had completed approximately 100 dives many of which were under HMAS *Melbourne*. The diving operation was supervised and safety procedures were in force. The state of the current was known to the team from earlier dives and preparation for the area of bottom search was carried out without incident.

(This statement is terribly flawed. Preparations for the area of the 'bottom search' were actually carried out some seven (7) to nine (9) hours earlier, between 1335 hours and 1515 hours, on the previous afternoon under vastly different circumstances and conditions. To begin with preparations were carried out in daylight hours. There was little tidal current running at the time and the ship was not under immediate threat at 'OPERATION AWKWARD STATE 2' as it was later that night. Please see Ship's Log at Folio 38 and statement at Folio 118, page 11, in *Onus Of Proof*.)

When the emergency arose, the veteran was able to draw on his skill to assess the situation and take action. The safety procedures appear to have operated properly.

(How can this statement be taken seriously and accepted when communication was not possible between the attendant in the boat and the trapped diver, because of the strong current running?)

(At this point there is a total lack of appreciation by the Board that the veteran was trapped in the most terrifying circumstances imaginable, that he panicked when trying to coil up the slack airline in an effort to signal the surface for help, and that he believed he was going to drown.)

The Board understands that the veteran might have believed he would exhaust his air supply. However the air supply was not exhausted and would not have been given the responsibility of the attendants in the boat to monitor progress.

(This statement once again conveys a flawed understanding of the circumstances at the time. As previously stated; the dive in question was the third dive of the night and the air bottle had been used for some of the previous dives. Also there was no way that the veteran's airline could have been changed to another air bottle while he was submerged.)

In these circumstances the Board determined that the incident did not constitute an event which involved threat of death and therefore did not qualify as a severe stressor. End of Paragraph 24.

(How could they get it so wrong?)

Paragraph 25: Accordingly the Board could not find that a reasonable hypothesis of connection was raised between the veteran's post traumatic stress disorder and operational service. We were therefore satisfied beyond reasonable doubt that there was no sufficient ground for determining that this condition was war-caused, in these circumstances, the Board is required to affirm the decision under review. End of quote.

Given the evidence it's difficult to understand how the Board arrived at this flawed outcome.

## **Comments on Board's Determination**

The statement 'experiencing a sever stressor' means the person experienced, witnessed, or was confronted with an event or events that involved actual or threat of death or serious injury, or a threat to the person's physical integrity. This certainly applied in Harry's case where he panicked when trapped under the ship and he experienced the threat of death by drowning.

Luckily his diving partner 'Blue' Duke turned up some 8 to 12 minutes later and saved him that night and although his navy training also helped it didn't save him from experiencing the traumatic event that engulfed him when he was trapped, threatened with death by drowning when he panicked under the most terrifying diving situation and conditions that he had ever experienced.

The Board has also disregarded the fact that the veteran was 'trapped'.

In yet another apparent effort to downplay the true situation the Board has repeatedly used the phrase 'perceived threat' when referring to the operational circumstances surrounding HMAS *Melbourne* at the time of the dives concerned. Instead of acknowledging that there were 'full threat conditions' at the time.

For a better understanding of the situation please refer to Department of Defence, Naval Historical Directorate letter dated 7 November, 2000, at Folio 17: which states in the final paragraph: 'The assumption of an Awkward State and diving operations would normally be entered into the ships log'.

Comment: It was! (is). (see ship's log entries at Folio 38, this is also recorded at Folio 118.)

Also see statements by Lieutenant Commander David Lees, (Fleet Diving Officer in 1965), who stated in his letter at Folio 35, paragraph 3: 'Diving operations were conducted under full threat conditions.....'

And; statement by Commander Raymond John Elley RAN (Rtd), ex-Director of Mine Warfare and Diving, who stated in his Statutory Declaration of 10

November 2000 at Folio 31; ‘The threat was real and it was believed at the time we could well have been under attack.....’;

And; statement contained in the Historical Research Report dated 4 May 2001, commissioned by DVA and carried out by Writeway Research Services where Commander Peter Cooke-Russell (1965 Port Watch Diving Officer) stated at Folio 151: .... ‘The threat was real and the divers entered the water with an expectation that the ship had been attacked by underwater saboteurs’.

And; also at Folio 161. paragraph 1: Commander Cooke-Russell stated, ‘When I reached the gangway I was told that a couple of lights had been seen moving underwater and they thought the ship had been attacked by underwater saboteurs. I was to search the bottom of the ship for foreign objects, ie., bombs’.

And; statement by Albert ‘Blue’ Duke in his Statutory Declaration dated 2 January 2001 at Folio 124: ‘The Port Watch Diving Team was directed to carry out a search of the HMAS *Melbourne*’s underwater section for mines that may have been attached to the hull’.

And; statements set out in the veteran’s own account *Onus Of Proof* and in his Statutory Declarations.

From the above evidence there can be little doubt that diving operations, on the night in question, were carried out under ‘full threat conditions’ and not under a ‘perceived threat’ as stated by the Board.

Another difficulty in the appeals process is where ‘they’ (DVA, VRB & AAT) change the folio numbers in the documentation from appeal to appeal thereby confounding cross-referencing of material. End of comments.

Following notification of the negative outcome from the VRB hearing on 18 February, 2002, Harry’s advocate, Noel Payne, advised he should appeal the decision to the AAT, Administrative Appeals Tribunal, and recommended a firm of Solicitors on the Gold Coast.

Harry immediately agreed to this course of action and requested Noel arrange a referral. This was arranged the same day by letter to the recommended Solicitor, Ms Catherine Haney of Streeting Haney Lawyers and included a short brief of the case.

Harry received copies of the above correspondence from Noel together with a Form 1, Administrative Appeals Tribunal, Application For Review Of Decision to be lodged with the AAT with the suggestion he contact the Solicitor.

This he did by phone the following day. Ms Haney said she had forwarded him an information package.

On Wednesday 20 February, 2002, he received the package containing a profile of the firm together with a Legal Aid application for his signature, whereupon he completed these and sent them back by return mail together with a brief summary of his case.

## Short Break

**O**n Friday 22 February 2002 Harry and his wife Fay took off for Canberra to visit Fay's sister who had suffered a stroke some 5 years earlier and had recently been placed in a nursing home. They arrived two days later. While in Canberra Harry took the opportunity to contact Commander Peter Cooke-Russell RAN (Rtd) and set up a meeting. They met at the Canberra Yacht Club on Monday 25 February 2002.

Harry was early for the meeting and when Peter had not arrived by 2.05 pm Harry moved to go outside the club to see if Peter was waiting for him at the entrance. He only got as far as the bar when in walked a clean shaven, grey haired gentleman of senior years. Harry looked into the man's eyes and could see it was Peter. He said "Peter" and the man replied "Harry" and they both laughed and shook hands. They had not seen each other since May 1965, almost 37 years ago, and it's an understatement to say both had changed considerably.

Collecting a couple of beers from the bar they adjourned to a table overlooking the club's moorings on Lake Burley Griffin where they spent the next two hours catching up on the intervening years. Harry showed Peter an updated copy of his book *Onus Of Proof*. When Peter saw a photograph of Harry in the book taken in 1965 he recognised him immediately.

Peter said he believed that a copy of the finished book should be sent to the Australian War Memorial as HMAS *Melbourne* and other ships mentioned in the book involved in the Indonesian Confrontation and later the Vietnam War were on operational service and people needed to recognise this fact. Harry said he would include them on the list of people and places to receive a copy.

They parted company in the carpark of the club with a hand shake and a promise to keep in touch.

Although Harry had spoken to many of HMAS *Melbourne's* 1965 dive team members on the telephone over the past couple of years Peter was the first he had met in person in more than 30 years and he felt somewhat elated and marvelled at the fact that no matter how long it is since servicemen or ex servicemen had last seen each other they still managed to somehow pickup from where they had left off.

It was a great feeling and gave Harry a much needed lift in energy to continue his fight for justice and recognition.

The following day Harry telephoned Brett Mitchell at Naval Historical Services. Brett advised Harry they had researched HMAS *Melbourne's* 1966 deployment and would be advising Navy Medals that HMAS *Melbourne* and a number of other ships would be credited with an extra seven days towards the PNG Clasp for the Australian Service Medal (ASM) as a result of *Operation Swordhilt* that took place in PNG waters in 1966.

Brett also advised he was checking with the Defence Pay and Accounting Centre in *Melbourne* in regard to Harry being attached to HMAS *Stalwart* in 1975 during the PNG Independence celebrations as he reasoned that if Harry was attached to *Stalwart* he would have received a sea going allowance.

*Comment: There has to be something wrong with the system when veterans have to fight so hard to receive their due credit for past service. Don't the powers that be realise that this process diminishes and spoils the outcome for the veterans and their families?*

Following the three days in Canberra Harry and Fay returned to Bundaberg on Friday 01 March, 2002.



## Appeal to the AAT

**O**n 5 March, 2002, Harry received another package from the solicitor containing his AAT file with copies of letters from the solicitor to the AAT seeking receipt of the appeal application, a letter from the AAT to the DVA instructing them to supply material to the tribunal, and a letter from the DVA to the solicitor containing his AAT file, reference number of appeal, and name of the person, Malcolm Smith, (Q5), who would be representing the Repatriation Commission.

The covering letter with the package sought Harry's comments on the contents which he supplied by letter on 06 March, 2002. His confidence in proceedings were somewhat reinforced by the speed of actions taken by the solicitor and he found it reassuring.

However in going over his file as requested, re-reading and re-hashing its contents, once again, brought into sharp focus all the circumstances surrounding his entrapment under *Melbourne* in 1965 and the nightmares that have continued to haunt him in recent years bringing on yet another bout of depression.

During this period he was thankful he had access to a caring support team and prescribed medication to help him sleep, without which he doubted that he would have survived.

*Comment: People you meet in every day life often say how well you look. Little do they know of the torment within. Because you look well it's a major obstacle to convince others what is happening to you.*

On Wednesday 06 March, 2002 Harry contacted David Brightwell at Navy Medals who advised that Naval Historical Services had confirmed the extra 7 days towards the PNG Clasp for *Operation Swordhilt* in 1966. He also advised that Harry now had 29 days and needed 30. However once confirmation is

received from the Defence Pay and Accounting Centre of his service on *Stalwart* in 1975 it would be enough for him to qualify for both the PNG Clasp for the ASM and the PNG Independence Medal.

On Friday afternoon, 15 March 2002, Harry arrived an hour early for his appointment with his solicitor. He was shown a chair in the waiting room and given a cup of coffee and the local newspaper to fill in time.

A short while later he was greeted by his legal representative who introduced herself and showed him into a meeting room where she explained the procedure involved in appealing to the AAT. What he heard was different to what he had imagined. He thought to win his case he had to prove the VRB determination wrong and had brought documents along to the meeting with that intention.

The solicitor explained she was not interested in what the VRB had decided in their determination, it didn't matter. His appeal to the AAT was a brand new start at winning his case and her job did not include proving the VRB wrong. He made a mental note of this point to pass it on to others so they too would know.

Having established the ground rules the solicitor explained it would take time to prepare for the first phone conference with the AAT, of which two were compulsory, although there could be more than two. She further explained that in most cases the appeals were resolved by phone conferences with only about 2% going to full hearing.

She went on to say the appeal to the AAT could take up to 12 months and that he should not worry about what was happening and try to get on with his life while the process took place.

It was a short meeting lasting about half an hour. The end of which Harry thanked Cathy for her time and handed over some of the documents he had brought along. He felt quite confident he was in good hands and would do his level best to follow her instructions and try to get on with his life as best he could.

The following Monday morning, 18 March 2002, Harry phone Noel Payne and thanked him for the referral to the solicitor. He told him what she had said

regarding not proving the VRB wrong. When Noel agreed with this Harry said he had not been told and perhaps other people involved in making appeals to the AAT should be better informed of the actual appeal processes. Noel agreed and took the point.

Because of the time factor involved in the appeal process Harry's main task in the period ahead was to remain positive and with the help of his support team get through the ongoing ordeal of his PTSD.

On Tuesday 19 March 2002, Harry received a letter from his solicitor advising that the first telephone conference with the AAT was scheduled for 2.45 pm on Tuesday 30 April 2002. The letter contained a copy of the AAT advice notice, dated 14 March 2002.

The solicitor advised in part;

Please note at the telephone conference all parties discuss the main issues in contention and further evidence required. You are not required to attend the telephone conference. We are currently reviewing your files and will advise of further evidence to be obtained shortly.

It was the beginning of a long process but at least things had started to happen.

On Wednesday 3 April 2002 Harry received two phone calls; the first from Brett Mitchell, Naval Historical Services, who advised he had confirmed Harry's service on HMAS *Stalwart* in September 1975 from information contained in his pay records accessed through Navy Pay and Accounting which show that Harry was paid \$16.00 HLA (seagoing allowance) from 08/09/1975 to 23/09/1975. These dates exactly match the list of officers on the detached flight.

Brett also confirmed that HMAS *Melbourne* was in PNG waters for a period of seven days during *Operation Swordhilt* between 16/10/1966 and 23/10/1966. He further advised there were a number of other ships involved in the operation and his department would investigate the matter and advise Navy Medals accordingly.

The second phone call was from Klaudia Razov, Navy Medals Section, who advised that Naval Historical Services had verified his PNG service in 1966 on HMAS *Melbourne* and HMAS *Stalwart* in 1975. As a result Harry would be awarded the PNG Clasp for his Australian Service Medal and also that he was eligible for the Papua New Guinea Independence Medal issued by the PNG Government.

On Wednesday 10 April 2002 Harry received a letter dated 3 April 2002 from Naval Historical Services confirming all of the above information including a copy of his pay records. David Brightwell of Navy Medals advised by phone later the same day that his application for the PNG Clasp had been approved and included in the current schedule for signing by the Governor General. David further advised that Harry would receive a letter confirming his service on HMAS *Stalwart* in September 1975 and of his eligibility for the 1975 PNG Independence Medal.

On Friday 12 April 2002 a package arrived in the mail for Harry from Mouse O'Halloran, Secretary of the Northern Branch of the Clearance Divers Association, containing his Life Members badge of the Association. It brought tears to his eyes as he pondered why the association could accept him so readily for what he had done but the Navy could not, a fact that left him shaking his head in disbelief.

On Tuesday 16 April 2002 Harry received a phone call from Anne Treverrow, Navy Records Section Canberra, in regard to the errors in his service records. Anne advised he would shortly receive a letter setting out what they could and could not do about correcting these errors in their system.

Then on Wednesday 17 April 2002 he received a letter from David Brightwell, Navy Medals, dated 12 April 2002, confirming his service on HMAS *Stalwart* in 1975 and his eligibility to be awarded the 1975 PNG Independence Medal. Harry immediately phoned Colonel Philip Playah, Defence Adviser at the PNG High Commission in Canberra, the person he had originally contacted back in August 2001.

Philip told Harry to send him copies of all correspondence concerning the matter including his initial application and he would see if he could get it sorted out. Harry sent the material the following day.

Then on Monday 22 April 2002, a letter arrived from Brett Mitchell of the Naval Historical Directorate containing a copy of the following Navy Headquarters Minute:

## **NAVY HEADQUARTERS MINUTE**

2002/439

NHD 56 /2002

Staff Officer Navy Medals

For Information:

Staff Officer Navy Records

HAROLD RICHARD HARKNESS-R53187-APPLICATION FOR ASM (1945-75) WITH CLASP 'PNG'

### **References:**

A. Telcon D. Brightwell (Navy Medals Section) /B. Mitchell (Naval Historical Directorate) on 11 February 2002.

B. HMAS *Albatross*-Report of Proceedings - Quarter ended 30 September 1975

C. HMAS *Stalwart* - Report of Proceedings - September 1975

D. Pay History Cards - Harold Richard Harkness R53187 (copy attached)

1. Reference A requested assistance to corroborate Mr Harkness' claim to the Australian Service Medal (1945-75) with Clasp 'PNG'. Your initial

assessment calculated that he had completed 22 days qualifying service. Mr Harkness has claimed additional days by virtue of service in HMAS *Melbourne* in October 1966 and HMAS *Stalwart* in September 1975.

### **HMAS *Melbourne* - Exercise SWORDHILT**

2. HMAS *Melbourne* sailed from Sydney on 10 October 1966 for Exercise SWORDHILT and returned on 28 October 1966. Exercise SWORDHILT was a multinational exercise, involving some 27 fleet units, and took place in the Solomon Sea, the Louisiade Archipelago and off the coast of Queensland.

3. HMAS *Melbourne* arrived off the Jomard Entrance in the Louisiade Archipelago at 1700 on 14 October 1966 and passed through to the Solomon Sea and across to the southern extremity of New Ireland. HMAS *Melbourne* exited to Jomard Entrance on the return passage on 20 October 1966.

4. It is recommended that the service of HMAS *Melbourne* between 14 and 20 October 1966 (seven days) be recognised as qualifying service for the award of the Australian Service Medal 1945-75 with Clasp 'PNG'.

5. As a number of HMA Ships participated in Exercise SWORDHILT, their qualifying service will need to be re-assessed and updated. This office will re-examine their movements and if necessary, their Reports of Proceedings, and forward advice in due course.

### **HMAS *Stalwart* - Papua New Guinea Independence**

6. Mr Harkness claims that he was embarked in HMAS *Stalwart* for her voyage to Port Moresby for the Papua New Guinea Independence Celebrations. To date official records have been unable to identify his presence on board HMAS *Stalwart* at that time. His service record shows that he was posted to HS 817 Squadron.

7. HMAS *Stalwart* sailed from Sydney on 9 September 1975 and arrived at Port Moresby on 14 September. Papua New Guinea was granted Independence on 16 September, this also being the end date for the

Australian Service Medal (1945-75) with Clasp 'PNG'. HMAS *Stalwart* departed Port Moresby on 18 September and returned to Sydney on 23 September.

8. Reference B states that two Wessex 31B helicopters of HS 817 Squadron were detached to HMAS *Stalwart* on 21 August 1975 in preparation for her programmed deployment to Papua New Guinea for the Independence Celebrations.

9. Reference C lists the names of five officers who embarked in HMAS *Stalwart* for the period of 8 to 23 September 1975. They were:

- |                                     |                             |                        |
|-------------------------------------|-----------------------------|------------------------|
| a. Lieutenant M.D. Buckett RAN      | HS 817 Squadron             | Senior Pilot           |
| b. A/Sub Lieutenant M.J. Wright RAN | HS 817 Squadron             | Observer               |
| c. Lieutenant G.R. Roach RAN        | HS 817 Squadron<br>Engineer | Aeronautical           |
| d. Lieutenant J.W. Daley RAN        | HMAS <i>Albatross</i>       | Air Traffic<br>Control |
| e. Sub Lieutenant P. Knowles RAN    | HS 817 Squadron             | Pilot                  |

10. Mr Harkness' Pay History Cards (Reference D) record that he was paid \$16.00 Hard Lying Money (HLM) for the period of 8 to 23 September 1975, a period which coincides with the embarkation dates of the aforementioned officers.

11. Following inquiries with the Directorate of Naval Officers Postings (DNOP), it was discovered that the posting and movement records for the aforementioned officers gave no indication that they had been on detached duty with HMAS *Stalwart*. For all intents and purposes their records show that they were at HS 817 Squadron and in the case of Lieutenant Daley, HMAS *Albatross*.

12. That no formal posting action appears on the records of these officers, it is therefore reasonable to assume that no such action was taken for Mr

Harkness or any other squadron maintenance personnel who may have embarked. This aspect and that of the exact alignment of the period of payment of HLM to Mr Harkness with the embarkation dates of squadron officers supports Mr Harkness' contention that he served in HMAS *Stalwart* in September 1975.

13. It should also be noted that in 1975, HMA Ships *Melbourne* and *Stalwart* were the only RAN fleet units capable of embarking Wessex helicopters. HMAS *Melbourne* was in refit from April 1975 to June 1976.

### Summary

14. In summary, it is recommended that Mr Harkness be credited with the following additional service in respect of the award of the Australian Service Medal (1945-75) with Clasp 'PNG':

- a. HMAS *Melbourne* 14-20 October 1966 (7 days); and
- b. HMAS *Stalwart* 14-16 September 1975 (3 days).

(Signed) Brett Mitchell

for Senior Naval Historical Officer

Naval History Directorate

Sea Power Centre

CP4-1-12

Campbell Park Offices, CANBERRA ACT 2600

Tel: (02) 6266 3044

16 April 02.

Later on the same day, Monday 22 April 2002, Harry phoned his solicitor Cathy Haney to enquire about the progress of his case in readiness for the first compulsory AAT conference on 30 April 2002, but she was on another call. He left



a message and Cathy phoned back a short time later and explained she was still waiting on a letter back from 'Blue'. She said the AAT phone conferences were held every two months and expected his case could still be going at Christmas, as she only got the difficult cases. She advised him to hang in there and try to remain positive and get on with his life as best he could.

This he did by attending the ANZAC Day parade in Bundaberg where along with a friend, Wayne McNee, he was detailed to carry the Navy banner. The parade was well attended and the weather kind to the assembled crowd. Everything went well until the *Last Post*. Harry managed to last the distance back to the marshalling area where his wife was waiting but that was it, the tears just poured out while his whole body just shook with emotion. A short time later they got into the car and drove the 5 km home in silence.

The outing left him so depressed it took three days for him to get a firm grip on things again.

Tuesday 30 April, the date of the first AAT compulsory conference, came and went. He resisted the urge to contact his solicitor, deciding to wait for her to contact him by letter about the outcome.

On Thursday 9 May 2002, he received the expected letter dated 8 May 2002, containing a summary of the first AAT telephone conference where Cathy advised the Tribunal she was still awaiting a further witness statement from Albert Duke ('Blue') and requested the Respondent to advise their current stance to the application in writing.

Also enclosed was a copy of correspondence received from the Respondent dated 3 May 2002, advising they are to obtain a further psychiatric report in his application, the solicitor also advised that during the telephone conference she had referred the Tribunal to the medical report of Dr Jenkins obtained by the Department of Veterans' Affairs and received by them on 13 February 2001.

The solicitor also advised that under the relevant legislation the Respondent had the right to request a further medical report be obtained.

In closing she requested Harry peruse the enclosed correspondence and then contact her to discuss his application before the Tribunal.

After inwardly digesting the contents of her letter and that of the letter dated 3 May 2002 from Mr M. Smith, External Review Officer, on behalf of the Respondent. (See contents below).

Mr Smith's letter:

Dear Ms Haney,

Following the telephone conference of 30 April, I have been asked to state the respondent's position on the above case.

The applicant's statements already in the 'T' documents concerning the incident, and the investigations thereof, are very detailed, and no further elaboration is required.

However, the objections raised by the VRB on page 210, paragraph 24 are cogent. I would like to see them tested with a fresh psychiatric examination. It may be that the diagnosis will stand. It is also possible that another diagnosis is available - not necessarily unrelated to service. The examination will need to be undertaken in Brisbane, and the department will pay his travelling and accommodation expenses.

It might be added that his many references to a claim for 'cardiac anxiety' being rejected in 1977, is not completely accurate. This claim was, in fact, for 'high blood pressure', and hypertension was rejected in 1978.

Is your client seeking pension at the General Rate or above the General Rate? If the latter, further evidence will be required-at least a work statement.....

Signed .....M. Smith. External Review Officer.

Harry telephoned his solicitor and discussed the contents of both letters. He pointed out there were a number of issues in the correspondence to which he felt he should respond. His solicitor agreed, so he responded in the following letter, dated 10 May 2002,;

Hi Cathy,

Many thanks for your letter of the 8 May 2002. Having perused the correspondence I make the following observations and comments. I know you like them to be short but it's not always possible for me to do.

1. With reference to Mr Smith's statement in letter of 3 May 2002, reference SM16215, quote: 'It might be added that his many references to a claim for 'cardiac anxiety' being rejected in 1977, is not completely accurate. The claim was, in fact, for "high blood pressure", and hypertension was rejected in 1978'.

I should thank Mr Smith for allowing me the opportunity to spell out the obvious connection yet again.

While Mr Smith's statement is basically correct, it does however overlook and disregard the facts raised in the Western Australian Department of Repatriation's determination and rejection of that claim, see reference MS 697, dated 9 March 1978 on page 2 which states:

'On 27 January 1970 the member complained of lower anterior chest pain, but no abnormality was detected. On 17 January 1972 he was found to have 'cardiac anxiety', however on examination his cardiac size was normal and blood pressure was recorded as 110/60. It was suggested he lose weight.'

My medical records show a history of intermittent chest pain commencing in late 1968 which resulted in a series of ECGs, tests and x-rays until 1973, but nothing was ever found. (See copies attached)

As a result of the 1972 diagnosis, I was eventually treated with Valium for cardiac anxiety.

At the time of my claim in 1977, which I lodged without the assistance of an advocate, I believed that my cardiac anxiety was connected with the high blood pressure and hypertension later developed.

However as shown in the VRB Determination of 12 February 2001, the onset of my hypertension did not occur until 1975, for that reason the intermittent chest pains and cardiac anxiety condition I had between 1968 and 1973 could not have been caused by the hypertension. (See decision below)

BOARD'S DETERMINATION (VRB Decision: 12 February 2001, reference Q00-1657).

Page 6: Paragraph 18. 'The Board first considered the matter of diagnosis of the veteran's hypertension. The veteran's medical records do indicate an elevated blood pressure reading in June 1973 but it is not until 1977 that a diagnosis of hypertension is made by Dr Moss, physician. Also in 1977, at folio 11, Dr Hughes, Department Medical Officer, provides a diagnosis of hypertension and indicates the onset was three years ago. Having regard to this medical opinion the Board was reasonably satisfied that the veteran does have hypertension and the date of onset is 1975.'

The Board went on to concede that my hypertension was in fact caused by a high salt intake.

The statements referred to by Mr Smith and which I make at paragraph four (4), on page one (1) of the book *Onus of Proof*, 'For had the Department of Repatriation in Western Australia been more accommodating in 1978. It's a struggle he (I) might not have had to endure at all.'

My statement here refers to the fact, that while the Western Australian Department of Repatriation identified, and acknowledged my 'cardiac anxiety' condition in their determination in 1978, it was apparently dismissed as being of no consequence, at the time.

The point I am making here and also at other places in the book, is that, had the matter been properly investigated in the early 1970s, or again in 1978 during that claim period, instead of being disregarded, perhaps an earlier connection would have been drawn between my cardiac anxiety and the PTSD eventually diagnosed by Dr Jenkins in December 2000.

So the question is, what was the origin of my cardiac anxiety?

With hindsight, supported by medical opinion, the contention is that my cardiac anxiety was in fact the early warning signs of the existence of PTSD resulting from my entrapment under HMAS *Melbourne* on the night of 27 April 1965.

In many ways it was unfortunate that I was treated with Valium in the early 1970s for my cardiac anxiety, which, at the time, masked and suppressed the true cause

of my condition and resulted in no further investigations being carried out until 2000, by which time my health had deteriorated greatly.

A point clearly made by Dr Jenkins at paragraphs six and seven on page two in his second report to the VRB, dated 22 November 2001, where he states,

However from that time on he began to develop increasing anxiety symptoms and these were exacerbated by other events, which occurred to him during his time in the Navy, but they were not causative.

I also note that his anxiety had been reported during his naval service but that no interventions had been offered that he was aware of.

One wonders how different my life could have been had my PTSD been diagnosed in 1978 or earlier.

2. Question. In your letter of 8 May 2002, Cathy, you state, 'At the telephone conference we referred the Tribunal to the medical report of Dr Jenkins obtained by the Department of Veterans' Affairs and received by them on 13 February 2001'.

My question is, why wasn't Dr Jenkins's second report, dated 22 November 2001, as requested by the VRB on 5 September 2001, under Section 152, also referred to the Tribunal?

3. I take serious issue with Mr Smith's statement, 'However, the objections raised by the VRB on page 210, paragraph 24 are cogent'.

Paragraph 24 is flawed and misleading. Please see corrections in italics below:

Paragraph 24: *However the Board notes the veteran was an experienced diver who had completed approximately 100 dives many of which were under HMAS Melbourne. The diving operation was supervised and safety procedures were in force.*

*The state of the current was known to the team from earlier dives and preparation for the area of bottom search was carried out without incident.*

(This statement is terribly flawed. Preparations for the area of the bottom search were actually carried out some seven to nine hours earlier, between 1335 hours and 1515 hours, on the previous afternoon under vastly different circumstances and conditions. To begin with preparations were carried out in daylight hours. There

was little tidal current running at the time and the ship was not under immediate threat at OPERATION AWKWARD STATE 2 as it was later that night. Please see Ship's Log at Folio 38 and statement at Folio 118, page 11 in *Onus Of Proof*.

When the emergency arose, the veteran was able to draw on his skill to assess the situation and take action. The safety procedures appear to have operated properly.

(How can this statement be taken seriously and accepted when communication was not possible between the attendant in the boat and myself, [the trapped diver], because of the strong current running.)

(At this point there is a total lack of appreciation by the Board that I was trapped in the most terrifying circumstances imaginable, that I panicked when trying to coil up the slack airline in an effort to signal the surface for help, and that I believed I was going to drown. It is the memory of these events that continues to haunt me and which are directly responsible for my PTSD.)

The Board understands that the veteran might have believed he would exhaust his air supply. However the air supply was not exhausted and would not have been given the responsibility of the attendants in the boat to monitor progress.

(This statement once again conveys a flawed understanding of the circumstances at the time. As previously stated; the dive in question was the third dive of the night and the air bottle had been used for some of the previous dives. Also there was no way that my airline could have been changed to another air bottle while I was submerged).

In these circumstances the Board determined that the incident did not constitute an event which involved threat of death and therefore did not qualify as a severe stressor. End of Paragraph 24.

Comment: *(How could they get it so wrong)?*

There are also a number of other flaws in the Boards Determination but I guess they can wait until later.

If you should require further explanations please advise and I will respond.

4. It would appear from his letter that Mr Smith would like to know what I want out of the claim:

It's simple!

- i) Everything I have stated and experienced is true, therefore I would like to be believed, and;
- ii) I need some closure on this matter so I can get on with coping with my disability, and;
- iii) I want to be compensated for the impact it's had my life.

Finally, I understand from our telephone conversation that the DVA will arrange the doctors appointment and advise me directly of the time and place.

Once again Cathy, many thanks for representing me, it really is greatly appreciated.

I trust the enclosed information puts a little more light on the subject.

Yours sincerely,

Signed.....

Harry Harkness

10 May, 2002.

On Thursday 16 May 2002, Harry received a telephone call from his solicitor requesting permission to forward his letter of response to the Administrative Appeals Tribunal and also to Mr Smith representing the Repatriation Commission. After a short discussion he agreed with the solicitor's request.

## **Administrative Appeals Tribunal Outcome**

**O**n Tuesday morning, 21 May 2002, Harry received a telephone call from his solicitor, Cathy Haney, advising his case had been won at the AAT, with effect to 14 August, 2000, and that the matter was remitted to the Commission for assessment.

Having been told, and accepting, that it would be Christmas before he would get a result, this sudden and unexpected news brought tears to his eyes which cascaded in a stream down his cheeks into his lap. He thanked her profusely for the unexpected outcome and expressed his gratitude for her representation.

She said it was personally rewarding to help veterans achieve deserved outcomes in their appeals before the AAT, adding it was unfortunate that so many cases were not accepted earlier in the DVA process. He thanked her again and hung up and sat quietly for a time in his chair to let it sink in, then telephoned his advocate and told him the news.

Noel said he always thought the case would get up and did not know why the Veteran's Review Board had rejected the previous appeal. But added it was an unusual case and not the type they dealt with normally.

He said the Commission in processing the matter further would send him to his doctor who would carry out a structured interview to assess his disability. DVA would evaluate the assessment in conjunction with any prior disabilities before settling on an amount of total disability.

Then, as is likely, if the percentage of disability was equal to, or more than 70% and meets the criteria under Section 24 of the VEA, (Veterans Entitlement Act)



the DVA must assess him for Special Rate (TPI). He said this process would probably take another three or four weeks.

Harry then contacted his therapist by phone, and interrupting a session, briefly told her the news.

Sharon listened and, with a few words of encouragement, said she would phone back later. When she did he went into more detail about what had taken place since last seeing her and expanded on the good news from Cathy a few hours earlier.

Sharon asked him what he was feeling. He said it was totally different to what he had expected. It was nothing like winning a football match. He was happy the decision had come down in his favour, but the news also produced a deflated, empty feeling, as though the starch had suddenly gone out of him.



HMAS MELBOURNE: Sea Venoms and Gannets share the deck.

In reality nothing had changed, he still had the disability with which to contend. Yet on the positive side he realised the Tribunal Decision was an acknowledgment and vindication that all he had stated and claimed was true. This was a great achievement, because to be believed was the major requirement identified in discussions with her and also in his letter to Cathy Haney, on 10 May 2002.

His next requirement noted in that letter was to get some closure on the matter so he could get on with coping with his disability; and then finally, to be compensated for the impact it had on his life.

With those requirements being met, it left him the task of coping and getting on with his life. At this point Sharon told him to contact her receptionist and make an appointment so they could discuss the matter.

The following day, Wednesday 22 May 2002, he received confirmation of the AAT Decision in a letter from his solicitor dated 21 May 2002, it contained the following copy of the AAT Terms Of Settlement:

# **ADMINISTRATIVE APPEALS TRIBUNAL Q02/177**

## **VETERANS' APPEAL DIVISION**

Harold HARKNESS                      APPLICANT

AND

Repatriation Commission      RESPONDENT

### **TERMS OF SETTLEMENT**

request for a Decision in Accordance with Section 42C  
of the *Administrative Appeals Tribunal Act 1975*

The Parties have agreed on the terms of a Decision acceptable to them and hereby request the Tribunal to make that Decision, the terms of which are:

The decision of the Delegate of the Repatriation Commission dated 22 May 2001 is set aside;

AND

post traumatic stress disorder is determined to be war-caused with effect from 14 August 2000.

AND

the case is remitted to the Commission for assessment.

Dated this 21 day of May 2002

(Signed.....) Streeting Haney Lawyers  
For and on behalf of the  
APPLICANT

(Signed.....) M. Smith  
For and on behalf of the  
RESPONDENT

*Serving the men and women who  
served in defence of the nation*

Yes, it was exactly 12 months to the day since the delegate had rejected his claim, lodged on 14 November 2000; and yes, it was 30 years since he was diagnosed with cardiac anxiety, in 1972; and yes it was more than 37 years since his entrapment under HMAS *Melbourne* on the night of 27 April 1965.

Some would say, justice was finally done. Others would say, justice was long denied.

Attending an appointment with Dr Jenkins on Thursday 23 May 2002, Harry related the good news and gave him a copy of the Tribunal's Terms of Settlement. Dr Jenkins congratulated him on the outcome and said it was a deserved result. He added that Harry was the fourth veteran, that he had looked after, to go before the AAT in the past month and Harry was the only one to win his case.

Dr Jenkins asked him how he felt about winning his case. Harry's response was the same he gave to Sharon, 'win, lose or draw, he still had to contend with his condition', nothing had changed.

Dr Jenkins thought for a moment, then said, 'come and see me in 12 months and tell me how you feel'.

He said the claim period Harry had just gone through was a terrible ordeal and it was perfectly natural he would fall in a heap at the end of it. However, now that it was over the healing process could begin.

He explained, Harry was now in a transition phase and should do whatever he felt comfortable to do and the most important thing, right now, was to put himself first and to get through the difficult period ahead.

Dr Jenkins said the Tribunal's Decision was an endorsement of his story and a major step forward in his healing process. He also agreed Harry should keep seeing Sharon during the difficult period ahead.

## Aftermath of AAT Decision

In the days that followed Harry generally retreated from the world as though he had fallen into a black hole. It was more like he had lost his case at the AAT instead of winning. Somehow in winning he had suddenly lost his structured routine of fighting against the system and found it difficult to focus on anything in particular.

The bad dreams continued, he lost sleep, took more medication, became more depressed and slept much of the day away. In fact when checking his letter box on Monday afternoon a neighbour living opposite saw him and remarked that he thought Harry and Fay had been away. The remark jolted him and on Tuesday 28 May 2002, he made an appointment to see his therapist.

At the consultation with Sharon on Friday 31 May 2002, he told her that since receiving the news about winning his case at the AAT he had become very depressed and had an empty, lost feeling that refused to go away. They discussed the reasons for this which he found were similar to Dr Jenkins's evaluation on the subject and delivered roughly the same answer, 'that things would gradually get better'.

His sessions with Sharon always seemed to end on a good note and this day was no exception. Having discussed a range of matters and touching on possible strategies for handling his present situation a full hour had gone by. He felt somewhat better for the session and thanked her for making the time to see him at short notice, to which she smiled and said 'no problem'. He made another appointment before leaving.

On the way home he collected the mail which contained another letter from his solicitor stating the matter was now completed. Enclosed was a letter addressed to him, via his solicitor, from the Deputy Registrar of the Administrative Appeals

Tribunal, containing a copy of the AAT decision signed by the Presiding Member of the Tribunal, Mr D.W. Muller, dated 24 May 2002, in Brisbane and stamped with the Seal of the Administrative Appeals Tribunal. A thought flashed through his mind that he might get it framed?

The receipt of this official looking document gave him an instant lift, there and then. Although he was still more than a little apprehensive about his present situation and what the immediate future held for him, he was never the less buoyed on receiving the document.

Arriving home Fay asked how things had gone with Sharon. He related the key points of the session and showed her the contents of the mail, then went and laid down on his bed where he began thinking how quickly it had all been resolved in the end.

In tracing the progress of his claim with DVA, lodged on 14 November 2000, we see that his claim was initially rejected by the Delegate on 22 May 2001. Then it failed to be actioned under Section 31.

This was followed by the long drawn out VRB appeals process, during which the Board adjourned the hearing for five months to obtain a second report from the doctor, the contents of which the VRB apparently dismissed at the resumed hearing and rejected his appeal, leaving him to appeal to the AAT.

Which he did, and who swiftly dealt with his case in a matter of weeks, setting aside the DVA Delegate's Decision, determining his PTSD to be war-caused, back dating his claim with effect from 14 August 2000, and remitted the case to the Repatriation Commission for assessment.

In looking at why the process above took so long he pondered the following questions:

1. Why was the DVA administration unable to arrive at the same speedy conclusion as the AAT?
2. Do the DVA administration and the AAT have the same degree of expertise?

3. If so, was the long delay caused by DVA policy?

4. If not, at question 2, why not?

These are basic questions that really need to be answered by the DVA and Repatriation Commission.

His mind then turned to another topic that had been nagging him since his Canberra get together with Peter Cooke-Russell on 25 February 2002, where Peter asked him what he thought had triggered his PTSD. At the time Harry said, 'it just happened'.

In the weeks following the meeting he began to think it probably had something to do with the 50th Anniversary of the Fleet Air Arm, he attended, at the Naval Air base in Nowra, NSW, between 28 October and 3 November 1998, and all the hype surrounding the 12 months build up to that reunion, in which time he was contacted by a number of ex-service friends about attending. But he could not be sure

Then more recently, when researching through records to answer the statements made by Mr Smith, at the AAT, he stumbled onto a file he had completely forgotten about. It showed that in July 1997, he received a letter from a Mr Bob White of AGB McNair, dated 8 July 1997, inviting him to contribute to the 1997 Vietnam Veterans' Health Study.

The letter advised they were contacting everyone listed on the Nominal Roll of Vietnam Veterans.

In sifting through the file and reading its contents again, he could see, (no doubt well intentioned at the time), the approach taken in the correspondence was somewhat intrusive, pressing, and most insistent.

The file also contained a letter from the National Office, Department of Veterans' Affairs, Woden, Canberra, dated 14 July 1997, outlining the purpose of the same study and another undated letter/flyer signed by Major General Paul Stevens, Services Member, Repatriation Commission:

Repatriation Commission.

Dear Veteran,

Thank you for participating in the Vietnam Veterans' Health Study, the first results of which were published earlier this year.

These results indicate that some serious health problems exist among Vietnam veterans and their children. Now there is a need to validate a number of the reported conditions by obtaining medical reports or by checking against health registers.

Validation will provide a sound basis on which the Government can decide whether additional measures are required in the repatriation system to help you and your family members. The results will also help document the full extent of veterans' health issues. Your involvement is absolutely essential to the success of this process.

The validation is being undertaken by the Australian Institute of Health and Welfare, which is totally independent of the Repatriation Commission and the Department of Veterans' Affairs. I also ask you to note that the ex-service organisations represented below have agreed the need for validation and understand how vitally important it is.

Your answers will be completely confidential and any personal details which may identify you in any way will not be provided to the Department. Your answers will not in any way affect your pension, benefits or any health services you are entitled to.

I join with the ex-service organisations in urging you to respond promptly.

Your sincerely

Signed..... Paul Stevens

Major General, Services Member, Repatriation Commission.

Endorsed by (and signed by)

Major General Peter Phillips AO MC, National President, RSL of Australia.

Clive Mitchell JP. National President, Vietnam Veterans' Association of Australia.

Rear Admiral Guy Griffiths AO DSO DSC, Chairman, Australian Veterans and Defence Services Council.



The file included a follow up letter from AIHW (Australian Institute of Health and Welfare) dated 14 October 1998 from Dr Paul Magnus and a form headed Vietnam Veterans Validation Study, requesting information, details and authorisation to access relevant medical records.

The completed form was returned on 2 December 1998, and received by AIHW on 10 December 1998.

Suddenly the penny dropped, could this be the connection?

As previously documented, Harry's problems began to surface again about mid 1997, coinciding with the requests he received from the Department of Veterans' Affairs, AGB McNair and AIHW for information pertaining to health matters relating to his past service in the Navy.

Like so many other veterans, with service related problems, Harry had roamed the country aimlessly for a number of years before dropping out of main stream society to live in the back blocks of Australia. Which, in his case, was on the outskirts of Mount Perry, an isolated, one town shire, in country Queensland. He remembers people, at the time in this close knit community questioning, why he settled in Mount Perry.

That he had managed to exist there reasonably successfully, for about 20 years, is, as commented on by his medical support group, quite remarkable. However, it would appear, once his relatively peaceful existence was disturbed by the above mentioned departments seeking information about his past service life, it was then that his problems really began to manifest themselves.

Medical opinion is that it was always going to happen. However, in hindsight, it can be seen that by asking their questions the departments may have initiated a self evaluation and investigation of his past that brought forth all that had been suppressed for so many years, resulting in a slow but unstoppable process, much like letting the 'genie' out of the bottle.

Whether or not the requests for information were a triggering factor, it was from about this point onwards his health deteriorated until it was obvious to all that he needed help. It was then that he contacted DVA.

As he lay there on his bed reflecting on the morning's consultation and where he told Sharon of the deep anger he felt about the DVA process. Commencing with, what is called, the primary process where the DVA administration appear to initially deny, delay and confuse the evidence put forward in the veteran's claim.

This negative approach is degrading and immensely unhelpful for the veteran, and sets the tone for the remainder of the claim period which, in most cases, quickly degenerates into a long and terrible ordeal that is both an unwanted and unwarranted burden that the veteran is forced to bear at a time when they are least able to cope.

The DVA seem not to recognise the additional problems this creates for veterans, nor do they seem to care about what happens to veterans during the claim period. Surely this cannot be a desired outcome of the Veterans' Entitlement Act, enacted by the Commonwealth Government to care for veterans.

While in this reflective mood his mind continued to wander and he began thinking about other events that occurred during his time in the navy, About the close friendships that were formed and what it meant to be part of a well trained team where no one saw themselves as anything special.

As a member of a crew in a ship at sea, everyone had their job to do and everyone's life depended on each individual doing their own job correctly. Simply put, it was team work in its purest form.

He remembered telling Sharon earlier that morning about another job he had in the navy that suddenly flashed into his mind during their 'session'. It was a job that seemed a little over and above the ordinary run of tasks encountered in the day to day running of the ship.

It was connecting the gun plugs on Sea Venom jet aircraft prior to their launch from the deck of the aircraft carrier HMAS *Melbourne*. It was a experience like

few others. The Sea Venom guns were a group of four cannons mounted in the gun bay beneath the cockpit. When loaded with live ammunition, as they were in 1965 during the Indonesian Confrontation, where, for an extended time, there were two aircraft ready for immediate launch, with one fully manned and positioned on the steam catapult at the front of the ship.

For safety sake and to avoid accidents, the gun plugs were left unconnected, and tagged, hanging out of the starboard access hatch behind the cockpit. They were not connected until the last moment before the aircraft was launched. When, at the appointed time, the duty squadron aircraft electrician was directed to connect them by the Flight Deck Officer.

By this time the ship had turned into wind and was steaming at about 20 plus knots to give the aircraft being launched maximum lift. Added to the natural wind speed of the day the combined wind speed gave the impression there was quite a gale blowing. The excessive noise of the aircraft's engine had the ability to disorient a person and the pitching and rolling of the ship added considerably to the difficulties.

The person connecting the plugs approached the aircraft from the starboard side, jumped up onto the starboard wing, and hanging on desperately to the leading edge of the wing, moved gingerly towards the open access panel behind the cockpit, and positioned his feet just above the open jet intakes. Before connecting the plugs, he had to first ensure there was no power at the socket connection points and did this by plugging in a tester he carried in a small, oblong, brown leather case. The test was to ensure the guns would not fire the moment they were connected.

Before carrying out the test and connecting the gun plugs he first had to check that the pilot and observers hands were clear of the control column, in particular the gun firing switch. As standard procedure they would usually put their hands up high where they could be readily seen.

If the test was clear, then standing in an awkward crouched position with his feet on the short wing root stubs, the duty squadron aircraft electrician removed

the safety tags and somehow managed to get his hand around the spring loaded (child proof and sailor proof) plug, draw back the spring loaded locking ferrule and pressing down connect the plug into the socket, then release the spring loaded locking ferrule to lock the gun plug into position.

There were two, Port (coloured red) and Starboard (coloured green) gun plugs so the procedure had to be done twice. In practice it took but moments to do, but in the working environment of the day, it was a long, procedural, exacting, and often dangerous job. When completed he gave the pilot the thumbs up, and once he had retreated to a position of safety, the signal was given by the Flight Deck Officer to the catapult controller and the aircraft was launched.

In 1965, Bob Luxford, John Cole and Harry carried out this often hazardous job and as all would testify it certainly had its scary moments. Being in a war zone at the time also gave it an unmistakable edge because if the plugs were not properly connected the pilot had no guns.

Perhaps as a measure of a perverse sense of humour, and not that they had time to enjoy it, but the view glimpsed while standing on the wing of a Sea Venom, as the ship steamed head long into the wind, with the flight deck pitching and rolling, was outstandingly spectacular, especially when you were ten feet tall and bullet proof (young).

However it cannot be stressed enough that working conditions on the flight deck of a carrier at sea, during flying operations, was an extremely hazardous work place requiring everyone on deck to be alert at all times and to keep their wits about themselves because the unexpected often happened.

## Transition Period

Following his win at the AAT, Harry started to remember a lot more of the emotional trauma he had stored away in the back of his mind and began to grasp what Dr Jenkins meant about a transition period.

‘Off the leash’ and ‘on the leash’, were terms Harry used during consultation sessions with Sharon to describe the lowering and raising of his defensive barriers. It took a lot to lower his defensive barriers and ‘come off the leash’, but they went up it in a flash when discussions became too intrusive.

They knew it was purely a reflex reaction for his self preservation, where he shut his mind by quickly changing the subject and refusing to go any further in a certain direction or talk about his deeper feelings.

In winning his case at the AAT he expected his ordeal would be largely over. But it was not. Far from it, in fact, he soon realised it was only just beginning.

Over the next few weeks a great many things surfaced. Odd flashes of things long forgotten.

At times it was like someone switching a light on and off. At other times the images were so clear it was like watching an old movie, where, for a brief moment in time, every detail in front of him, even the facial features of people, was so real, he felt he could reach out and touch them.

But unlike the crystal clear, detailed recall he had about connecting the Sea Venom gun plugs, these were only brief glimpses and when they occurred he found himself thinking about the deaths of people he knew and the circumstances in which they had died. They were all service people, so, as he had done so often in the recent past, he got out of bed, went into his study, and put his thoughts down on paper for inclusion in the book.

Over time he felt a change taking place. Not in a physiological sense. It was more like a regeneration from within and with it came clearer images of the past. It was much like the way smoke or fog clears when the images you see appear and disappear before your eyes. With these images came bits and pieces of conversations and more detailed memories of people, places and events.

Throughout this transition period the constant memory of his entrapment under *Melbourne* hung around in his head like a bad toothache that refused to go away.

The gradual recall of those who lost their lives in aircraft incidents began to focus on those lost while on active service. Some of the people he recalled, he knew only through day to day contact doing maintenance work on squadrons, while others were much closer.

In the space of a week the number of people he remembered grew to a total of fourteen. They are listed below where between January 1959 and December 1964, five people lost their lives in aircraft incidents. They were:

Lieut (E) (P) PJ Arnold, RAN, was killed on 30/01/1959 when a Gannet aircraft he was flying out of Bankstown airport in Sydney, developed engine troubles and crashed. He evidently elected to stay with the aircraft and steer it clear of the populated area.

Lieut (P) SR Carmichael, RAN, was killed on 20/05/1959 when a Sea Venom aircraft from 724 Squadron he was flying crashed into waters off the south coast of NSW under unusual circumstance where he had just flown close by a Russian ship. Harry was part of the line crew who saw the aircraft off from the Naval Air Base at HMAS *Albatross*, Nowra, NSW, and along with others was waiting for its return.

EM (AIR) 2 MW Holloway, RAN, died when as a passenger in a Sea Venom aircraft flown by A/SLT (P) FG Hodgson, RAN, crashed at the end of 26 runway on 11/02/1960, killing them both. Runway 26 was notoriously difficult to land on when a strong westerly wind was blowing. If the pilot allowed the aircraft

to dip below the level of the airstrip (out of the wind) the aircraft suddenly lost wind speed over the wings.

Although a tragic loss of life, it was also a classic example of the theory of flight, where because of the sudden reduction in the wind speed over the wings the aircraft lost lift and fell like a stone before the pilot could recover. In this case the aircraft hit the ground short of the runway where it seemed that the impact fired both ejection seats which collided in mid air, killing them both.

ASLT(P) GL Geerlings, RAN, was killed on 03/12/1964 when a Sea Venom aircraft from 724 Squadron he was flying crashed on 26 runway under similar circumstances to the crash described above.

On this occasion the aircraft made the airstrip but veered off to the right on crashing, coming to a stop on the edge of the grass verge and caught fire.

Where, due to the inexperience of the person in charge of the Fire Crash Tender, who placed his Fire Rescue vehicle on the down wind side of the crash scene, the strong wind prevented the foam generated by the crash tender reaching the burning aircraft to extinguish the flames.

Precious time was lost until a second Fire Crash Tender arrived minutes later to extinguish the fire. At the time Harry was attached to 816 Squadron operating from the hardstanding adjacent to the crash scene from where he had full view of the events that unfolded.

In the period, March 1965, to May 1969, a total of nine more people (who Harry knew) lost their lives, either on active service, or preparing for it, they were:

ASLT(P) J Hutchison, RAN, 'Hutch' was killed on 24/03/1965 when his Gannet aircraft from 816 Squadron crashed over the side of HMAS *Melbourne* after the incident described earlier in this book where his deck hook broke on landing and the aircraft toppled over the ship's port bow into the water.

LCDR(P) PJ Vickers, RAN, died on 22/02/1968 as a result of a serious wound received when the helicopter he was flying came under fire while extracting

(ARVN) troops near Xuan Loc, Vietnam. Harry worked on Sea Venom aircraft that 'Pat' flew when they served together on 805 Squadron in 1960-61 and again on 817 Squadron in 1967 where he flew Wessex Helo's.

Lieut(P) PC Ward, RAN, was killed on 05/06/1968 when the Iroquois helicopter from 723 Squadron he was flying crashed shortly after taking off from Beecroft Bombing Range situated on the northern side of Jervis Bay, NSW. Also killed in the crash were POACMN DJ 'Sandy' Sanderson, RAN, and NAMA E RK Smith, RAN. At this particular time Harry was attached to 723 Squadron and remembers the effect the deaths had on the squadron personnel and family members he met while attending the funeral service held in the Navy Chapel at HMAS *Watson* situated on the South Head cliffs of Sydney Harbour.

LIEUT(P) AA 'Tony' Cassadio, RAN, was killed in action in Vietnam on 21/08/1968, when serving with the RANHFV, when the Iroquois gunship he captained was hit by enemy fire and exploded in flames killing the four man crew which included POACMN OC 'Darky' Phillips, RAN. 'Darky' was an old shipmate of Harry's when they were both Leading Hands and living in 4 Charlie Port mess deck onboard HMAS *Melbourne*. Like Pat Vickers above, Tony also served with Harry on 817 Squadron in 1967.

ASLT(P) AJ Huelin, RAN, was killed in action in Vietnam on 03/01/1969 when the helicopter he captained struck power lines, near Saigon during operations in bad weather, and crashed killing the crew of four.

LACMN NI Shipp, RAN, was killed in action in Vietnam on 31/05/1969 when the helicopter in which he flew as a machine gunner was hit by ground fire seriously wounding the captain. The aircraft exploded on impact when it crashed killing the crew of four instantly.

The fourteen people above, all killed in the line of duty, were people known to Harry. At one time or another he worked with all of them. People like 'Sandy' Sanderson and 'Darky' Phillips, he lived with in the same mess deck, played cards with and on occasions stepped ashore to have a few beers together.



That he should recall their names and the circumstances of their deaths at this time, so many years after the events, seemed to indicate he was coming 'off the leash' and allowing himself to remember the sad passing of these fine people who paid the ultimate price.

It brought to mind what Sharon and Scott had told him when he first started down the road of remembering past events, they both said that, "once the drawers open and all the contents come out, it's often difficult to put it all back again".

However they also said the way to a better quality of life was to deal with these long suppressed issues.

Perhaps one day things will improve for Harry, but for now they are still bumping along the bottom.

# Repatriation Commission Assessment

**A**t 4.45 pm Tuesday 4 June 2002, Harry received a telephone call from a claims assistant at the Department of Veterans' Affairs, advising they were making appointments for him to be assessed for his disabilities and would he be available to see his doctor and hearing specialist on certain days. They discussed the dates and the assistant said she would make the appointments and send him a letter confirming the dates, places and times.

Harry attended the medical appointment, arranged by DVA, with the local medical officer, in Bundaberg, on Tuesday 11 June 2002, at 3.15 pm, where the doctor carried out an examination in accordance with a questionnaire supplied, to the doctor, by DVA, as part of the assessment process.



*De Havilland Sea Venom FAW 53 jet fighter on forward lift, 1956. (Photo RAN)*

The examination lasted about half an hour during which the doctor decided to increase Harry's medication for hypertension as a result of high blood pressure readings sustained now for some months. The doctor said the paper work would be mailed back to DVA the next day.

On Thursday 18 June, Harry attended another 'session' with Sharon where he presented a copy of the latest pages in his book. Sharon listened in silence as he related the aircraft incidents and the events surrounding those who died as a result. When he finished they both sat in silence and looked at each other with tears in their eyes. Eventually, Sharon said, in a soft voice, 'any one of those events could have done you harm', to which Harry just nodded and agreed.

It was obvious he was carrying additional emotional trauma apart from that associated with his entrapment under *Melbourne* for which he would need further counselling as part of his healing process.

On Wednesday 3 July 2002 he telephoned the DVA Claims Assessor, in Brisbane, to find out what was happening in regard to the Repatriation Commission's assessment of his disabilities following his win at the AAT on 21 May 2002.

He was told that following receipt by DVA of his Hearing Assessment scheduled for 5 July 2002, his percentage level of disabilities would be decided by the DVA medical staff and he would be informed of their decision.

On Friday 7 June 2002, Harry received a package from AM Treverrow, Assistant Manager, Personnel Records, Department of Defence, Canberra, dated 27 May 2002, in response to a letter from Harry, dated 11 February 2002, requesting errors in his Service Records be corrected. It contained:

- i) Copies of his Record of Service Card and Computer Historical Record; and,
- ii) Updated (as requested) Certificate of Service. (including all medals); and,
- iii) Letter confirming service on HMAS *Stalwart* in 1975; and,
- iv) Covering letter stating reasons delaying update of records.

Which states at paragraph 3, “Personnel Records is still waiting for a reply from Directorate Personnel Management Information on the amendment of records. Our understanding is that the old system Naval Personnel & Establishment Management Systems (NPEMS) for serving and discharge sailors has been migrated across to our new system Personnel Management Keys Solution (PMKEYS). The new system is currently being used for current members but is still being modified for discharge members. Therefore any amendment made in NPEMS now, cannot be migrated to PMKEYS as the migration has already taken place for set up of an Archive System for discharge personnel. It is understood that amendments will be able to be done when this system is operational but in what form we don’t know”.

While he appreciated the problems as stated above, it had taken more than three years to get to this point. So he decided it was time to raise the matter directly with the Minister and point out the difficulties experienced in trying to get a correct copy of his Service Records.

The course of action he took was to raise the matter with his local Federal Member of Parliament, Mr Paul Neville, MHR, Member for Hinkler, requesting Paul represent the matter to the Minister on his behalf as outlined in the following letter:

Dear Paul,    Re: My Navy Service Records:

As you are aware I’ve had an ongoing battle with the DVA for the past two years, which I recently won at the AAT and although it still has some distance to travel within the DVA administration itself, the matter now appears to be largely settled. See copy of AAT Decision enclosed for your information.

In July 2001, I submitted a copy of Part 1, of my book *Onus of Proof* as supporting documentation in the appeals process to the Veteran Review Board and later at the Administrative Appeals Tribunal.

The reason for writing the book was; the authorities did not believe my story; there were only scant official records available; my own personal Service Records were (still are) largely incomplete.

Winning my case at the AAT is a clear endorsement of all I have claimed in the book is true. It now runs to some 60,000 words. It not only sets the record straight from a historical and operational perspective, but also spells out, through first hand experience, the many difficulties veterans encounter, and are forced to endure, when making claims with the DVA, which, people like yourself, really need to take onboard.

However Paul my current problems is:

For the past 3 years I have been trying to obtain a 'correct' copy of my Service Records, but to no avail.

Could you represent this matter to the Minister for me so I might obtain a 'corrected' set of records.

As indicated at the enclosed page 67 of '*Onus of Proof*', paragraph six (6), I forwarded a full copy of all the material I require to be updated on my Service Records to Navy Records on Friday 8 February 2002.

On Tuesday 12 February 2002, I checked to see they had received the material, they had.

However as highlighted in the enclosed letter, Reference 2002/11274/7 NR 781/02 dated 27 May 2002. Navy Personnel Records have been unable to have my records updated (corrected) for the reasons stated at paragraph 3.

Under the circumstances I do not believe this is good enough.

Especially when Personnel Records are more than willing to comply with my request to have the anomalies corrected in my records but their endeavours are being frustrated by others not allowing them access.

From the enclosed letters you can see I've been trying since early 1999 to obtain a 'correct' copy of my Records, during which time it caused me many problems and delays associated with my DVA claims.

'Justice delayed is justice denied'.

Anything you can do to help in this matter Paul would be greatly appreciated, many thanks.

Yours sincerely, (Signed.....) Harry Harkness, 4 July 2002.

On 15 July 2002 Harry received a letter from Paul stating he had written to the minister and would advise further when he obtained a reply.

## Outcome Appealed

**O**n Thursday 25 July 2002 Harry received a letter dated 23 July 2002 from the Department of Veterans' Affairs stating his disability pension had been assessed at 100% of the General Rate with effect from 14 August 2000. Under 'Reasons For Decision' the letter stated,

On 24 May 2002, the Administrative Appeals Tribunal accepted post traumatic stress disorder as related to service and referred the case to the Repatriation Commission for assessment of the disability pension.

It then went on to state, "The rate of pension payable for accepted disabilities is assessed using the 'Guide to the Assessment of Rates of Veterans' Pensions-Fifth Edition (the guide). Under the guide, an overall medical impairment rating is combined with a lifestyle rating to give a percentage degree of incapacity".

Under the heading: 'Special Rate, Intermediate Rate and the Extreme Disablement Adjustment' the assessor stated, "When the degree of incapacity is 100%, I must also consider whether payment can be made at the Special or Intermediate Rates, or by application of the Extreme Disablement Adjustment. Followed by, I have decided that Mr Harkness is not eligible for pension at either the Special or Intermediate Rate".

The letter further advised he could appeal the decision not to grant pension at the Special Rate or Intermediate Rate. Harry's initial reaction was to call it a day. He questioned continuing further in his quest for justice on the grounds that the constant struggle with the DVA process tended to grind the person down, which no doubt was its intended purpose. He had come to believe the system is not there to help the Veteran, but in fact there to limit the compensation DVA is liable to pay the Veteran.

On advice from his medical support group and advocate, Noel, he decided to continue the fight. On 30 July 2002, he appealed the Delegate's decision to the VRB on the grounds 'the decision is flawed'.

On 20 August 2002, a copy of the DVA departmental report arrived containing "all the information held by the Department relevant to his appeal". The covering letter advised that any additional evidence supporting the application could be forwarded to the VRB.

The covering letter further advised: "The fact that I have decided not to alter the decision of the primary delegate of the Repatriation Commission at this early stage does not limit your entitlement to lodge a formal request for a review under section 31, at a later date. It will be to your advantage if you obtain further evidence that supports your case."

On receipt of the above Harry contacted Noel and raised a number of issues not included in the documentation. It was decided a formal request for a Review under Section 31, should be lodged on the grounds that the delegate's Reasons for Decision were flawed because of insufficient evidence contained in the DVA file.

They also decided to address the delegate's 'Reasons for Decision' one by one and tell Harry's story from a cause and effect aspect. ie., what actually caused his problems and the effect they had on his life.

To that end Noel faxed a Request for Review under Section 31 of the Act, including the following attachment, to the DVA on 23 August 2002.

### **'Decision to be Reviewed'**

By (DVA Delegate) 23/07/02

### **Assessment:**

Refer to the attached:



## **AAT Decision**

On 24 May 2002 the Administrative Appeals Tribunal accepted the Veterans' post traumatic stress disorder (PTSD) to be war caused, and remitted the matter to the Repatriation Commission for assessment.

## **Delegate's Decision**

The Delegate assessed the Veterans' collective disability rate at 100% of the General Rate but refused pension at the Special or Intermediate Rate because, *I am satisfied, based on the available evidence that Mr Harkness does not satisfy s24 (1) (c) of The Veterans' Entitlement Act 1986 as it was not his accepted disabilities alone which were the reason for him ceasing work.*

## **Appeal to VRB**

The Veteran appealed the Delegate's Decision  
on the grounds it is flawed.

The Veteran believes his case is simply one of cause and effect when all the evidence is considered together as one story embracing the following known facts.

### **'The Cause'**

The Veteran's PTSD was caused by his entrapment under HMAS *Melbourne* on the night of 27 April 1965. On 24 May 2002, the Administrative Appeals Tribunal accepted the Veterans' post traumatic stress disorder (PTSD) to be war-caused.

### **Failure to recognise:**

In 1972 the Veteran was diagnosed with cardiac anxiety. During the period (1968-1973) he suffered chest pains from no apparent cause. Navy doctors treated him with Valium, which unfortunately masked and suppressed the true cause of his condition. (On 12 December 2000 this cardiac anxiety was linked to his diagnosed PTSD).

## **Failure to follow up:**

After discharge on 16 October 1977, the Veteran lodged a claim for treatment and disability pension with the Western Australian Department of Repatriation on 29 December 1977. The Veteran's claim at that time was for hypertension/high blood pressure and also damage sustained to his achilles tendon. In their decision of 9 March 1978 the Commission identified and recognised the Veteran had been diagnosed with cardiac anxiety in 1972, but no follow up investigation of this fact was offered by the Commission in 1977/78 even though the Veteran referred to the active service diving operations that took place in Singapore Harbour in 1965 in his claim.

## **Claim rejected:**

On 09 March 1978 the Veteran's claim for treatment and disability pension was rejected by the Western Australian Department of Repatriation.

## **'The Effect'**

Cut adrift and abandoned by a system designed to help veterans in their time of need the veteran and his wife spent the next four years roaming the country looking for a place and situation that would allow them to make a life for themselves. During this time he mainly did itinerant work, finding it difficult to hold a job for any length of time.

Like other veterans at that time with service related problems the veteran dropped out of main stream society to live in the back blocks of Australia, which for him was on the outskirts of the remote and isolated community of Mount Perry, in country Queensland.

Situated 100 km Southwest of Bundaberg, the town had a population of just 150 people and a total shire population of about 380. In June 1981 they found and purchased an acreage block at a place called Wolca, about 6 km East of the town.

Mount Perry was the first place in more than four years of travelling where the veteran seemed content. It was quiet and except for one nearby neighbour

they were well away from people, noise and responsibilities. It offered peace and tranquillity.

They set up camp on the property in July 1981 and, following three months of clearing and site preparation works, commenced construction in November where they built their own home and moved in the following February. After four years of trying to deal with his problems it was a great feeling to finally accomplish something.

The locals called them blow ins and no one expected they would stay. Like no one ever came to live in Mount Perry, it was a place that people left. All the young people left as soon as they could. There was no work and long term prospects looked bleak.

However there was an opening for a builder/carpenter, tradesperson /handyman. In 1982/3 the veteran and his wife set up a building and renovation business, in partnership, in the name of H.R. & P.F. Harkness. A year later they became local agents for Northstate Modular Homes, which at the time was a Burns Philp subsidiary.

Having built their own home using the Northstate Modular Building system a steady flow of work seemed to walk in their front gate. Over the next few years they built four more homes for local people and had a waiting list of people wanting work done.

The decision to settle in this remote and isolated community had really paid off.

The self employed situation gave the time and space the veteran needed to choose work that was relatively stress free. One where he could function without having to meet the heavy demands and expectations of others. Initially it was much like a self imposed rehabilitation programme and later became an established work routine.

In 1986 they built a pottery workshop on their property at Bania Road, Mount Perry, and following an approach from Boral Gas based in Bundaberg became their agents for the Mount Perry area.

Known as *Wolca Pottery* it grew into a full time business and tourist attraction. Tourist buses called on a regular basis. Visitors came from all over. Devonshire teas and cold drinks were served.

In 1991 the veteran became involved with the regional tourist industry and was elected to the Bundaberg District Tourism and Development Board Limited, initially serving as a private member then later as a representative of Perry Shire Council.

In July 1991, he was elected a founding member of the Mount Perry Health Services Committee which saved the local hospital from closure. In 1992 the Health Services Committee initiated a funding application which led to the construction of four aged person's units that opened in 1993.

In 1993 after operating *Wolca Pottery* for seven years his wife Fay contracted vertigo. A debilitating condition of the inner ear that affected her balance. It lasted for almost two years causing them to cease operations on 31/12/93 and close the pottery.

In October, 1992, the Veteran qualified as a sports administrator through (ASSA) the Australia Society of Sports Administrators, Queensland Division. Where because of the need to remain close to his wife during her debilitating illness he included this facet of expertise into their new business activities of consultancy services for business and sport administration. Commencing in 1994 it embraced business plans, funding, surveys, needs analyses and feasibility studies, working from a home office.

They notified the Australian Taxation Office of these changes on their Partnership Taxation Return dated 18 October 1994.

Notable consultancy work carried out by the partnership:

In June 1994 the Mount Perry Health Services Committee requested a funding application be prepared to fund a, properly conducted, Community Needs Survey, Needs Analysis and Feasibility Study for the provision of a community health care programme of flexible services which was then lodged under the

Home And Community Care (HACC) Programme with the Wide Bay Health Authority.

Following recommendation by the Bundaberg office of the Department of Tourism, Sport and Racing as a suitably qualified person, the veteran was contracted by Perry Shire Council to carry out a Community Needs Survey, Needs Analysis and Feasibility Study for the provision of a community indoor sports complex to be funded under the Queensland Department of Housing, Local Government and Planning, Rural Living Infrastructure Programme.

The study commenced on 7 July 1994, was successfully completed on 28 September 1994 and presented to Council. Following Council's acceptance of the study, which included full plans, specifications and costings, the partnership was commissioned to compile a funding application on behalf of Perry Shire Council which was then submitted for consideration.

The application was successful and the \$480,000.00 project was completed and opened on 6 July 1996.

In early 1995 following the successful funding application for the then Mount Perry Health Services Committee, where \$24,735 in funding was approved under the Home and Community Care Programme, the veteran was contracted in March 1995 by the newly formed Mount Perry Community Support Services Association Inc, to carry out study work for a target group of 'The Frail Aged and Younger People with Disabilities and their Carers'.

Commencing in April 1995, the study was completed on 17 July 1995. It resulted in ongoing funding for a (HACC) Home and Community Care Programme for a community with a high preponderance of aged people. Today, seven years on, the service employs two part time programme coordinators and 10 casual staff.

Other work included a variety of community and regional projects, and also delivery of lecture modules for ASSA Queensland Courses, specialising in 'Public Relations and Fundraising'.

In October 1995, BACAS, the Bundaberg Area Community Apprenticeship and Training Scheme Ltd employed the veteran as a Contract Supervisor for a seven month youth work training programme at Mount Perry.

Designated a LEAP Project it involved supervising and teaching fifteen young people in a variety of building, construction, self worth and life skills. (See contract and superannuation contribution statements.)

Commencing on 3/11/95 the programme extended through to 14/06/96. At the end of which many of the course participants accessed permanent employment.

However there was to be a high personal cost.

### **Unemployed:**

At the conclusion of the BACAS youth work training programme the veteran found himself unable to work and registered with Social Security for unemployment benefits.

While personally rewarding, in terms of helping young people who for one reason or another had fallen between the cracks of society, the BACAS youth work training programme was very demanding on the veteran. At its conclusion he was left completely stressed out and mentally drained.

For reasons unknown to him at the time, he lacked the necessary drive, energy and motivation to concentrate on what it was he was supposed to be doing.

With the benefit of hindsight it's obvious the downside of being the person in charge of the BACAS youth work training programme, and being responsible for 15 young people on a daily basis, interrupted the stress free working routine he had established when settling in Mount Perry, in 1981, with the result that his life began to unravel.

Simply put the veteran had exposed himself to the rigours of stress. Training these young people was not unlike being back in the navy. Yet in June 1996, he could not, and did not, comprehend that undiagnosed PTSD was about to destroy his livelihood.

Problems had been a part of his life since the 1970s, in time they usually passed. However this time his health continued to decline, he was unable to work, or get work, and he remained on unemployment benefits from 01 July 1996 to 25 March 1997.

### **Bundaberg District Health Council:**

Because of the veterans' involvement with Health Services in Mount Perry since July 1991, he was approached by then Manager of Bundaberg District Health Service, Bruce Marshall, who urged him to put his name forward when the Bundaberg District Health Council positions were advertised by the Queensland Government in late 1996.

On 23 December, 1996, the Veteran was appointed a member of the Bundaberg District Health Council by Her Excellency the Governor of Queensland for a term of four years.

The BDHC conducted its first meeting on Monday 03 February 1997. It proved to be a lifeline for the veteran who began taking an interest in community affairs once again.

Eleven District Health Council meetings, were held each year on the last Monday of the month except for December where no meetings were held. The monthly meetings were held on rotation through out the region which consisted of Bundaberg, Childers, Gin Gin and Mount Perry.

The BDHC consisted of a Chairperson and seven Council Members who represented the region with a charter to monitor the performance of the Bundaberg District Health Service reporting directly to the Queensland Minister of Health.

Remuneration for attending meetings was \$41.00 per meeting. Travelling expenses were also paid.

During his time on the BDHC the veteran effected the replacement of the 100 year old Mount Perry Hospital with a new modern Community Health Care Centre which opened for business on 22 January 1999. He also had the old

hospital building gifted to Perry Shire Council for removal and restoration as a heritage building. As a Councillor on both PSC and the BDHC it was a natural progression to head the Committee responsible for the removal and restoration works of the old hospital. Today it stands alongside the Perry Shire Hall, fully restored to its former glory, housing an art gallery and extensive Shire Library.

Time contributed to the Bundaberg District Health Council was twenty seven and a half hours per year, at meetings, equal to about thirty one minutes a week.

However back room lobbying did take place on the telephone out of these hours.

### **Local Government:**

Seeming to have recovered from his recent spell of bad health, in February 1997, the Veteran nominated for the position of Councillor on Perry Shire Council in the 1997 Local Government Elections. On 25 March 1997, he was elected on a 'can do' reputation of past performances and his general acceptance within the community.

From 1997 to 2000, he held the following positions as a representative of Perry Shire Council and seemed to have a fairly bright future in Local Government.

- \* Councillor, Perry Shire Council (PSC).
- \* Chairman, (PSC) Community Services Committee.
- \* Chairman, (PSC) Enterprise Bargaining Team.
- \* Chairman, Events Panel, of Bundaberg District Tourism & Development Board as a (PSC) representative.
- \* Management Committee Member, Bundaberg District Tourism & Development Board as a (PSC) representative.
- \* Management Committee Member, North Burnett Regional Business Advisors Committee, (PSC) representative.
- \* Chairman, Bundaberg Regional 2000 Taskforce, as (PSC) representative.



- \* Member, Queensland Olympic 2000 Taskforce, representing Bundaberg Region.

Major projects included:

- \* New health care centre
- \* Old hospital building, removal and restoration
- \* Caravan park upgrade
- \* Olympic training accommodation
- \* Town water supply

However the veteran was still unable to get work or generate any real income. With his taxable income for year ending 30 June 1997 at just \$10,600.00, down a massive \$13,002.00 on the previous year ending 30 June 1996 where his taxable income was \$23,608.00, he lodged an application for a Service Pension on 18 November 1997, effective from 01 January 1998, three days after his sixtieth birthday.

With regard to questions raised by the Delegate about the Veterans' application for a Service Pension and answers on Lifestyle Forms, the Veteran submits the following:

### **Applications for Service and Disability Pensions:**

The fact that the Veteran based his Service Pension application on 'age' and not 'invalidity' is true and he believes the Delegate is wrong to suggest otherwise for the following reasons:

When the Veteran lodged a claim for treatment and disability pension on 29 December 1977, which was rejected by the Western Australian Repatriation Commission on 09 March 1978, he was informed that his 'eligible service' was only for the post 07 December 1972 period.

Consequently he did not even consider that option again rather than applying for a Service Pension. Besides, at the time he applied for the Service Pension in 1997, he was not aware his problems were related to post traumatic stress disorder (PTSD).

It should be noted that in 1997, HMAS *Melbourne* had not been 'allotted' for 'operational service' during the 1965 Indonesian Confrontation. (The period in which he was trapped under the ship that led to his PTSD condition, accepted by the AAT on 24 May 2002, to be 'war -caused').

Therefore, even if he had known what his problems were in 1997, which he did not, then according to the Western Australian Department of Repatriation ruling (\*) on 09 March 1978, his entrapment under the ship happened during a period of non-eligible service. (ie., nothing had changed in the period 1977 to 1997).

\* See Western Australian, Department of Repatriation ruling; Reference: MSM 697, dated 09 March 1978.

Which states on page 1 paragraph 3, "The member served in the Royal Australian Navy from 24 June 1957 until 16 October 1977 and for the purposes of Repatriation legislation his eligible period of service was from:

7/12/72 to 16/10/77 Which consists of service with the defence forces, including service outside Australian waters". End of quote.

Taking this point a step further, refer to paragraph 2, page 30, of *Onus of Proof* which states, quote: "On 24 November, 2000, Harry was told that because HMAS *Melbourne* had not been 'allotted' for 'special service' in a 'special area' during the Indonesian Confrontation it (the ship) was therefore not covered for DVA benefits". (ie., As above nothing had changed between 1977 and 1997).

Also at the second last paragraph, page 31, of *Onus of Proof* quote; "It required him to fill out another, more detailed, Statutory Declaration and lodge a claim through the Department of Defence, for Rehabilitation and Compensation, with MCRS (Military Compensation and Repatriation Service)", which he completed and forwarded to MCRS on 27 November, 2000", end of quote. (This claim

was later referred back to the DVA for processing when HMAS *Melbourne* was belatedly 'allotted for operational service' on 28 December 2000.)

Since it is a fact that the Veteran was not diagnosed to be suffering with PTSD until after the DVA sent him to see Dr Jenkins on 12 December 2000, and the DVA did not receive Dr Jenkins' report and diagnosis until 13 February 2001, then, surely under these circumstances, the Delegate is wrong to infer the Veteran should have claimed the Service Pension using 'invalidity' instead of 'age' when he lodged the application on 18 November 1997, especially when;

- \* (a) The Veteran did not have 'eligible service' for the period 27 April 1965 at that time; and more importantly,
- \* (b) The Veteran did not know he was suffering with PTSD at the time he made application for the Service Pension.

The record shows, the Veteran lodged his claim for disability pension with the DVA on 14 November 2000. HMAS *Melbourne* was not 'allotted' for 'operational service', for her service during the Indonesian Confrontation, until 28 December 2000.

At which time the Veteran became eligible to lodge a claim for a disability pension.

The Veteran trusts the above explains why, he believes, it was correct to use 'age' on the claim form and not 'invalidity', at that time, as inferred by the Delegate.

In mid 1997, the 'Veteran was experiencing problems again similar to those in June 1996. By 1998 they had progressed to include bad dreams about being trapped under the ship in April 1965. By mid 1999 they had become flashbacks of the diving operations and his world began to disintegrate around him eventually reaching a stage when he knew he could no longer continue being a Councillor.

In late 1999 he advised the Council CEO he was not coping with his duties and after some discussions it was decided he would see out his term but would not stand for re-election in March 2000.

Hearing problems were causing him difficulties at meetings. His communication, mediation and people skills had become almost non-existent and worst of all, he had become intolerant of others and working in groups had become a major hassle.

Finally realising he could no longer cope he and his wife decided the only sensible thing to do was to drop out of everything and seek help for his problems.

The last thing they wanted to do was to leave Mount Perry but there was no alternative.

On 25 March 2000, having sold their home to a mining company moving into the area, they relocated into a smaller more manageable situation in Bundaberg to be closer to better health services.

### **Summary:**

After years of building a public profile and gaining support within the community, the Veteran felt cheated at not being able to achieve his full potential in the Local Government arena, and it was something the Veteran did not give up lightly.

From his work history it can be seen that he fended for himself, made a life, and tried to make a difference by contributing, in no small measure, to the community which had adopted them both, only to be cut down by something he really had no control over.

His 'war-caused' illness, diagnosed as 'cardiac anxiety' in the early 1970's by Navy doctors who treated the symptoms with Valium, unfortunately only masked and suppressed the true cause of the Veteran's condition. Which, with the full benefit of 20/20 hindsight, was always bound to come against him at some time in the future.

As stated in his letter dated 10 May 2002, presented to the AAT, "One wonders how different my life could have been had my PTSD been diagnosed in 1978 or earlier".

While it is true the Veteran applied for a Service Pension in November 1997, while trying very hard to keep his life intact. It is equally true he did not comprehend that an undiagnosed illness of long standing was about to ruin their lives.

When considering his appeal the Veteran asks the Board to reflect on why he and his wife decided to settle in an isolated and remote locality like Mount Perry, in 1981, if it was not to get away from 'something'.

In the end that 'something' revealed itself to be Post Traumatic Stress Disorder which effectively destroyed their quality of life, cut short his working career, and forced him into early retirement even though he still had the background skills.

Today after 22 months of extensive therapy and medication, in the care of professionals, he has a better appreciation of what PTSD is and why it changed his life so dramatically.

The Veteran trusts the additional evidence supplied in this submission, together with the attachments, will throw new light and provide a better perspective from which to judge his case on appeal.

### **Veteran's Contention:**

With the benefit of hindsight, supported by expert medical opinion, it is the Veterans' contention that it was his accepted 'war-caused' disabilities alone which were the reason for him ceasing work.

### **Quote:**

"The Veteran did not know what his condition was when he applied for Service Pension. In addition, the Veteran had no entitlement under the Act when he applied for a Service Pension. Therefore, he applied under the provision for which he was qualified. Subsequent events and allotments made his claim visible in a different light". End of quote.

(Signed N. Payne)"

On 22 August 2002, Harry received the P.N.G. Clasp for his A.S.M. from Navy Medals.

Then Friday afternoon 06 September 2002, he received a phone call from Noel who told him that the DVA Section 31 Review officer had contacted him and was looking for some further information.

Noel explained what was required and Harry said he thought he could find the required information in his files and also obtain another statement of support. Noel said the extra evidence was required ASAP. Harry said he would see what he could do.

On Saturday Harry emailed the following to Noel to see if it covered the questions being asked:

Re: Section 31 Review

Hi Noel,

As indicated in our recent discussions I have to tell you that I never liked being on unemployment benefits. In fact I found the whole Social Security application process personally degrading and one where my wife and I had to bare our souls.

It did not sit well with me but our financial situation was such that there was no alternative.

In the later half on 1996 and throughout 1997, though I tried, I was unable to access work.

While I felt well qualified I could not get interviews and the knock-backs were hard to take.

As time went by I became more depressed and the stigma of being on unemployment benefits weighed heavily on my personal worth. So much so that in March 1997, I contacted the office of Social Security in Bundaberg and requested they stop my Newstart Allowance.

Having commenced on 01 July 1996, the payments ceased on 25 March 1997. The \$3,612.25 handout I received for the year ending 30 June 1997 brought my

taxable income up to \$10,606.00, less than half of my 30 June 1996 taxable income of \$23,608.00.

However it did help to put food on our table.

After leaving the navy in 1977, I certainly did things tough for about four (4) years where I was only able to do itinerant work. But from the time we settled in Mount Perry in July 1981, through to the beginning of 1996, I seemed to have success in all things that I attempted.

However as an example of how much I had changed, without realising what was happening to me at the time, I remember applying for a (BARA) Business Advisor for Rural Areas position for the Bundaberg region in 1997.

From my past experience in the field of regional development where I had taken in the Wide Bay/Burnett Regional Development Study in 1991/92 and the many successes I had in accessing State and Federal Government funding for community projects the position seemed to be well within my capabilities.

My CV and application met the selection criteria and I was short listed for interview.

The interviews were conducted at the Bundaberg office of (DBIRD) the Department of Business Industry and Regional Development, now the Department of State Development.

All of the interviewing panel were personally known to me and each knew my track record in regional development. However within minutes of the interview commencing the stress of the situation engulfed me with the result that I made a complete hash of the presentation.

So badly, in fact, that the panel stopped the interview and broke for coffee to settle me down. It was a most embarrassing situation for all concerned. I was unable to continue and it proved to be the final nail in the coffin as far as my getting a job was concerned.

Once word got out, as it always does in country communities, I could not even get an interview for a job.

As a result of not being able to handle stress anymore I quickly gained a reputation of being a person who was hostile and quick to anger. Although at the time I did

not see myself as such but when I read Bruce Acutt's statement at Folio #'s 147 and 148 with hindsight it's fairly obvious, that in the eyes of others, I was not handling things very well at the time.

My wife also reminds me that during this period she had repeatedly expressed her concerns to me about my behaviour and had even spoken to Bruce Acutt about my psychological state and the intolerance I had developed towards other people.

In fact, without knowing it, I had become unemployable. However I struggled on until November 1997 when I elected to lodge an application for a Service Pension for which I was eligible as a result of operational service connected with the Vietnam War.

The Service Pension commenced on 01 January 1998.

As previously stated my problems continued to unfold as my life began to disintegrate around me finally reaching a stage where even I could see I needed help.

We sold the home we had built in Mount Perry and moved into a more manageable situation in Bundaberg to be closer to better health services where I sought help for my problems by lodging an application for treatment and disability pension with the Department of Veterans' Affairs.

Which soon revealed I was suffering with Post Traumatic Stress Disorder as a result of being trapped under HMAS *Melbourne* during a mine search operational dive on the night of 27 April 1965, while moored in Singapore Harbour during the Indonesian Confrontation.

The common thread of which is there for all to see.

Noel, I have contacted Mr Michael Whiting, the ex-Bundaberg Office Manager of the Department of State Development who now works in the Brisbane Head Office and requested he forward you a statement concerning the BARA job interview outlined above.

Regards,

Harry.



Noel replied that he would forward Harry's Email to DVA on Monday 09 September 2002.

On Monday 09 September 2002, Harry received a phone call from Paul Neville's office to say they had received a package from the Minister of Veterans' Affairs, Danna Vale, MP, containing his 'corrected' Service Records and 'updated' Service Certificate.

Harry attended the office a short time later and collected the package. It had taken more than three and a half years to get to this point. However, on checking the documentation when he arrived home, he found that his (LS & GCM), Long Service and Good Conduct Medal, awarded and presented in to him in 1972, was not recorded on his PH 4 Service Records nor was it recorded on the enclosed Service Certificate.

He immediately rang Keith McLacklan, Staff Officer, Records, in Canberra, and told him of the problem. Keith said there was no record of the LS & GCM ever being awarded. Harry replied that he was presented with the medal at HMAS *Albatross* by Captain DAH Clarke, RAN, had copies of the paperwork, dated 25 August, 1972, awarding the medal, and had received the \$40.00 gratuity that went with the medal. Convinced that Harry had in fact received the medal, Keith requested he forward copies of the paperwork by fax, so they could rectify the matter. The corrected documentation arrived a few days later.

Although there were a number of matters still to be addressed, Harry could nevertheless detect a distinct change of attitude coming from the DVA, Section 31, internal review people. Noel said there was an excellent chance his case would be favourably resolved within the next few weeks.

While awaiting the outcome of his appeal under Section 31, Harry began to reflect on the long struggle and the possibility that it might soon end. He found himself looking for loose ends, that needed to be tidied up, and realised there was still one more matter to be addressed. He thought this final matter should involve some kind of official recognition; that the 'mine search operational

dives', which were carried out in April 1965 by HMAS *Melbourne's* dive team in Singapore Harbour, actually took place.

However instead of embarking on another 'battle' with officialdom. He decided the matter would best be addressed with the publication of the contents of this book, as counselled by his medical support team, family and friends. Because the information it contains, while telling a wider story, does set the record straight in recognising the Operational Service of RAN ships and other ADF units involved in the Indonesia Confrontation. It also names most of the divers involved in the 'mine search operational dives'.

Officialdom, he figured, can make their own arrangements.

On Friday 13 September 2002, Noel received a letter from Michael Whiting which supported what Harry had claimed during his interview for the BARA position. Noel faxed a copy of Michael's letter to the DVA internal review officer. He followed it up with a phone call about an hour later and had some informal discussions about Harry's case. The review officer told Noel they had decided in Harry's favour.

When Harry arrived home on Friday afternoon there was a message on his answering machine from the DVA internal review officer advising he had been awarded disability pension at the Special Rate.

The message said he would receive a letter to this effect on, or about, Thursday 19 September 2002.

On Thursday 19 September 2002 Harry received a letter from the DVA internal review officer, dated 17 September 2002, which stated under the heading:

# Decision

*“The decision dated 23 July 2002 by a Delegate of the Repatriation Commission is reviewed under Section 31 of the Veterans’ Entitlements Act 1986”.*

*“Disability pension is increased to the Special Rate with effect from 14 August 2000”.*

Although forewarned, the news was overwhelming. It was finally over!..... Or was it? In May, 2002, he had told Sharon and Scott, “win, lose or draw, he still had to contend with his condition”. In that respect nothing had changed. However, with closure of the DVA process, now, was the starting point to begin living the rest of his life.

A few days later he received a letter from the VRB requesting he withdraw his appeal to them, as the Repatriation Commission had resolved his appeal, under Section 31 of the VEA. He did this immediately by signing and returning the attached form.

At that moment, his eyes focused on a handwritten note attached to the paper work. It was from his VRB Case Manager. Her words show empathy. What a pity this level of understanding is limited to only a few. It said,

“Harry, Congratulations on getting the Special Rate. I hope it helps you, at least financially, if not health wise. Best wishes. Louisa. 20/9/2002”.

*“Many Thanks Louisa, your best wishes are very much appreciated”.*

## Looking Ahead

What I've done, is done.

What I am, I am.

What I can do, and;

What I can be,

Is up to me.

*Harry Harkness*

# Critique

The following critique came as a result of attending group rehabilitation sessions where Harry met other veterans with similar problems. One of whom was Barry McDuff, a Vietnam Veteran who had recently retired as an English school teacher. Barry offered to read Harry's manuscript and the following are his comments from that reading.

Dear Harry,

I am finally returning your manuscript *Onus of Proof* with apologies for the time I have taken to do so.

At first I thought you may want the text proof-read, but I was impressed, as I went through it, with the continuity of style, and felt that any suggested changes would be destructive.

I want to congratulate you on the detail of information collected and collated within. The years of sleepless nights have paid off in your rightfully receiving your pension, and in having a manuscript to be easily published as a book and as a directory for people still applying for compensatory pensions from DVA.

I have given some thought to a conclusion, and feel that for the text itself, and for those who may want to use it as a guide, a summary of those factors which made your bid for a pension successful. I would include the following, though these are just points which need to be expanded:

- \* Commitment to yourself and to your family that your claim is right and just. The fight will be long and demoralising, and many claims founder on uncertainty;
- \* Take a lot of time to think carefully about those aspects which have contributed to your disability. Use a cause and effect style as required by DVA;

- \* Record-keeping must be precise and direct. Though based on thoughts, these records of war experience will form the basis of your argument to DVA, and must stand up in a court of law;
- \* A competent advocate with whom you are comfortable and prepared;
- \* Psychological preparation. DVA is sure to oppose your claim and make you feel bad about yourself and your disability, so a prepared, positive psychological state is necessary at the outset.

I am sure you have many more suggestions or aspects of your own claim to add to these.

Harry, I do not have any suggestions for improvement of your text. Some items of information are repeated, but each time in a different context, which makes your book reader-friendly; the reader does not have to go back to an earlier page to check on the reference.

On the question of third-person approach, I can see advantages of both third and first-person. When you used the “Harry did.....” approach, you, the writer are looking around and seeing everything going on contributing to your situation. Using “I did.....” approach, you can more credibly express your feeling and thoughts about events for the reader.

Thank you very much for giving me a chance to read your work. I was very impressed by it, and am sure copies in ex-service associations will be beneficial to people making claims.

Best wishes to you and Fay, and may see you at future VVCS workshops.

Yours sincerely,

Barry McDuff

19 February, 2003.

# Part Three

## ‘ONGOING’

Prior to this second edition being published as an ebook, the following chapters have been added to the story published on 17 December, 2003. They pick up from the period immediately after winning my DVA case on 17 September, 2002, now (2015) more than 13 years later, it looks back on those intervening years.

The chapters begin with a simple dot-point chronology of the pathway we took in the long battle for recognition and compensation that began in October, 2000.

The ongoing story includes notes on therapist support, publication and mail out of books, a review by Dr Scott Jenkins. The loss of Sharon and the finding of a new therapist.

Plus feedback, letters and emails from the ex service community, along with personal comments about triggers associated with PTSD and other information.

Like HMAS *Yarra's* missing diver in Singapore Harbour, in 1965, and a peek behind the curtain into the service discrimination aspect of Southeast Asian Naval Service.

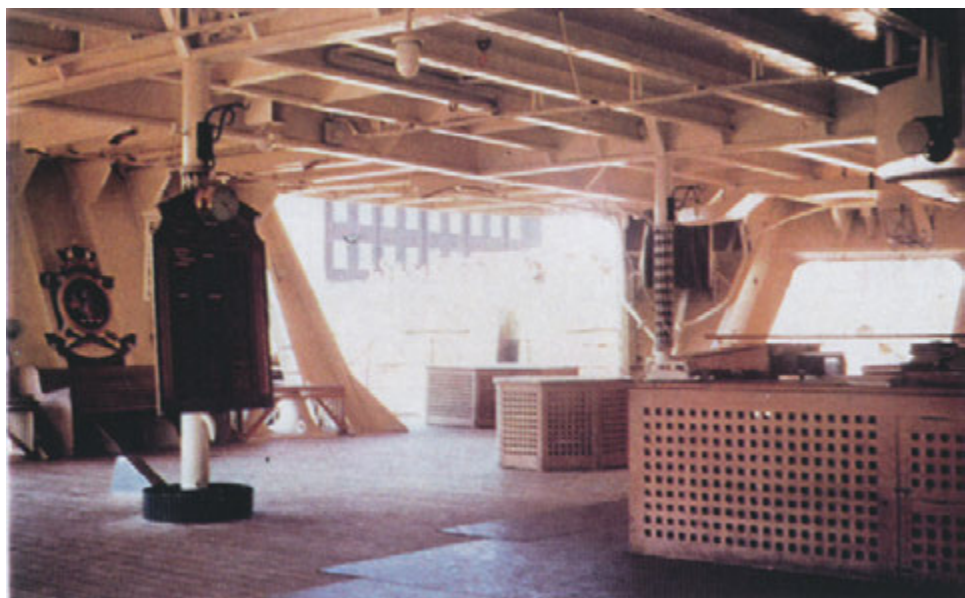
*Onus of Proof* was never meant to be a best seller.

But judging by reviews and feedback from the ex-service community, it seems to have filled a small gap in unrecorded history. Especially for those who served in the FESR in South East Asia at the time. And it's probably fair to say this

additional material contributed, deserves to be put on the public record as well. Why?

Because it may help others who were, or still are, denied rightful access to their DVA Benefits and Repatriation Compensation, which is the reason for updating this Second Edition as an ebook to give a wider distribution.

And to tidy up loose ends.



*Quarterdeck, single 60/40 mounts. (Photo - Mike Mellier-Phelps)*



## Path Taken

**F**or those interested in following my journey through the DVA process, I have put together a simple, easy to read, dot-point timeline below of the applications, appointments and appeals to DVA, VRB, AAT and Repatriation Commission that could be used by others as a guide, if they so desire.

Putting aside the original start date of lodging a claim with DVA in Western Australia, on 29 December, 1977, where that claim was refused, on 09 March, 1978. But noting DVA's acknowledgement that Navy doctors had treated me with Valium in 1972, for cardiac anxiety, which in hindsight was early PTSD.

However moving forward to late October, 2000, where I:

- \* Contacted DVA by phone and told them I was having problems. DVA sent me a claim form.
- \* My GP actioned the Disability Pension Claim Form on 07 November, 2000, and send it to DVA.
- \* GP sent me to see clinical psychologist, Sharon Weinstein on 08 November, 2000.
- \* DVA sent me to see psychiatrist, Dr Scott Jenkins, on 12 December, 2000, who examined me and diagnosed PTSD. He then wrote a report and sent it back to DVA.
- \* Noel Payne, Armed Services Assistance Centre in Brisbane became my DVA Advocate.
- \* My Claim for Disability Pension was refused by DVA on 22 May, 2001.

- \* Noel advised we appeal the Decision to DVA under Section 31 of the Act., noting DVA could pass the appeal onto the (VRB) Veteran Review Board.
- \* Friday, 25 May, 2001, received a Departmental Report for Referral to Veteran Review Board Section 137 Veterans Entitlement Act. (A copy of my file in preparation for appearance at VRB).
- \* Belatedly on 29 June, 2001, received notice there were no grounds under Section 31 and the matter would be referred to the Veteran Review Board. As already done.
- \* 10 July, 2001, advice from VRB a hearing was set down for 09 August, 2001.
- \* VRB hearing took place on 09 August, 2001, where they heard submissions.
- \* 14 September, 2001, VRB advised the hearing was adjourned to seek further reports.
- \* 12 October, 2001, VRB rang saying I needed to see Dr Scott Jenkins again on 20 October, 2001.
- \* 20 October, 2001, Dr Jenkins examined me once more and wrote a Second Report for the VRB.
- \* 23 November, 2001, Dr Jenkins' office advised the completed Report had been sent to the VRB.
- \* 18 December, 2001, VRB advised the adjourned hearing would reconvene on 18 January, 2002.
- \* 18 January, 2002, hearing reconvened. Additional submissions made to VRB.
- \* Thirty one days later on 18 February, 2002, VRB advised appeal was refused.

- \* Noel advised we lodge an appeal to the (AAT) Administrative Appeals Tribunal. He recommended a firm of Solicitors on the Gold Coast to represent the case. I agreed immediately.
- \* 20 February, 2002, received information package and forms to sign from the appointed Solicitor.
- \* 05 March, 2002, received another package from the Solicitor seeking information.
- \* Information requested supplied by return mail. Things had changed for me, now I was appealing to the AAT where I could be represented by Legal Counsel which lifted my spirits even though the Solicitor said it could take (12) twelve months to resolve the case.
- \* 05 May, 2002, Solicitor advised DVA had requested yet another Psychiatrist's Report. Also a letter containing a summary of the first AAT phone hearing listing all DVA sticking points. Inviting me to respond by letter which I did on 10 May, 2002. Answered all their sticking points in fine detail.
- \* 16 May, 2002, received phone call from Solicitor seeking permission to forward my letter regarding their sticking points to AAT and DVA Delegate. After a short discussion I agree to her request.
- \* On 21 May, 2002, received phone call from Solicitor advising the case had been won at the AAT.
- \* On 22 May, 2002, received letter confirming my PTSD was determined to be 'war caused'.
- \* However it also contained advice the case was remitted to the Commission for Assessment which meant it was up to the Repatriation Commission to determine my level of disability.
- \* 04 June, 2002, DVA advised I had an appointment with local medical doctor for assessment.

- \* 11 June, 2002, kept appointment. Doctor examined me in accordance with DVA criteria.
- \* 25 July, 2002, received advice I was assessed at 100% of the General Rate but could appeal that decision for a higher rating of disability if new evidence became available in the future.
- \* My initial reaction was to call it a day. But on advice from Noel Payne we decided to appeal yet again.
- \* 23 August, 2002, Noel Payne lodged Request for Review under Section 31 of the Act including detailed documentation not in their file and we set out the appeal on a 'cause and effect' basis.

On Thursday 19 September, 2002, received DVA letter from Internal Review Officer, dated 17 September, 2002, stating Disability Pension increased to Special Rate with effect from 14 August, 2000.

Having won my case. I firmly believed an account of the long drawn out struggle should be placed on public record. However, at that stage I was unwilling to begin compiling a book, because I felt too fragile. You see winning a case with the DVA does not automatically cure your health issues .

That is another battle entirely. In fact, it's the much longer, main event, that's only just beginning.

# Therapist Support

**T**rying to deal with the difficulties associated with a DVA Claim even with the support of an outstanding Medical Support Team and Advocates, like I was fortunate to have at the time is extremely stressful. The support they offer you is absolutely essential, because there is no way you can do it on your own.

‘Absolutely no way’.

Throughout the whole DVA process beginning October, 2000, Sharon supported me with regular consultation ‘sessions’ and conducted several small workshops involving myself and my wife.

In early 2003, she conducted a (VVCS) Vietnam Veterans Counselling Service sponsored, creative memories rehabilitation course, in Bundaberg. Conducted over a weekend the course went for the two full days. My wife and I were invited and attended.

The course brought together (5) five couples from the (3) three Services, Army, Navy and RAAF.

At first things went very slowly but warmed up as we got to know each other a little and realised we all had the same kind of problems. Although very different experiences. With the common thread being Sharon who was our therapist. It was where I began formulating ideas for a book cover.

Sharon maintained a steady stream of encouragement designed to assist us in our individual tasks of creating memories from family and service related photographs we were required to bring along.

A process that allowed us to recognise and work through some deep seated problems we each held.

Where each of us acknowledged the following;

As Individuals; 'War Service changed each and every one of us'.

As Couples; 'We are the lucky ones, the survivors, for we have each other'.

As a Group; 'We share a common understanding of what that means'.

As a Person; 'I thank you for your understanding'.

The course was a huge success. It let us all know we were not alone and acted as an ice-breaker resulting in a willingness on my part to try and be more co-operative during our future consultations.

From the above it's easy to see acceptance as an important part of healing. My wife tells me that in February, 1965, I went away as one person, and came back an entirely different person in June, 1965.

For many years I could not see this, but eventually with the help provided, I accepted it as true.

Trying to deal with PTSD is a very steep learning curve, and to work effectively with my therapist I had to first build trust before I could begin to let go. An ongoing process that took a number of years.

Building trust early on is better done one on one. Later on, working in groups, is up to the individual.

Now fifteen years down the track, Do I still have problems?, Yes I do. But they are now being managed for a better quality of life. For my family and myself. Learning how to function again with family, friends and the community is a major part of the process which takes a lot of acceptance by all concerned. It ain't easy. You can't go around it. You have to go through it. It's the only way.

Thanks to the initial efforts of Sharon, who set me on the right path, things have improved.

## Publication

**F**ourteen months after winning my case, the time finally seemed right to settle down and begin compiling the book. It was a task that involved revisiting and confronting all the things that had caused my illness and certainly had its difficult moments.

Starting in early November, 2003, it came together fairly quickly in about three weeks by using the documented material already gathered and submitted during the long appeals process of the case.

Acting on advice from an Author friend, Jean Williams. I contacted Anne Blacklaw at a printing firm in Nambour, Queensland, who offered to undertake the printing. We made a time and combined it with a trip to Canberra to see Fay's sister who had recently had a stroke.

On Tuesday 25 November, 2003, we departed Hervey Bay and called into the printer at Nambour and met Anne Blacklaw and Shane Eggmolese. We discussed what I had put together at the VVCS sponsored 'creative memories' rehabilitation course conducted by Sharon and showed them the art work I had created for the book cover.

Anne asked me to describe the work and what it meant to me. Shane then asked me to give an overview of the book itself, its purpose and what I wanted to achieve with its publication. During this time Shane was most attentive and you could almost hear the wheels turning in his head as he hung on every word and took it in.

The exchange of information took about forty five minutes. At the end of which, time lines were discussed. Anne said if I could leave the manuscript with her, along with the photographs, the proof would be ready to collect within the week. I could then collect it, take it home, check for any errors, then mail it

back to them by overnight post. This was agreed and I said we would collect it on Tuesday 02 December, 2003.

On leaving the manuscript and photos for the book at the printers we proceeded on our way to Canberra. Within a short space of time I told Fay I felt great, really great. It was like a heavy load had suddenly been lifted off my shoulders. In fact I could not remember ever feeling that great.

The feeling remained with me the whole time we were travelling to Canberra, while we were there and right up to the time we arrived back at the printers on 02 December, 2003, to collect the proof copy. At which time the same old feelings returned.

Anne greeted our arrival in her friendly manner and opening a large envelope showed us the cover Shane had created for the book.

It was fantastic. Shane had captured all the salient points I had described but in a way I could never have imagined. Fay, a noted book reader, said she would buy the book in a shop just for the cover alone. The detail and colours he had worked in were perfect. Turning to Shane I asked him if he was satisfied with the work and he just beamed and said he was. So was Anne. The moment we shared was really something to remember. Anne then gave me two large copies of the cover to take home.

Explaining I was not pushing, I asked Anne when the book might be printed. She thought for a moment and said she could not do anything before Friday but next week would be alright. I was taken aback by this reply as I thought it would be two or three months. It was agreed that 19 December, 2003, was an acceptable date. Anne said Steve Cook would be doing the internal artwork of the book and thought it would be a good idea if Steve liaised directly with me, which he did.

Print run and approximate costings were discussed and agreed upon.

We took our leave and arrived home at Hervey Bay later that afternoon, unpacked, then I devoted the next two days solely to checking the 'proof copy'

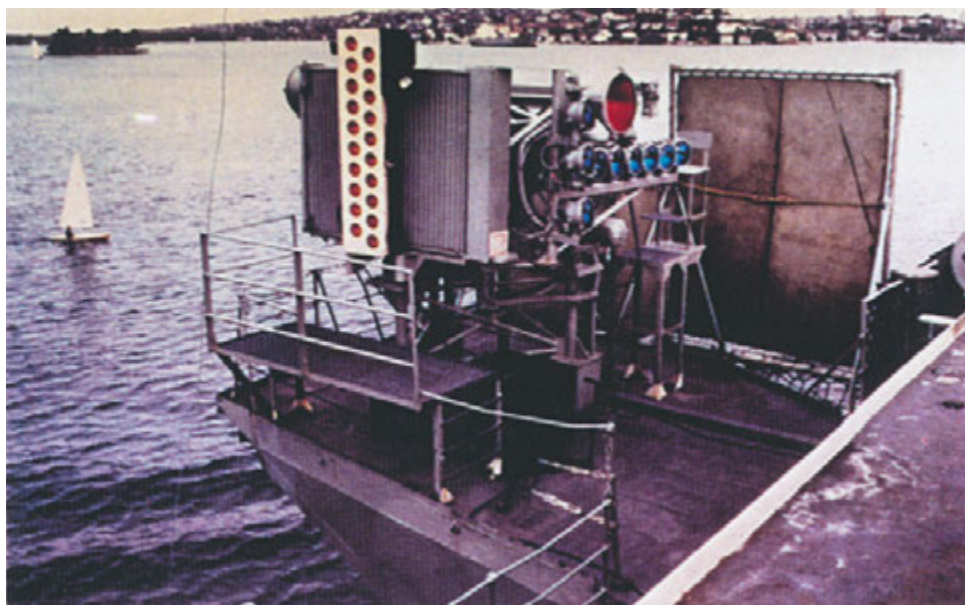


for errors. It was an intense and demanding exercise which had a draining effect on me but it was something only I could do.

Job done, the proof copy was returned by overnight post on Thursday 04 December, 2003.

Anne phoned me Saturday morning to let me know it had arrived. She phoned again the following week to let me know the final costings and said the printed books might be ready earlier than agreed.

On Monday 15 December Anne phoned to say the books would ready by midday 17 December. As arranged we arrived, paid the account, collected the books and thanked Anne and Shane for their efforts. It was a real buzz to see the book finally finished.



*Mirror Landing Aid (Photo - Mike Mellier-Phelps)*

# Requirements of Publication

## Official Lodgements of Publicised Matter.

**B**efore departing with the printed books Anne Blacklaw advised we were required by law to forward copies to the following places:

1. The National Library of Australia where we received an Acknowledgement of Legal Deposit of *Onus of Proof*, ISBNunmber 0646430637 Receipt No: LD04/1539 dated 23 March, 2004.
2. State Library of Queensland, John Oxley Library and received a; Legal Deposit Receipt for *Onus of Proof*, ISBNNumber 0646430637 Receipt acknowledged dated 23 March, 2004.
3. Queensland Parliamentary Service, Parliamentary Library & Educational Services and received a Notification of Receipt of Material, *Onus of Proof*,Ref: LA 03/392 dated 23 December, 2003.
4. Although not required by law. We also sent a copy to the Australian War Memorial for inclusion in their Research Centre. Receipt by AWM was acknowledged on 05 May, 2004. Ref: 04/0013.
5. Department of Defence, Historical Directorate, Canberra, ACT, also requested a copy for their Library, which we found very interesting, but gladly forwarded because they were very helpful.

## Mail Out

**A**rriving home that evening we set about mailing the books to all the contributors and various organisations we thought might benefit from receiving a copy. There were many other people who had helped in some way, especially my medical support team who were the main motivators in having the book published. In all we sent out forty one copies, FOC (Free of Charge).

To sell the books through a book shop they wanted to take sixty percent of the selling price, we thought that was a bit steep so decided to send copies to various Ex Service Organisations, FOC, to publicise the availability of the book to the Ex Service Community.

We also posted out a number of advanced orders from family and friends who wanted signed copies.

Most people received their copies before Christmas as I figured it would be good timing because at some stage over Christmas everyone liked to grab a spare moment and relax.

It proved to be the case and from about 20 December onwards phone calls and emails began dribbling in congratulating me on the book. Most said they were impressed with the cover. Most also said it would help other Veterans, which was the main reason for publishing.

Although there was an order form in the back of the book we enclosed two Order Form/Flyers with each copy sent out to be passed around to others wanting copies. It proved to be successful and referral orders soon began to come in.

By 27 December 2003, more than 70 books were in circulation in Western Australia, ACT, NSW, and Queensland with orders coming from Tasmania and Norfolk Island.

Ah! the trials and tribulations of publishing. There were a few errors of course, like: 'hey you spelt my name wrong' or 'I was a Handler, not a Spanner Wanker' and of course the usual typographical errors that somehow get overlooked no matter how much checking is done. But like Alex 'Boxhead' Stevens said, 'At least it proves I read it'.

## Review by Dr Scott Jenkins

**O**n 7 January, 2004, while attending a consultation session with Scott Jenkins in Bundaberg, where he greeted me by saying “Well Harry, I have to tell you your book is just great. When I received it I sat down and read it right through. I am sure it will help a lot of other Veterans. I have 50 Veterans right here in Bundaberg who need to know the kind of things you have experienced and how you got through it. The cover is very impressive, the book is well presented and the story hangs together. It is a good read and I am sure it will be in great demand. Well done”. Heady stuff indeed, but appreciated.

During this consultation ‘session’ I outlined the events surrounding the publication of the book, its distribution and the people who received copies and told of the apprehension I had until some people had read the book and then began giving feedback about its contents.

Adding that sixteen people had made contact to date and were very positive about the contents and I thought more might come in over the next few weeks. I told Scott I had brought a few extra books if he would like them. He offered to put them on sale in reception and took four books.

I also told him about leaving the manuscript and photos with the printer on our way to Canberra and how I felt until collecting the proof copy a week later. Scott said it was unfortunate that I did not have a sub editor to read and correct the proof copy. Because having to go through the proof copy in such fine detail brought back all that I had been able to divorce from myself.

He quickly added that because I had enjoyed such a great week going to Canberra, he expected that sometime in the future I would again have other trouble free weeks. As he had said many times before, “things will get better over time”.

## Loss of Sharon

**O**n 20 January, 2004, I had a scheduled consultation session with Sharon. Suddenly out of the blue I received a message saying; 'Appointment cancelled. Sharon has unexpectedly returned home to Israel at short notice for personal reasons, taking her children with her and may not be coming back'.

Sharon had been my confidant and therapist from 08 November, 2000, until December, 2003. Just over three years and became, next to my wife Fay, my closest trusted friend. Most important she had been there to support me right through the long frustrating period of battling the DVA, VRB and AAT system that tends to grind a person down instead of helping them. It was she who kept me going.

I owe her so much and will never forget what she did for me. *Onus of Proof* is really her legacy for without her motivation, support and guidance, I doubt I would have survived, let alone being able to write and publish a book.

This was a huge blow and a great loss. However she had left a forwarding address and contact details, including her email address. Unfortunately she had not received her copy of the book we had mailed to her before Christmas. The book she had played such a big part in seeing brought to fruition.

I sent her an email and posted a copy of the book to her address in Israel. To which she responded it had arrived, she was happy with the finished product and sorry that she had to leave. She also asked me to keep in touch which I did for a long while but then we lost touch.

With Sharon gone I contacted Scott Jenkins and asked if I could keep seeing him until I found a new therapist. He said that would be fine which was a great help.

## New Therapist

Looking through the Yellow Pages I found a local psychologist. Rang and made an appointment. At the first consultation I briefed her on my background and gave her a copy of *Onus of Proof* and suggested she read it to better inform herself about my case.

However she took a different tack which is explained below in the email I sent to Sharon on 14 April, 2004.

Hi Sharon, Re; my new therapist. For me our first consultation was a disaster as the following letter relates. I believe I was virtually told it is all in my head, that I took what the DVA dished out the wrong way etc. Unfortunately this person has no experience with them and appears to view me as being at fault in some way for not understanding their intentions. Anyhow that's how I saw it so responded with the following letter.

Dear XXXX,

Let me begin by thanking you for seeing me, it is very much appreciated. However as a result of our first consultation and the effect it had on me that night, I believe it is important that we establish some ground rules so that you understand my particular situation.

Barnes Wallis, the noted WW 2 scientist, when called upon to solve the problems associated with bombing the Ruhr dams in Germany, said, 'Before we can come up with the answer we must first understand the question', I believe this quote is relevant to my present situation.

As noted in my book 'Onus of Proof' when my previous therapist asked what I wanted from the VRB hearing I listed the following.

'To be believed',

‘To have the 1965 ‘mine search operational dives’ on HMAS *Melbourne* officially recognised,

‘To have my disability claim for PTSD accepted’

‘To somehow gain a ‘better quality of life’ for my remaining years’ and;

‘To put aside the ongoing trauma associated with dealing with the Department of Veterans Affairs’,

And the similar response I gave to the DVA delegate, Mr Smith, at the (AAT) Administrative Appeals Tribunal where I listed;

‘It’s simply!’

‘Everything I have stated and experienced is true, therefore I would like to be believed,’and;

‘I need some closure on this matter so I can get on with coping with my disability’, and;

‘I want to be compensated for the impact it’s had on my life’.

And again after winning my case at the AAT when Sharon asked how I felt, I replied;

‘In reality nothing has changed, I still have the disability with which to contend’.

Yet on the positive side I realised the Tribunal Decision was a great achievement, because ‘to be believed’, was the major requirement identified in discussions with her and also in my letter to my solicitor on 10 May, 2002, which set out the following;

‘To be believed’, and;

‘To get some closure on the matter so I can get on with coping with my disability’,and;

‘To be compensated for the impact it’s had on my life’.

With those requirements finally being met it left me the task of coping and getting on with my life.

I survived the DVA appeals process and have been compensated by them for the ‘war caused’ effect PTSD has had on my life. Now as stated above I want to somehow gain a ‘better quality of life’ for my remaining years.



Following our 5 April, 2004, consultation 'session', I had the worst night I can remember in more than three years. I feel it has put me back at least two years. I don't want that to happen again.

The last time I saw Scott Jenkins I said that when I started seeing you 'I did not want to start again from scratch'. He agreed. However that is exactly what happened and it left me in quite a state.

Revisiting traumatic and frightening events such as these is not an easy process. Initially things get much worse before they get any better, about which there is never any guarantee. What happened to me was real. It was not some imagined happening that I can just put out of my head and move on. It's been there now for 39 years on 27 April, 2004, and it's not likely to go away anytime soon.

So for any future consultations it would be helpful to understand the following;

That the PTSD I have is 'war caused' and is never likely to go away; meaning 'what I am, I am'.

The TPI pension is compensation for how PTSD affected my life.

According to the 'Bible' we each get 'three score and ten years to live'. That's 70 years. At 67 years old this year (2004), I get (3) three more years and maybe some bonuses for good behaviour, so maybe another ten.

My aim is not to spend any of the remaining time I might have chasing an elusive cure for my problem, with all it's associated trauma, but rather to gain a 'better quality of life' for those remaining years. In other words to live with what I've got. 'I owe that much to my wife for sticking by me over the years'.

With that in mind my wife and I relocated, (04 September, 2003), from an unmanageable situation in Bundaberg where we had a large house, into the Baycrest RSL Care Retirement Village where we feel more able to cope.

Over the past eight years I have come to understand what PTSD is, how it has affected me and the limitations I have as a result of the condition. Furthermore I also understand what it allows me to do.

All I need is someone who can help me achieve my goal of a 'better quality of life'.

Nothing more. This was the stage I had reached with my previous therapist and it was working pretty well up until she left (for personal reasons) and went back to Israel.

Getting my book published and the positive feedback received from the ex service community, has given me a degree of self worth again which I hope to build on in the future.

However, 'quality of life' for my wife and myself is the most important thing right now and for the immediate future. I have no desire to keep revisiting the trauma of the past (8) eight years and all that it brings.

Which was my main purpose in giving you a copy of the book to read.

I trust this better explains where I am coming from and the limit of my expectations.

Yours sincerely

Harry Harkness

07 April, 2004.

In another email to Sharon I said,

I have probably over reacted as I sometimes do, but the consultation really upset me. Do you think I have done the wrong thing? Fay said I should look elsewhere for a therapist or just stick with Scott as he knows my case. What do you think? Sorry to put this on you but I trust your judgement. Had another stress test today in a follow up to that other problem. Hope this finds you in good spirits and doing better than me. Best regards always. Harry and Fay.

In an email from Sharon, Friday 16 April, 2004:

Dear Harry, Feel free to 'put it on me' for as long as you find it useful. My thoughts; Firstly, any therapy is a collaborative effort between you and your therapist. Therefore, sharing your thoughts and feelings with her is very appropriate. Check how she responds and then decide what to do next. We all make mistakes.

Secondly, it is possible that you over reacted or that she wanted to treat something you did not ask for either because you are not ready or willing. However, it is your right to refuse treatment without feeling pressured or guilty.

It is also possible that the gap between how you look and feel was misleading. I mean at times you look stronger/less anxious than how you feel.

Thirdly, if you choose to stay only with Scott it is ok too. I hope it helped, let me know how you went.

All the best to you and yours and any other member of the Veteran family. Sharon.

In an email reply to Sharon on 20 April, 2004. I said:

Still deciding what to do. Will go back and see her tomorrow, Wednesday, but I think it will be difficult for me to continue with her. However will try to keep an open mind and stay positive. The Fleet Air Arm of Australia's quarterly journal which came out last week did a feature on my book in the Editors column. Very well done I might add. Have had new orders as a result and one phone call from an ex shipmate, much younger than myself, who lives in Maryborough, we served together on 723 Squadron in 1963.

He and his wife visited Fay and I last Sunday afternoon where we had a trip down memory lane. He also purchased a book and took order forms for other people. My main worry now is that I am beginning to run out of books. Might have to do another printing. In the last few days I have recovered some of the ground I believe I had lost after the last consultation. Many thanks for your concerns. Best regards, Harry and Fay.

As it turned out my consultation on Wednesday 21 April, 2004, with the new therapist went very well indeed. She had read the book and taken notice of my letter to her without offence. As a result we had a new beginning that lasted a number of years. (Until she too went overseas. I now only see Scott).

I sent Sharon a quick email to say all was well and that we had ironed out our misunderstandings.

Sharon responded by email late that night at 11:56 PM, 21 April, 2004.

Hi Harry, It sounds a bit funny to say I am proud of you, so it is more like I am happy with you. You have achieved many of your goals, expressed yourself to feel better when it was needed and helped others when you found the strength. These are two major skills on the way to healing. All the best and keep me posted. Regards, Sharon.

Sharon and I stayed in touch for a long while after that but eventually we lost contact as often happens when new technology takes over and electronic addresses change etc.

# Feedback, Letters and emails

**O**verall the book received good reviews from the targeted Service and Ex Service Community.

1. **Noel Payne**, Nerang, QLD  
(POQMG, RAN Retired)

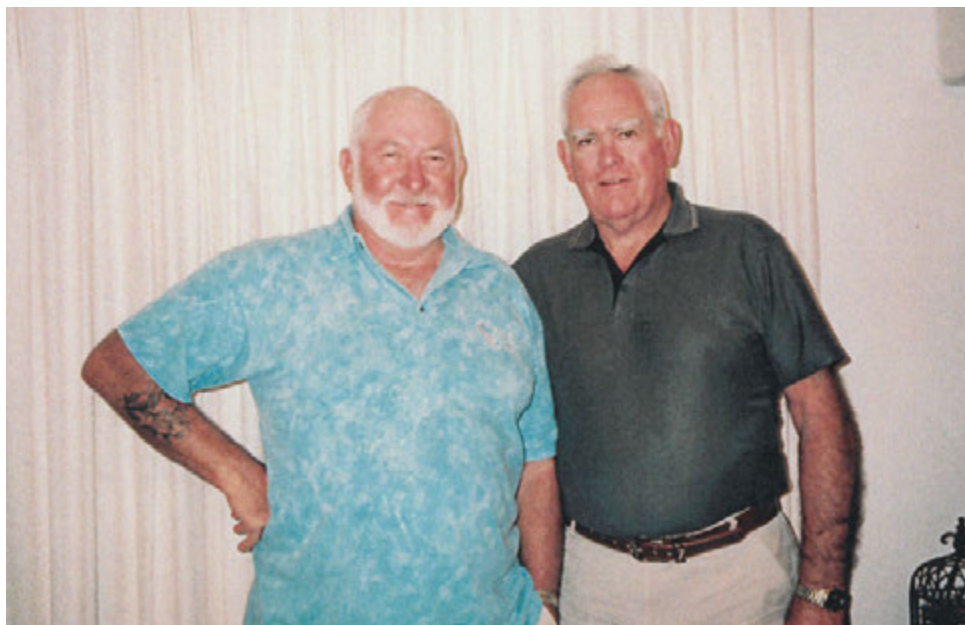
Hi Harry, received the book yesterday, very well done. I am half way through and already enjoying it; I am sure it will benefit many veterans, but most of all, it will benefit you. I was told once that if something is concerning you, write it down. BZ Harry.

Regards, Noel Payne, JP, Armed Services Assistance Centre, National President. 20/12/2003

2. **Ray Elley**  
(Commander, Director of Mine Warfare and Diving, RAN Retired)

Harry, Have read your book and firmly believe it has too much information not to distribute widely. Your research is a tremendous credit to you and thanks heaps for my copy. Hopefully you will now find new peace, even though it feels like the bubble has burst.

I punched up 'RAN SHIPS ASSOCIATION' on google and got HMAS Melbourne Association and the Naval Association. There were others, but I reckon these are a start to send your email with book details if you so desire. I'm sure there are many who could be helped with the experience, albeit bad that you gained and recorded in writing it.



*Ray Elley (left) and Harry Harkness, Evans Head, NSW, 2004.*

Take care mate, look after yourself and thanks heaps again for sending me a copy.

Regards, Ray. 04/01/2004

3. **Peter Cooke-Russell**, Canberra, ACT  
(Commander RAN Retired)

Harry, Received the book yesterday. You have done a great job in setting it up and the cover is impressive.

Regards, Peter. 23/12/2003

4. **Bob Ray**, Queanbeyan, NSW  
(Captain RAN Retired)

Harry, You have done a great job on the book. I'm currently helping (3) three veterans down this way and would like to use the contents of your book to help them as they are beginning to wilt under the ordeal of the DVA Appeals system. 'Would that be OK' (H. replied yes of course) I will also be talking to other people about your book.

Thanks, Bob. 22/12/2003

5. **John Cole**, Perth, WA  
(LEMAW and CABA Ships Diver, RAN Retired)

Harry, received the books (all 11 copies) congratulations you have done a great job, looking forward to seeing you during your visit in March 2004.

Thanks once again,

John. 23/12/2003

6. **Bob 'Windy' Geale**, Nowra, NSW  
(Naval Air Museum Curator Lieutenant Commander RAN retired)

Received the book it is great, love reading the history, thank you very much. Look forward to meeting you one day.

Regards, 'Windy'. 30/12/2003

(Sadly 'Windy' has since passed away)

7. **Alex 'Boxhead' Stevens**, Nowra, NSW  
(Warrant Officer AH. RAN Retired)

Hi Harry,

Received your book and sat down straight away and read it right through. Great job. Have contacted a few people and my RSL will be ordering a

copy for our Welfare Officers Library. Pat thinks the cover could not be better, Well Done. 'Hey! you spelt my name wrong, it's Alex, not Alec'... (sorry about that) ....'proves I read it though'. Will be in touch again in a few weeks time.

Regards, 'Boxhead'. 26/12/2003

8. **Jim King**, Perth, WA  
(LEMAW. RAN Retired)

Hi Harry, mid way through your book, so far so good, must have taken forever to gather all that detail

I was supposed to be on that 1965 trip but broke my wrist playing beach football down at Husky one sunny Sunday arvo full of piss and youthful energy when Rob Taylor 'fell' on me and I was in plaster for eight months and taken off the 816 team, classified as category 'Y' I think they called it.

Was also surprised to see the number of (dec) after people's names some of whom I thought would be immortal! Mate, my question is, what does the various letters of the alphabet mean after you mention times e.g. 1800H? (It's the various time zones and was explained by phone)

I am not a great one for reading books that contain so much detail so I am 'attacking' your manuscript bit by bit. I have no criticisms thus far, I loved your 'A thought to ponder' stuck it up the 'desk jockeys'.

I wrote a book, not as dramatic as yours, it is about home security. I will send you a copy and as I did not have to pay for anything, apart from the time spent actually writing the thing (first published 1980) it will be my gift to you and your wife.

As you go through life some people leave indelible impressions in amongst your brain cells, you are one of those people. Even before you wrote your book as you have always appeared in my memories as a larger than life great bloke!



Top effort mate, now sit back, kick off the boots, have a few shandies and catch as many sunsets as you can before you get to 'pay off' for the big stand easy!!

Jim King. 26/12/2003 (Ex-W.A. Police Superintendant)

(Sadly Jim has since passed away)

9. **Toz Dadswell**, Canberra, ACT  
(Commodore RAN Retired)

Harry. I received your book. Am amazed at the detail and work you have put into it. I'm very happy with it. Very well done. I will be speaking to our Webmaster personally and have him put it on the FAAA of A National Website, together with your details, price of book and how people can get a copy etc.

Very well done, Harry. 27/12/2003

10. **Bill Corkill**, Nowra NSW  
(CPOATWL, RAN Retired)

Harry. Received the book, well done. There are a number of names spelt wrong also a few more (dec) which I need to update. I will send the required info so it can be corrected in time for the next printing?

I took the order form down to Bernie Bradley so he might order a copy will be speaking to others next week. All the best to you and Fay for the New Year.

Regards, Bill. 27/12/2003

11. **Wes Cooper**, Norfolk Island  
(CPOATA RAN Retired)

Hi Harry. Congratulations on winning your case with DVA. It's awful that people like yourself have to go through so much to set the departmental

bureaucracy straight. Thanks for the chance to get a copy I hope it all goes well for you 'H'.

Best wishes Wes 30/12/2003

12. **Terry Ford**, Coolum Beach, QLD  
(POATC, RAN Retired)

Hi Harry. Thanks for the book. It's great. Am only half way through but have not been able to put it down. The cover is impressive.

Best regards, Terry. 30/12/2003

13. **Dr Scott Jenkins**, Psychiatrist. (During Consultation)

Well Harry, I have to say your book is just great. When I received it I sat down and read it right through. It will help a lot of other veterans. I have 50 veterans I am seeing right now who need to know the kind of things you have experienced and how you got through it. The cover is very impressive and I am sure the book will be in great demand.

Well done, Scott. 07/01/2004

14. **Kev Doyle**  
(POATA RAN Retired)

Harry, Your book has helped me heaps. Turned me around, got me back on track again. I went back to my doctor all spruced up shaved and tidy. He said 'what's happened to you', I said, 'I read this book'. 'what book is that' he said. 'This book Onus of Proof written by my mate Harry' I gave the doctor the book to read. When he returned it he said he was very impressed with the contents.

If the book does nothing else, it's helped me. I thought I was the only one these things were happening to, it was a relief to know that others have these kind of problems too.

I'm going out again, visiting the club for a few 'soft drinks' only, and talking to the boys again and everyone wants to know what's happened to me.

Regards, Kev. 08/01/2004.

15. **William Hayward**, Morphett Vale, SA  
(RAN Retired)

Dear Harry, Thanks for taking the time to speak to me and please find enclosed an order for a copy of your book. As discussed Doug Wilson was very enthusiastic about your story and in the light of my circumstances thought that your experiences would be helpful in putting my case together.

A Lawyer once told me 'don't go to court expecting justice, because you may be disappointed'. I think that very much applies to Veteran Affairs.

I look forward to receiving your book and as matters progress I will give you some feedback. I will be only too happy to pass on the news about your book.

Thanks again Harry and all the best to you and your wife.

Best regards, Bill Hayward. 08/02/2004

16. **William Hayward** (again)

Goodday Harry, I have received the book, thanks very much. I must echo Toz Dadswell's sentiments regarding your attention to detail, a very fine piece of work. I am only in the preliminary read, but quickly noted your evidence on John Hutchison's crash, thankfully, very close to that which I presented in my initial application in 2001.

Your efforts have also captured the circumstances as they were at that period of time albeit conveniently forgotten.

I am still in the process of appealing AAT decision and should we be successful I don't expect to make my appearance until May/June, but whatever the outcome your experience and ultimate determination confirms the importance of providing very good substantive evidence, indeed it motivated me to pursue the respective data/witnesses to my own particular stressors.

As it is with me, your book will be a useful document for those men that seek to legitimately substantiate their rights for appropriate compensation. It was good to see some of the characters from those days, and I believe there was also very keen interest in the performance of our footy representatives

Despite the efforts by 'The Enemy' as you call them! and although some of the experiences were stressful a times, I consider myself very lucky indeed to have been in the Navy in those days. Gee there were some wonderful mentors.

Goodonya mate, you have done a grand job.

You and your wife have a great break.

Cheers, Bill. 19/02/2004

#### 17. **Mick Sealby**

(ABAH, RAN Retired)

Dear Harry, What a good read! The DVA has given most of us a hard time, but in your case they deserve to be flogged. In 1965, I was an Ordinary Seaman working on the quarterdeck of *Melbourne*. I can remember our Divisional Officer telling us about the mines being placed on ships in Singapore. One ship was supposedly blown up on information I have been able to get hold of on that period. They were placing bombs at installations on the Island.

I, like you, have had a long drawn out victory over the DVA.

The rest of my time in the Navy was as an Aircraft Handler mainly based at the Fire Section at Albatross.

Yours, Mick Sealby.

18. **William Hayward** (again)

Harry, you may recall I obtained a copy of your book, at the time I was engrossed in the appeal process and somewhat frustrated, as you would appreciate. Well, after the initial AAT hearing, a successful appeal to the Federal Court, which the DVA did not defend, that in turn meant another AAT hearing. The Commission 'set aside' (great words eh!) previous decisions on all counts and were somewhat critical of previous decisions.

After all I was only claiming for conditions (treatment) that were already on my documents. I was determined to pursue these matters on the grounds of principal and at the time your book motivated me to maintain the course. In the end it really comes down to yourself. But your story was a great tonic. Thanks mate.

Regards, Bill. 26/09/2007

19. **John Selby**, Kiama, NSW

(Captain, RAN, Retired.) (In 1965 was 816 Squadron AEO), now dec.

Harry, I saw your book at John Da Costa's when staying with him recently. I look forward to reading 'Onus of Proof' in slow time. My quick glance through it gave me a very good impression of the effort you must have gone to, to produce the book. Good to catch up with you again.

Regards, John Selby. 21/02/2004.

(Sadly John has since passed away)

## 20. **Ken Monk**

(RAN Retired)

Goodday Harry, I have just finished reading your book loaned to me by Ray Elley, I have been through the wringer just as you have. It is the first book that I have read in 10 years as PTSD began to show its ugly head about that time. I was a good doctor as I prescribed alcohol for 35 years to hide symptoms. I have just been awarded TPI after 7 hard years, which follow your book step by step. The DVA follow their manuals to the letter and there is no grey only black and white.

The thing that I find helps is family and friends are always there to support without being asked they step in when they see things are not going well. I have enclosed order form for a copy of your book, as a reference guide there is none better. And you should be proud of what you have achieved considering your state of health.

Yours aye,

Ken Monk.

## 21. **Frank Fox**, Bribie Island QLD

(POEAC, RAN Retired)

Dear Harry, Thanks for the book. I've read it already and must say that you displayed enormous resourcefulness and tenacity. I think most people would have given up and allowed the bureaucracy to win. I'm sure in my own mind that the Charter of DVA in these cases is to be as obstructionist as possible and the worst part is that some at least of these 'delegates' have absolutely no concept of what it is to be a serviceman.

With regard to PTSD; as a lad of 13, I was witness to an event which claimed the life of an elderly lady. If the effect on me had been judged by my actions on that night it would have been 'no effect at all' as I looked after the adults involved, actually drove my parents home and the made them a cuppa

before going to bed. But the 'trigger' a few nights later resulted in me being under sedatives for about three days as I was diagnosed with 'delayed shock'. Had my symptoms not presented until years after, would they have been classified as being unrelated? To my mind; and you no doubt know more about this than I do, half the trouble stems from suppressed emotion, just the thing that the military training that you underwent sets out to achieve.

Harry, I remember the divers doing the bottom searches as everyone on board would. I was in 3A mess and when you divers were down I suppose there was a general feeling of apprehension. God knows what it was like for you blokes under water! While I can't remember any public word of thanks, I think we all knew that the safety of the ship was in your (the divers) hands during that time.

As you most likely know, I worked at ATD until I retired in 1994. Because I read Navy News I pointed a lot of people in the right direction with regard to medal entitlement including Mick Hayes (who recently spent a week with us), Noel Morgan, John Bannister and my brother, who was a stoker from '63 to '72.

Harry, if you ever need to go down to Brisbane you are more than welcome to use our place as a half-way-house. We have plenty of room (the rates are unbeatable) and it is an easy drive or train trip to the city.

Once again, thank you for the book and congratulations on having the courage to see it through. This surely is an inspiration to anyone who finds himself in the same position. Mind you, remembering you as the person you were on the job and on the sporting field, it is not unexpected that you had the strength of character necessary to succeed.

Yours sincerely,

Frank Fox. 16/05/2004

22. **Barrie Sunderland**, Melbourne, VIC  
(LEMAW, RAN Retired)

Dear Harry, Many thanks for the copy of your book, got it yesterday PM finished the first reading this afternoon! an event in itself, it's the first book I have read in a long time.

It's a great read mate, heavy on detail, but in a very easy to read format. You awakened a few hidden memories in me, as you will in all who read it, may they be many thousands.

I can only congratulate you on the sheer tenacity you showed in the pursuit of your just rights, and your eventual success, you should be awarded a medal as big as a frying pan for that alone!!!. Maybe it should be made compulsory reading for all ADF personnel, past and present.

It really makes you wonder who's side these people are on. I had a little of your problem, mine was resolved very easily compared to the trauma you were put through, I did better when I got with the Vietnam Veterans Pension Officers.

Hope you got the photocopies in the mail. I, like 'Fats' Levett found the originals while going through some old boxes of photos the other day, if you haven't got them I will get some better copies made and send them on?  
Stay well mate.

Regards, Barrie. 16/11/2004

22. **'Augie' Spearpoint**, Nowra, NSW  
(CAA, RAN Retired)

(Copy of letter forwarded on by Alex 'Boxhead' Stevens)

Alex, There are two subjects that I want to mention in this note for I have read Harry Harkness's book and looked at the photo's in your album. Both



have caused me a certain amount of sadness and feeling of 'sorry' crept over me as I looked at those photos. I'll start with Harry's book:

In 1965 onboard HMAS *Melbourne*, we on 816 Squadron looked upon the work of what we called Clearance Divers (Ships Divers included), as one of the most courageous acts anyone in the Navy could undertake. We knew this work was in addition to their normal workload and at times had to make up for their absences, but never did we look upon them as having some advantages that were not available to others.

Yes we knew that there must be some streak of insanity in their personalities for them to accept going into the water looking for something that could kill them, whether it was a saboteur or a mine. When we heard the pipe, 'Divers muster at the Port After Ladder Bay', we all imagined the worst. We didn't think that this was a 'Jolly' set up for the diver's entertainment. I can't speak for others but those of us who lived in 3A Port Senior Sailor's Mess, all wished them good luck.

I make reference to the conditions prevailing at that time in two ways in my book 'The Writings of a Retired Birdie', or you can draw your own conclusions when reading about the episode of the rigged 'Blackout Curtains' and the darkened ship state that we were in. This was no exercise. This was the real thing. We didn't have to line the ship's side in pitch darkness one night out midstream from Singapore Dockyard, in complete silence, just for the fun of it. Word came to us in the mess beforehand that 'Something is ON' and you know what that generally means.

I started to read Harry's book on arrival home from your place and just couldn't put it down. After dinner I again started to read it but unwilling had to put it aside by 8 o'clock. I went to Sydney on Friday morning for the 'Working in Wood Show' and finally completed the reading as we reached Waterfall.

I could make many comments on the mentality of Public Servants but you already know as well as I do that they all think they can walk on water so

how does one explain something simple to them like Harry's case? It took me more than a couple of hours to calm down after finishing that book.

With regard to your photo album: There are many old men in those photos who resemble people that I knew both onboard and ashore at Albatross, BUT, I'm damned if I can put names to those old faces. A bald, bewhiskered George Plant stands out as the exception. But then, George had a soft voice while most of the other faces hide the name behind the raucous shouters we heard on the flight deck with their snarling faces, waving arms and backward walking bodies, directing aircraft. I knew so many of those faces in their younger versions with their smiling faces away from the flight busy deck.

Oh! What a happy, close knit group of men they were, or at least appeared to be, free from worries of great responsibility, able to relax and enjoy life. That was then when us tiffies maybe appeared to be aloof, set apart from the normal people, a group who didn't seem to mix much with anyone. We were not aloof, just overwhelmed by the workload and responsibilities well beyond anyone below the rank of Commander. But that's another story for every time an aircraft flew, we were in the firing line if only the slightest thing happened regardless of its cause.

I won't go on to describe the rules and regulations that governed our lives, but there were thousands of them and the slightest deviation away from the intent of those rules meant at least demotion, especially for us Chief Tiffies. We were envious of the Handlers who could relax after Flying Stations finished for the day and forgot about work for a few hours. We couldn't relax for one minute. Then of course there were those stupid separations of Senior Sailors into Squadron messes where there were no fresh minds to help analyse the problems of the day like the causes of defects in airframes and engines.

Yes we were envious in one respect yet very sympathetic in others. Look at your time spent onboard the *Melbourne* and compare it with the Squadron

personnel as a whole. Both Aircraft Handlers and Engine Room Artificers were synonymous with the name HMAS *Melbourne* and became attachments to it. Wherever it went, you went. At least we had other squadrons or sections where we could hide away until again our names came up in the roster for sea service.

As I wrote at the start, both Harry's book and your album brought about a feeling of being sad and sorry about what happened in the past, however, having served with so many great people, one can look at those poor damn civvies and say. 'If you were not there, then you (just) don't know'.

Thank you for lending your memories.

'Augie'

To add further comment to 'Augie's reference to the divers having an 'insanity streak' in their personalities for them to accept going into the water looking for something that could kill them, whether it was a saboteur or a mine.

One time Minister of the Navy, Sir James Killen, once said of RAN divers .... 'To see danger and to face it calls for its own character of resolve. To seek to find danger in order to protect others, and to conduct that search in waters that shut out all sight, calls for a very unique character of human resolve' ....amen!

23. **Darrell Nicholson**, St Georges Basin, NSW  
(RAN, Retired)

Hi Harry, Order enclosed for *Onus of Proof*.

My intention is not to make anymore claims from DVA, but to add my story and anecdotes to your book for future reference for my kids and grandkids. They will have some idea of what I got up to as a young bloke.

Many thanks and best wishes.

Darrell (Undated)

24. **Neil Torkington**, Graceville, QLD  
(RAN Retired)

Dear Harry, Please find order for two of your books, one is for me and the other for a friend on Norfolk Island who will be coming over in a few weeks, Paul (Pinky) Finch, he still responds to 'Pinky' rather than Paul.

We spoke on the phone it is a battle to get what you are entitled to and the stress that DVA puts you through doesn't help our problems. Both Pinky and I commissioned the Duchess after the Voyager. I had just picked up my hook and he had just come out of JR school. We had about 60 JR's onboard during the Indonesian crisis and Vietnam and I had to look after about ten in my mess.

Regards, Neil Torkington.

(Undated)

25. **Barrie Sunderland**, Melbourne VIC  
(LEMAW, RAN Retired) From Kaye, his wife.

Dear Harry, I am writing on behalf of Barrie who is at present trying to put a new table top on my table. I'm keeping him busy!!! Order for another copy of your book. This copy is for a friend of ours, to give to a friend of his, who was the best mate of John M. Hutchison (Gannet Pilot killed on 24 March, 1965).

I would like to say I have just read your book and found it very disturbing that you had to go through so much to get what was due to you. Hope this finds you keeping well.

Regards, Catherine (Kaye) Sunderland. 26/11/2004

26. **David Adams**, Brisbane, QLD  
(POEAC, RAN Retired)

Hello Harry and Fay, It was nice to catch up with you again after all these years.

I hope your trip back was enjoyable and uneventful. (After attending funeral of Bill Julius)

I have read your book and found that I could not put it down, I was very touched. I had no idea such a thing had happened and a complete surprise that someone as confident and positive as you have suffered from the memory of such a dreadful experience ever since. I imagine that researching, compiling and writing the book has helped you in some way deal with the scars. I hope so – I feel for you.

You are to be congratulated on what I found was a thought provoking and very personal account. It aroused many memories and numerous emotions for me which are too numerous to list here. However I could imagine every situation very clearly as if I was there.

One of them was the fact that your account of the situation in Singapore and 'Indonesian Confrontation' generally was exactly the same as one I experienced (without the diving involvement and mishap) the year before when serving with 816 Squadron Gannets, (B Flight Venoms) in 1964. The same state of preparedness, Sea Venoms on deck with one on the 'cat' fully armed and manned (including overnight), the same sentries, lights and bubbles seen in the water and threats of attack by speedboats armed with explosives. Up until your account I had not been able to find any reference to such things happening and was seriously doubting they happened at all.

I am astonished that a flagship suspected to be under attack by divers in a declared area in company with such a large fleet did not apparently notify, or record the incident with anyone! Makes you wonder about the integrity and due process standards of those in command in those days.

Interestingly, I was detached from *Melbourne* to *Stalwart* for a very short period in the South China Sea during 'Operation Seahawk' in 1972, again I doubt any record exists.

Your book is quite a reference book not only for your personal experiences

but also for others attempting the same path to find recognition and some compensation for your ordeal and its ramifications. Its contribution in terms of unrecorded history and a source book for people, places, times and detail is enormous- again congratulations. Thank you for presenting me with a copy, I will treasure it. Must away for now and finish the wiring on our 'Admiral's barge'.

Kind regards and thanks, David (Vectus). 16/01/2006

27. **Jim Lyall**, Kewarra Beach, QLD  
(WOSN, RAN Retired)

I am writing to you as a consequence of my reading your book *Onus of Proof* which I found very distressing and informative at the same time. I feel that I can almost appreciate what you have gone through, as I have been fighting DVA for almost 6 years, and still have a way to go if they continue to treat me the way they have been. But I won't bore you with my problems, the book has given me hope that light at the end of the tunnel will not always be another DVA juggernaut coming to knock me arse over head, and I thank you for that.

I don't know if you will remember me or not, my name is Jim Lyall and I was the Petty Officer Stores at JBMR with you in 1977. I have fond memories of my time at the range with such people like yourself, Alex 'Boxhead' Stevens, Greg 'Skinhead' Kelson, Tom Holdsworth to name a few. I also spent many years at various postings in *Albatross* from 1967 to 1982, where I managed to serve at every rank except WO. I paid off in 1986 as a WOSN at the Supply School, HMAS *Cerberus*.

Your book has rekindled a time in my life that now I look on as possibly one of the best periods that I served in 'Pussers', as not long after they down graded my billet at the range to a leading hand and I went back to *Albatross*, I was later posted to Creswell and had a further 18 months running the Store down there.

I still have vivid memories of many a social night in the Senior Sailors Mess at Creswell and one in particular of 'Boxhead' and I think POWM Clarie 'Bomber' Brown wheeling you around (dancing I think) on a trolley at a Mess Dinner after you snapped your Achilles Tendon prior to discharge.

I would very much like to catch up with you sometime in the future, as I can no longer work due to my disabilities, but until I have a final resolution from DVA, I am stuck here in Cairns unable to fulfil the dream my wife and I have of travelling this beautiful country in our 4x4 and Off-road Camper Trailer.

I am currently a trainee volunteer at the Far North Queensland Veteran & Ex Service Support Centre for 4 hours per week: I have recently completed the DVA Welfare Officers Course and hope to do the Pension Offers course early next year.

I feel that my experiences over the last 6 years with DVA will enable me to aid and assist those Veterans out there who have no idea what they are entitled to, and how best to go about getting it. Since I have been doing this job I am surprised exactly how many there are out there, so if I can assist any of them get their entitlements I will be more than pleased.

I have enclosed an order form for your book, which I will use in this quest and will make it available or advise veterans to purchase their own copies. I also trust that you are in the best of health possible and coping with life in general. I wish you and your wife the very best for the future.

Yours sincerely,

Jim Lyall. 25/10/2006

28. **Bruce (Kanga) Bounds**, Kogarah, NSW  
(RAN Retired)

Dear Harry, Please find order for two more copies of you book *Onus of Proof*. I purchased a copy of your book in January and found it to be very good reading. Brought back memories of my service FESR HMAS *Melbourne*

1956, names of many a good shipmate. Well done Harry. The additional 2 copies are for Ex Birdies. Thanks Harry.

Best regards, Kanga. 11/03/2003

P.S. Harry seeing your photo in the book I recall seeing you at the Bundaberg Reunion. Next time if we meet, we can open the hanger doors.

29. **Mick Olden**, Wyndham WA

(‘Greenie’ General Service. RAN Retired)

Dear Harry. Please find order for your book *Onus of Proof*. I have just become a member of the RAN Radio Mechanics Association and the kind folk in South Australia sent me some back issue Association letters, one of which contained a review of your book.

I remember the incident though not the details and I have been curious about it ever since. At the time I was a ‘greenie’ onboard HMAS *Yarra*. I was also a Ship’s Diver. *Yarra* did three tours of Malaysia (during) Confrontation in ‘64,’65’ and into ‘66. I did two tours, one in ‘64, the other in ‘65. As a Ship’s Diver I did many bottom sweeps of *Yarra*’s bum during what we called ‘operation awkward’. When Indo divers were suspected of being in waters in Singapore.

I remember HMAS *Melbourne* in Singapore in ‘65 and remember hearing of this incident at the time. *Yarra* put out to sea after yet another bottom search. I was in the mob from 1963 to 1988 and though I enquired could not get any official info into the ‘diver incident’ in 1965.

With thanks, Michael Olden. 09/11/2006

30. **Joe Flaherty**, Nambour, QLD

(CPOCD/Standard Diver RAN Retired)

Dear Harry and your Good Wife.

This letter, Harry, I feel I must write to you. As I feel I must have been



in Rushcutter when you were doing your C.A.B.A. Course. Anyway your book was loaned to me by David Lees who is a neighbour of mine about 1 klm up the hill.

After reading your book Harry and thinking back I experienced the same problems as you. I had quite a few Diving accidents and if there were any plane crashes I got the job. Mackay, Darwin, 3 in Victoria. I experienced those currents in Singapore in the Quickmatch and Vengeance. I did Borneo with the British Far East Mobile Team. Nothing on my papers. My FESR time is there and Korea. I got a free trip to China and Korea in 2001 from the government, 31 Army and seven Navy.

Harry your book is a masterpiece and what the bastards put you through is unbelievable. But to me it is believable as I've just got EDA, 100%. Harry I would love to meet you a have a long talk as I got to know that many people in your book. Ray Lemon is still going and I'm in touch with him. Bill Dovers was my Forecastle Officer and Divisional Officer in the Australia, 50-51. He is now our Patron of the HMAS Batan Association of Australia, which I'm the National President. I was Badges Instructor for S.W. Course, Harry Bingham, Darcy Wilcoxson which I'm still in touch with.

That's all for now Harry. Lots of luck to you both.

Joe Flaherty. 20/02/2004 (Served from 06/06/1950 to 06/06/1965)

31. **Wes Cooper**, Norfolk Island  
(CPOATA RAN Retired)

Dear Harry and Fay

How are you both? I hope you are well settled and comfortable there in the RSL Care Village. Thank you so much 'H' for the copy of your book, and what a credit to you it is after going through what you had to do to get some justice. I was always meaning to get one from you, it was just a

matter of getting 'A' into 'G'. As you said sometimes it's hard to fathom how fast 'old man' time goes by.

I'm well into the book already and I am amazed at a couple of things, firstly the effort you went to in obtaining records, stat dec's and other information applicable to your case, the pathetic attitude of DVA throughout the process and the apparent slackness of the Navy in keeping personal operational records up to scratch. I must say that I have a couple of matters I want them to correct in regards to my personal records which I obtained a little while ago.

I'll certainly make sure the book gets passed around amongst our RSL blokes here thanks 'H'. I'm sure they will find it most interesting also. I'm currently one of the trustees for our RSL Club, 2nd Vice President of the Sub-Branch and one of the Pension Officers so the book is a good example of what can happen through the VRB appeals process. We have a couple of good contacts at DVA in Sydney which helps when we process pensions/disability claims etc., it's a big help.

Well, 'H' better get this into the mail so it gets to you before the New Year. All the best to you and Fay.

Fond regards, Wes. 12/12/2004

32. **FAAA** article. NSW, South Coast Register, Newspaper

Information supplied by **Jim Lee**. WOATA, RAN Retired.

....Unfortunately health problems are an important issue for many of the more mature age members and their partners. Assistance to prepare claims for veterans' entitlements or military compensation is available from the Fleet Air Arm Association (FAAA) welfare officer.

All Ex-Service Organisations (ESO's) offer assistance and advice to ex-servicemen and women free of charge and if you are about to make a first claim for medical, pension or medals entitlements you should seek advice from your local ESO.

Prime examples of the pitfalls, which lie in wait for legitimate, but inexperienced and unwary, claimants are extremely well documented in a book, titled *Onus of Proof*. This book, written by old shipmate Harry Harkness, details the hurdles and frustrations experienced by the veteran trying to go it alone and prove his case to the Department of Veterans' Affairs (DVA).

The book spells out the benefits of seeking assistance from an ESO, in Harry's case experienced advocate Noel Payne from the Armed Services Assistance Centre (ASAC), which finally brought years of hard slog and heartbreak to a timely and successful conclusion.

'Onus of Proof' is a reader friendly, meticulously researched and well written account of one man's struggle against bureaucracy for his just entitlements. This 'how to' manual can be obtained from the author.....Order forms are available from the FAAA office.....Incidentally, Harry's trauma undoubtedly would have been greatly reduced if HMAS *Melbourne 2* ship's diving log could have been located.

Do you know what happened to it? (dated 14/01/2006)

Well..... Yes!...we do!.. Please see next item of information.

33. Supplied by **Ian McConnochie**, Lt. Cdr. MCDO, OAM, RAN Retired.  
(Official Notice):

Navy Office, CANBERRA, December, 1963.

1. RAN Addendum to BR Royal Navy Diving Manual having been approved, is hereby promulgated.
2. The Addendum is to be inserted in the front of and used in conjunction with BR 155c.

By Direction of the Naval Board.

34. **Ian McConnochie**, Lt Cdr. MCDO, OAM, RAN Retired.

G'day Harry

Thought I'd let you know that I've finished your book and found it very interesting. You certainly are to be commended on the detail and your perseverance! It's unfortunate that a very large number of people have to go through a similar grind in order to receive the benefits due them.

It's now water under the bridge but you may be interested to know, if you didn't already, that in December, 1963, the RAN Addendum to BR 155c, the RN Diving Manual, was published and issued. It states that the Diving Log was to be retained for a period of 12 months after the last entry after which time they may be destroyed. This would probably explain why you were unable to locate it....I have a copy of the RAN Addendum and would be happy to scan the relevant page if you are interested.

Kind regards

Ian (11/05/2006)

Comment; 'Thanks Ian, much appreciated'.

A copy duly arrived where it states at Item 0234, Diving Log, Paragraph (2) the following quote; 'Completed logs are to be retained for a period of 12 months after the last entry after which they may be destroyed'. end of Quote.

'So there it is, mystery solved at last'.

But the question remains 'why the destruction of more official documentation?'  
'What was their purpose'?

'Go figure'.

## PTSD Triggers

**A**ny one or combination of the five senses of touch, smell, taste, sight and hearing, along with bad memories, dark thoughts and calendar dates, can unexpectedly, trigger a PTSD episode.

Therefore recognising the triggers that affect you is really a major part of trying to manage PTSD.

Having done some hard yards myself over the last fifteen years. I do not believe there is a permanent cure for PTSD. Except for perhaps Alzheimer's Disease or Death itself. Regrettably the last mentioned we know has been a path taken by some ADF personnel unable to cope.

Once contracted, it seems, PTSD becomes a whole of life condition, therefore, since PTSD can't be completely cured, only better managed, it's then a case of, 'What I am, I am'. So I've tried to source the cause of the problem and manage the outcome for a better quality of life.

During the course of which two main options for treatment are apparent;

Firstly, the use of stupefying drugs, with their many reported side effects; or,

Secondly. A more conservative collaborative approach of treatment over the longer term employing deep debriefing to identify hidden issues that over time may, could or should improve quality of life.

From the get go, Sharon said treatment should be done, without the use of drugs. And where because of her experience in this field and medical background with the Israeli Military, I agreed.

(In doing so I recognise that the treatment we chose may not be for everyone, nor for all conditions).

Starting the healing process requires building trust. Then learning how to function again with family, friends and interacting within the community is another major step which takes a lot of time.

Most people with PTSD suffer a multiple range of triggers, some more debilitating than others.

As an example of how calendar dates can be triggers or catalysts for bad memories, in my own case, ANZAC Day, 25 April, has long been a problem for me. Why? because it falls two days before my underwater entrapment on 27 April, 1965, while carrying out mine search diving operations on HMAS *Melbourne*.

This year, 2015, was especially difficult because of the 12 month media and Australian Government build up to the 100 year Commemoration of the Gallipoli Campaign. Which just happened to coincided with the 50th anniversary of my 1965 entrapment.

The management action I took this year on that day. Was to contact my 1965 diving partner, Albert 'Blue' Duke, by phone and thank him again for the extra 50 years I've had with my family as a result of his rescuing me that night. He said 'no worries mate', we talked for a while and that really helped.

So by taking this positive action I managed to turn a difficult situation into a better one. When relating this to Dr Scott Jenkins during a consultation on 20 July, 2015, he said I've reached the celebration stage. I asked him what that meant and he replied, I was about half way through my PTSD.

At 78 years of age in December this year. I'm not sure if that's a good thing or not, to be only half way?

Another of the many problems/symptoms associated with PTSD to be managed is exaggerated startle reflex which results from a sudden 'unseen source' of loud noise - unseen is unexpected - which has a much greater impact than a 'seen' source of noise, which is a warning of some sort like when you see that someone is about to drop something.

A sudden unseen loud noise can be an instant switch off, a mood changer that gives rise to anxiety or anger and a reason for a sufferer to immediately want to leave the area. Noises in shopping centres are a classic example and can be very difficult to handle at times.

It's probably the reason sufferers prefer the great outdoors away from the crowds. You cannot control the noise that crowds make but you can control or risk-manage where you go.

Recognising a problem is the first step in solving one and it's also the first step in managing one.

In and around the home, family can help in the managing aspect of the problem by simply giving a verbal warning like saying 'I'm going to make a noise' before they actually do. This lessens the impact on the sufferer's reaction, which in turn can make for a happier family life. Which comes down to gaining an education and better understanding of the problem.

Awareness comes with experience, albeit with a steep learning curve, with some days better than others. Sudden loud noises are impossible to manage 100 percent of the time but they can be better managed with care.

Working with a local GP we have found that Vitamin B12 can have a beneficial dampening effect on the reaction to sudden loud noises and exaggerated startle reflex.

# Missing Diver

Since 1965 rumours have circulated about a diver's body being found on the sea floor under HMAS *Yarra* during the Indonesian Confrontation, which has proved difficult to confirm. Then in early 2003 the matter was raised directly with me by Ian Arnott, Ex RAN, a fellow VVCS workshop participant who insisted he knew it was true and happened in June, 1965, about which I made a few notes.

The matter raised its head again in early December, 2003, when I came across those same notes amongst material I had recently used to compile *Onus of Proof* ready for publication. As a result I put out some feelers looking for 'hard evidence' of the event.

To my very great surprise, within a short space of time, a copy of HMAS *Yarra's* - Report of Proceedings for June, 1965, arrived in the mail, and where at item # 4, it states the following facts;

## Item #4

On the evening of Friday 4th June, there occurred the extraordinary affair of the missing diver which was reported in detail in my letter 0028/2/29 of 6th June. At 2100 on the 4th, a sentry sighted bubbles aft. After several officers, including the Engineering Officer and two others with diving experience, had observed them, it was decided they originated from a diver. Later that night a trial was carried out with a ship's diver and exactly the same effect produced. Grenades and scare charges were dropped and the bubbles ceased. A search of the ship's bottom produced no result.

## Item #5

Next morning, after a check bottom search, two young divers commenced a search of the sea bottom and claim they sighted a man dressed as a diver sitting



on the bottom motionless and seemingly dead. They both came to the surface to report this find and unfortunately could not go back as they had insufficient air. An interval of some 20 minutes elapsed before a diver again entered the water. The body could not be located, and in spite of several thorough searches, has not been seen since. Nothing was seen in the vicinity which could have been mistaken for a body.

## Item #6

Factors pointing to the existence of a diver are the activities of the previous night and the sighting and examination at a distance of 3 to 4 feet, by two men who, in spite of very severe interrogation, have not changed their original story. Factors against its existence are that it hasn't been seen since and the improbability of the event,

Comment: Although verified by two divers the wording in the ROP's seems somewhat dismissive.

On 19 January, 2004, I raised the matter with Ray Elley, RAN Clearance Diver in 1965, by email and related what I had been told by Ian Arnott. Ray responded next day by email;

Re; lost diver under *Yarra* 20 January, 2004: Quote:

Very interesting Harry, the full details were never released or let be known but there were rumours.....it just shows how slack Navy was in record keeping. No wonder the *Melbourne's* CO and the Admiral was so concerned, they had inside information and they didn't share it. I don't know what I would have done had I have run into the underwater saboteur I was sent to check out if he had been there with a shot gun spear head! Can you imagine if anything had happened to one of us, when we were not supposed to be there operationally? I wonder if HMAS *Yarra's* Diving Log is missing like *Melbourne's*, it should have a mountain of information in it? Ray.

And there it remained for me, until 2008, when another mention was made of the missing diver under *Yarra* in the book *Tiger Territory* published by Ian Pfennigwerth, see page 193, 'On the night of 4 June 1965 - 'the extraordinary

affair of the missing diver', as the Report of Proceedings termed it. Briefly, bubbles were seen alongside the ship, which was berthed in the Stores Basin at the Naval Base. Underwater lights were switched on and hand grenades and one pound (454g) scare charges dropped as the ship went to the highest state of watertight integrity. The diving guard ship was informed and a harbour patrol craft summoned. Twenty five minutes after the alert, *Yarra's* divers were in the water on a bottom search, but nothing was discovered. The following morning the ship's divers conducted a follow-up search and sweep of the sea bed under the ship'.

'At 0720 they surfaced and reported sighting the body of a diver dressed conventionally in a diving suit, face mask and underwater breathing apparatus. The body was resting on the bottom in a crouched-over position. No sign of life was evident'.

The following quote is taken from the Report of Proceedings, Item #5, 'They both came to the surface to report this find and unfortunately could not go back as they had insufficient air. An interval of some 20 minutes elapsed before a diver again entered the water. The body could not be located, and in spite of several thorough searches, has not been seen since. Nothing was seen in the vicinity which could have been mistaken for a body'.

Next quote also taken from book *Tiger Territory*, 'Divers then re-entered the water in an effort to relocate the body'.

'One of the divers thought there might have been a large charge in the vicinity of the body, which caused preparation for moving the ship, but on re-examination, nothing was found. The Fleet Diving Team then took over the task but their efforts were unsuccessful, despite three hours of searching. One reason might have been the actions of a tug sent to stand-by *Yarra*, whose use of a 'large amount of engine power' would have flushed anything under the ship out of the basin into the Johore Strait'.

'Meanwhile, both *Yarra* divers who had seen the body were closely questioned to confirm their report. As the ship's report noted, the less experienced diver

‘was extremely frightened by his experience and his evidence is clouded by this fright’. However, his buddy ‘after initial fright investigated to the fullest extent with due caution’, even though he had lost his diving knife and was completely unarmed- a testament to the quality of the training he had received. His observations over ninety seconds at about a metre from the body included a full description of the foreign diver’s dress and equipment, and he concluded with the statement that’:

‘I am sure I saw a person with diving gear on; whether he was lying doggo or dead I’m not certain, but it was definitely a human being. I came to the conclusion that he was dead because there was absolutely no movement and no bubbles’.

‘Intelligence in October 1964 stated that ‘It is known that an underwater sabotage frogman threat exists and that the Indonesians may demonstrate their capability shortly’. Subsequent consideration of the incident concluded that there had been a diver under *Yarra*, although the identity of the body was never established’, end of quote.

So although the facts seem clear enough. The mystery continues unanswered, and the question remains. Who was this missing diver, and what was his nationality? About which we may never know.

‘I thank Ian Pfennigwerth for granting permission to use his material’, Harry.

## Service Discrimination

**F**or those still looking for answers as to why the Royal Australian Navy and its personnel were singled out for a hard time by the Australian Government and Department of Veterans' Affairs for so many years when seeking access to Service Pensions, Repatriation Commission Benefits and Entitlements.

You need look no further than reading (RAN Retired, Captain) Dr Ian Pfennigwerth's book *Tiger Territory*, Chapter 7, 'The Veterans Struggle for Recognition', published in 2008. It makes for compelling reading.

To begin, the records show, it was in fact Prime Minister Robert Menzies who committed the 'original sin' by his decision to exclude the Royal Australian Navy personnel serving in the FESR from receiving their rightful repatriation benefits and entitlements. It was wrong, of course, however it would have taken a brave person to step forward and say so. That pivotal decision set in motion what turned out to be an ongoing mess that continued to disadvantage RAN veterans for many decades into the future.

It was an unfair deal for Navy compared to what Army and RAAF personnel received for their service during the Malayan Emergency, FESR, and Indonesian Confrontation from 1955 to 1975. Especially so their favourable allotment for operational service. Where they were able to access DVA Service Pensions, Repatriation Commission Benefits and Entitlements. While RAN personnel serving in the same war zone, often serving side by side members of the other services, but who were unfairly denied allotment of operational service, repatriation commission benefits and entitlements.

Over the years many attempts were made to have this inequitable situation rectified, but without success. Until Vice Admiral Don Chalmers said 'Hang on a sec! This sounds wrong'. It was from then on that things began to turn around,

as set out in the following pages taken directly from Dr Ian Pfennigwerth's book *Tiger Territory*, with his kind permission.

We pick up the story starting from page 264 through to page 273:

The Naval veterans of the Malayan Emergency wanted their FESR time to count as qualifying service - if it counted for the Army and Air Force, why not for the Navy? And they continued their campaign'.

'What caused the retreat from the position that Defence and the Navy had held as almost sacred for forty one years? For one thing, the veterans were becoming more organised, and their research was turning up documents which were inconvenient for Defence and difficult to dismiss. As well, the veterans' organisations had begun to attract seriously competent and experienced personnel, including many former senior officers, to the campaign. Seeing more value in working to a common cause, the Naval Association of Australia, the HMAS *Sydney* and Vietnam Logistic Support Veterans' Association (Sydney & VLSVA) and the FESR Association began to see wisdom in pooling resources against a common foe.

Critical to this development was the acceptance in 1996 of the position of national president of the Naval Association by Admiral Mike Hudson, former CNS from 1985 to 1991, very likely because of the advocacy of Vice Admiral Sir Richard Peek. Although he had not had FESR service, Admiral Hudson quickly came to an appreciation of the justice of the veterans' case. But he also recognised that the earnest efforts of the veterans' organisations had created an atmosphere of mistrust and hostility towards them within Defence and DVA, even extending to the Minister for Defence Personnel and Industry.

In particular, the Navy had created a corner for itself to be backed into. Pursuing a definitive and authoritative response from the Royal Navy that would finally silence the Malayan Emergency veterans, in 1996 the CNS made a personal approach to the Second Sea Lord in the Admiralty seeking assurance that RAN ships had not qualified by their service for the NGSM. Instead the Second Sea Lord responded that, 'I very much regret that we will be unable to let you have the definitive advice you are asking'. This didn't prevent the CNS and the Minister for Defence Personnel, both possibly badly advised, from claiming that the RN advice had shut the door on the veterans' claims once and for all, but that they were unable to release the

advice because it was 'personal'. When an application by the FESR Association through the Commonwealth Ombudsman's Office produced the release of the British response, the only door that had apparently shut was veterans' access to Navy and the Minister, But this was a pivotal point in the veterans' campaign. The Ombudsman had determined that the Minister could not withhold a document on private grounds if the content was used to make a ministerial decision, which elevated the dispute out of the bureaucratic 'noise' and into public and political view.

The situation needed to be defused, and a great deal of more cooperation was required to ensure that the case for all FESR veterans' - not just those from the RAN - was presented coolly and professionally, and in a coordinated process that drew on the organisational strengths and information sources resident in each association. In June 1998 the Naval Association convened a meeting of interested parties in Canberra, from which emerged the Joint Consultative Group, comprising representatives from the Returned Services League, the RAAF Association, the Australian Defence and Veterans' Association Council, the Defence Reserves' Association, the FESR Association. HMAS *Sydney* and Vietnam Logistic Support Veterans' Association (Vic. Inc.), the Regular Defence Forces Welfare Association, the Australian Defence Association and the Naval Association of Australia. This formidable assemblage of talent and enthusiasm identified a high degree of common ground in having the anomalies arising from FESR service resolved, particularly under the goad of the 'working party', an inner core of activists led by Admiral Hudson, and comprising the former NAA President, 'Nobby' Clarke and Secretary Peter Cooke-Russell, with Noel Payne from the FESR Association and Bob Gibbs from the Sydney & VLSVA.

There had also been some changes in Navy Office, and the new Chief of Navy (the titled changed in February 1997), Vice Admiral Chalmers, expressed himself 'supportive of the veterans' claims. In a January 1998 minute contesting the position adopted by the Head of the Defence Personnel Executive on the recognition of their Malayan Emergency service, he pointed out the inconsistency in the current principles applying to defence awards to personnel who had served in the Gulf War and those that Defence continued to want to apply to earlier veterans. He dismissed the sophistry which had grow out of wrangling over the issue of 'danger' and made two other important observations.

It might be argued that there are individual awards which recognise the bravery of those who respond to significant danger in operations. I would suggest that, within the concept of determination of campaign awards, there is at least some recognition of the members' decision, taken in quieter and safer times, to embark for duty in circumstances which may well ultimately expose that member to incurred danger. We should ensure that we are able to encourage present and future ADF personnel to continue to make that decision in accordance with their duty, as we did in recognising service in the Gulf War. In that regard, any mean spiritedness in our dealing with earlier veterans has the potential to be noticed by presently serving personnel.

I have recently become aware of Ministerial correspondence which indicates that Departmental advice given to the Minister may not always have conveyed an accurate impression of the nature of RAN service during the Malayan Campaign.... The view expressed in this ministerial correspondence seems to be that the naval role in the campaign was simply to 'Show the Flag'. Such a view clearly does not appreciate the nature of naval operations, not does it recognise the conditions under which RAN personnel operated at that time.

With support like that of senior officers of the ADF, a concerted campaign to enlist the support of ministers and local members of the parliament, and under the firm leadership of Admiral Hudson, the Consultative Group was successful in persuading the Minister for Veterans' Affairs, who was also the Minister Assisting the Minister for Defence, to commission a new review in 1999 to investigate the considerable volume of 'anomalies' which veterans continued to represent for all the Southeast Asian campaigns.

Titled the 'Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975' it is better known by the name of its Chairman, Major General R.F. Mohr. Although General Mohr was an officer in the Army Reserve, he had served as stoker and radio mechanic in the RAN during and after World War II, before pursuing a distinguished career as barrister and judge. He was assisted by retired Rear Admiral Phil Kennedy, an officer with extensive operational service in Korea, the FESR and Vietnam.

Consideration of the claims of the RAN veterans of the Malayan Emergency was one of the major issues raised in the review's terms of reference, and General Mohr

discussed and decided the issue in a mere twenty-three pages of his report. He concluded that the exclusion of RAN personnel from repatriation benefits 'created an anomaly for which no satisfactory reasons were provided' and he recommended that this be removed to place them on the same basis as Army and RAAF veterans.

Turning to the NGSM, Mohr concluded that all the RAN Emergency veterans had qualified for the award by their service. He agreed with CIDA that a breakdown in communications (read 'bureaucratic bungle') had been the cause of the former denial of the award, and noted that the loss of most of the records of the British commanders in the Malayan Area had denied researchers the information they needed to confirm the RAN ships' qualifying service. A case against award could not be sustained by reference to the fraction of the information that had survived.

Reports and logs were not kept with a view to setting out qualifying service for the NGSM. The need for such recording was not known in RAN ships. Furthermore there was, in all probability, a considerable overlap between the ship's movements in fulfilling their primary (presence) and their secondary (anti-CT) role. Showing the flag being one such overlap.

He made another point which should have been the death blow for those officials who remained obsessed with what constituted the area of operations for the Emergency. He commissioned his own enquiries with the Royal Navy on this point and extracted the following response from the UK Ministry of Defence:

'I have searched through the various minutes of the Committee on the Grant of Honours Decorations and medals but have not found any reference to the boundaries of the qualifying area for the Naval General Service Medal (NGSM) with clasp Malaya.....I regret I am unable to confirm the distance from shore that ships had to be as the list that we hold of qualifying ships only state, alongside the qualifying periods, West Coast or East Coast patrols'.

Aside from making repatriation benefits available to RAN Malayan Emergency veterans, the consequence of these recommendations would be that the names of both Spooner and Cooper would be eligible for the Roll of Honour. (Both previously denied)



Mohr made other recommendations. The Australian Service Medal was to be issued for all service personnel, including land-based RAN personnel who had served in the FESR for periods of more than thirty days. This recognised that there had been Australian personnel serving in Malaya before the FESR was formed and that their duties continued after the independence of Malaya. The RAN radio operators who had worked alongside Army and RAAF operators in signals intelligence work - same duty, same place, same exposure to 'danger' - had not been entitled to the same entitlements because of a bureaucratic oversight in allotting them. Mohr recommended that this be redressed. The case of HMAS *Vampire*, which had had the misfortune to spend her days on Confrontation service shuttled between Borneo, where her service fell one day short of the requirement, and the Singapore and Malacca Straits where she fell seven days short of qualifying, led to a recommendation for the award of the appropriate awards to recognise her combined fifty-three days of operational service.

Finally, those Australian personnel who had been seconded to the RMN during the period including Confrontation should have their service recognised by their allotment to the FESR. Although this step had been agreed in 1965 by the Department of Defence and the Repatriation Commission, administrative action to make it so had not been taken. This decision also carried flow-on benefits in eligibility for medals.

The case put to the Mohr Review by the Consultative Group was thoroughly prepared and competently argued, and resulted in recommendations for the overturning of almost all the barriers that had been placed in the way of naval veterans when they sought their entitlements.

That would have seemed to be that, except for the post-review resurrection by Defence of the issues with the eligibility of naval veterans of the Emergency for the award of the NGSM, even after the Minister had publicly accepted the Reviews' recommendations. The charts and deck logs were brought out again in the Personnel Executive under the umbrella statement that 'General Mohr's recommendations and conclusions need to be read in conjunction with the considerations to understand their full meaning'. This exquisite piece of bureaucratic double-speak emerged from the office of the Head of the Defence Personnel Executive in July 2002, and rightly

drew the attention and counter-fire of Admiral Hudson. Defence's backtracking was quickly squelched by application to the Minister, which effectively drove the stake through the heart of this monster. The Government accepted the Mohr recommendations and by December 2002 the instruments of allotment were issued by Defence. The allotment of RAN ships for service in Malaya was formalised in legislation in an amendment to the Veterans' Entitlements Act 1986, which now contains a list of ships and the dates of their service.

.....The lack of official documentation continues to bedevil applications, as proof of their service in specific localities at the times claimed is extremely hard to come by. Poor record-keeping at the time and the loss or misplacement of important documents, as well as the apparently indiscriminate destruction of many of the applicable naval files, makes the veterans' task a difficult one. To give an indication of the size of the issue, by July 2006, DVA had dealt with claims from 5056 naval veterans of service in Malaya, Malaysia and the FESR, totalling over 32,000 claims of injury or incapacitation, with an acceptance rate of 53.5 per cent.

Which leaves the question of why it took so long for these anomalies to be dealt with effectively by the Government and the bureaucracy. Much of the documentary evidence that might answer the question is missing or ambiguous, but the problem had its origins in a decision by Prime Minister Menzies to withhold benefits made available to Army and Air Force personnel serving in Malaya from sea-going RAN members of the FESR serving in the same theatre. If there was dissent or protest about this decision it has not emerged from the records. Menzies was a dominant political figure of the period, and it's not difficult to see him getting his way by overriding his ministers and directing compliance from the bureaucracy.

The Chief of Naval Staff had been in office only a matter of months and he and his Naval Board had issues on their plate which possibly seemed more pressing. As for the reason for this unfair decision, there is a tenable argument that it was to save money at a time of financial stringencies.

Bureaucrats in the Treasury and Navy departments did point out the anomalies in the treatment of naval personnel, but this resulted in no apparent action at a Cabinet level, apart from the grant of taxation concessions. The 1956 FESR Repatriation Bill was apparently, drafted without consultation with Navy- which could only have

happened on instruction from on high, and the Prime Minister was quite capable of enforcing discipline when it came to the parliamentary debates. It didn't really matter whose voices were raised in pointing out the disservice the Bill would do to RAN personnel, it was going to be passed anyway. It is harder to find an explanation for the connivance of those who might have been expected to think differently over the retrospective un-allotment of RAN ships from the FESR. If, as suggested, the 'original intent' of the 1956 Act was to save money, then the Labor Party ministers of the 1990s were only too happy to follow suit. This may seem a harsh judgement, but they could have been in no doubt, having had the legislation found wanting by the courts, that there was an issue requiring resolution. They missed the opportunity of providing it, and cost the veterans another decade of denial and struggle.

As for the Navy, the whole episode casts the Naval Personnel Division of the 1950s and its successors in a poor light. Apart from the wishy-washy comments by its chief in 1958, there was no attempt at any stage to raise the issue administratively or politically. When repatriation benefits surfaced as a problem the Navy took refuge in obfuscation, and a fixed belief that the matter of eligible service in Malaya was for the RN to resolve. It failed to allot retrospectively the RAN shore-based personnel to the FESR, despite agreeing in 1965 that this needed to be done. At very senior levels it remained locked into a view that the Australian ships had not been engaged in operational service during the Emergency, a belief supported by very sloppy research which had been entrusted to relatively junior officers, and a deplorable misappreciation of the facts of naval operations in a limited war situation. This rolling mess trapped the Navy's most senior officer into inaccuracy in 1997 and into providing incorrect information to his minister.

In mitigation, Navy Office was not alone in these practices; DVA was no less guilty of relying on inaccurate information in making its judgements and did nothing to promote a re-examination of the consequences of the poor legislation of 1956 on naval veterans seeking its assistance. External sources, like official histories of the conflicts in Southeast Asia, which might have been expected to present an independent view, did not. It would have been a bold and confident public servant or naval officer who challenged respected historians like Professor Dennis, who got away with covering the RAN's contribution to the Malayan Emergency in just over a page, and confidently made the following allegation:

‘Within the context of the Strategic Reserve commitment, the anti-CT role never amounted to anything more than a token participation. It could not have been otherwise. The communists themselves had no naval capacity that threatened the security forces or the general situation in Malaya. There was no evidence to suggest that CTs were being smuggled into Malaya by sea routes.....Nor could naval power significantly enhance the activities of the land or air forces, particularly in the clean up phase in which Australian forces were involved from mid-1955 on’.

It was statements like that which prompted the research and writing of this book; on the basis of practical and historical naval experience they just could not be true.

The tragedy is that naval officers with a responsibility for determining the truth, lacking that experience or, perhaps, the will to follow up the issues, didn’t bother to challenge them. The veterans who survive, and who now enjoy the just entitlements for the service they rendered to this country, owe a great debt of gratitude to the gallant band of their fellows, led in fact and in spirit by Sir Richard Peek. Despite official stonewalling and denial, and discouragement and ignorance at the most senior levels of government and the Navy, their persistence was rewarded. But the cost was high - over 5000 naval veterans of the FESR with more than 17,000 ‘accepted’ injuries or illnesses had to wait until 2001 to gain access to the entitlements that should have been theirs in the 1950s. The other terrifying statistic is that the FESR Association estimated that only 7000 naval personnel served in the theatre: that’s a ‘casualty’ rate of over 70 per cent.

Hopefully this account of the period will enlighten those RAN veterans who never knew the true reasons behind the denial of their ‘rights to entitlements and benefits’ by government and the DVA. It also explains why official documentation has been so difficult to find to support many claims to the DVA as noted by General Mohr during his review process.

*Recorded in memory of those who served yet were denied*

# Thanks

**T***iger Territory* is a heavily detailed document providing many answers associated with past naval service of veterans denied their Repatriation Benefits and Entitlements in the period 1955 to 2002.

It's a most compelling read for all RAN personnel and ex service community members, and I thank Dr Ian Pfennigwerth for giving his permission to quote directly from his well researched writings.

Also a heart felt thank you to those who gave their time and energy to right a long standing wrong.

Bravo Zulu, fellas.

The issues raised, set out, and recorded in Chapter 7, 'The Veterans' Struggle for Recognition', cannot possibly be given the space it deserves here to adequately cover this subject. But hopefully the pages 264-273, directly quoted here, will give light to the wider story behind these events. The book, *Tiger Territory* by Dr Ian Pfennigwerth, ISBN:9781877058653 (pbk) published by Rosenberg Publishing, 2008, is currently available and well worth the read.

# Unchanged

## **'If nothing changes, nothing changes'**

**T**his statement is as relevant today for current serving Australian Defence Force (ADF) members, as it was in the past for Ex Service Members and Veterans who served their country in times of conflict.

Sadly today's Veterans are still having to deal with the same mindset where successive Australia Government's of all persuasions including the Department of Veterans' Affairs, (DVA), who seem to like bathing in the reflective glory of serving ADF members, Ex Service personnel and Veterans.

However, they forget it's Government political decisions that create our long suffering Veterans, whom they then deny timely access to their rightful repatriation benefits and pensions, the history of which goes back decades where those in authority fail to honour their side of the contract with ADF personnel.

When Veterans' claims are denied by DVA it increases their suffering many fold and in some cases causes the Veteran to lose perspective and look for other ways to release themselves from their long suffering. ADF Suicide figures are indicative of a major problem and a probable result of the above.

Many believe the attitudes of Government, and the DVA, *devalues what we did, and takes away from us the worth we once had, for the things that we were required to do in the service of our country.*

For Government and DVA to continue delaying veterans' timely access to their Service and Repatriation Benefits is obscene.



## **Heads Up**

To Veterans with problems, I say “It’s never too late”.

During the course of compiling this book I’ve learned a great deal about myself, my life and why I’ve lived the way I’ve lived.

Help is available, all you have to do is ask for it.

May the contents of this book point you in the right direction.

***Harry Harkness***

*25 November 2015*

## **Medals Awarded for South East Asian and RAN Service**

AASM - Australian Active Service Medal 1945 - 75 with Clasp Malaysia

AASM - Australian Active Service Medal 1945 - 75 with Clasp Vietnam

NGSM - Navy General Service Medal with Clasp Malaya

GSM - General Service Medal with Clasp Malay Peninsula

VL & SM - Vietnam Logistic and Support Medal

ASM - Australian Service Medal 1945 - 75 with Clasp Far East Strategic Reserve

ASM - Australian Service Medal 1945 - 75 with Clasp PNG

DFSM - Defence Force Service Medal with First Clasp

NM - National Medal

ADM - Australian Defence Medal

LS & GSM - Long Service and Good Conduct Medal

PJMM - Pinjat Jasa Malaysia Medal (Awarded by the Malaysian Government)

RASB - Returned from Active Service Badge

Aircraft Carrier  
HMAS Melbourne (11)  
Battle Honours  
1965-1966  
Malaysia





## **Abbreviations and Glossary of Terms**

AAT - Administrative Appeals Tribunal

AWM - Australian War Memorial

BEM - British Empire Medal

CABA - Compressed Air Breathing Apparatus (Diver)

CD - Clearance Diver

CIDA - Committee of Inquiry into Defence and Defence Related Awards

CINCFE - Commander in Chief Far East (British)

COMFEF - Commander Far East Fleet

CPOCD - Chief Petty Officer Clearance Diver

CT - Communist Terrorist

DoD - Department of Defence

DSC - Distinguished Service Cross

DSO - Distinguished Service Order

DRO - Departmental Review Officer

DVA - Department of Veterans' Affairs

FAA - Fleet Air Arm

FDO - Fleet Diving Officer

FOC - Free of Charge

FFO - Furnace Fuel Oil

FOCAF - Flag Officer Commanding Her Majesty's Australian Fleet

FESR - Commonwealth Far East Strategic Reserve

HLM - Sea Going Allowance

HMS - Her Majesty's Ship  
HMAS - Her Majesty's Australian Ship  
HMNZS - Her Majesty's New Zealand Ship  
HTMS - His Thai Majesty's Ship  
KD - His Majesty's Malaysian Ship  
LAMW - Leading Air Mechanic Weapons  
LEMAC - Leading Electrical Mechanic Air Communications  
LEMAW - Leading Electrical Mechanic Air Weapons  
LS & GSM - Long Service & Good Conduct Medal  
MBE - Member of the British Empire  
MCDO - Mine Clearance Diving Officer  
MCRS - Military Compensation and Repatriation Service  
NAA - National Achieves of Australia  
PKI - Indonesian Communist Party  
POATWL - Petty Officer Air Technical Weapons Electrical  
POCD - Petty Officer Clearance Diver  
POQMG - Petty Officer Quarter Master Gunner  
PTSD - Post Traumatic Stress Disorder  
RN - Royal Navy (British)  
RAF - Royal Air Force (British)  
RAAF - Royal Australian Air Force  
RAN - Royal Australian Navy  
RANR - Royal Australian Navy Reserve

RANL - Royal Australian Research Laboratories  
RAS - Replenishment At Sea  
RASB - Returned from Active Service Badge  
RNZAF - Royal New Zealand Air Force  
RABBITS - Presents for families and friends at home.  
RMN - Royal Malayan/Malaysian Navy  
ROP's - Reports of Proceedings  
RSN - Republic of Singapore Navy  
RSS - Republic of Singapore Ship  
SEATO - South East Asia Treaty Organisation  
SD - Ships Diver  
UK - United Kingdom  
USN - United States Navy  
USS - United States Ship  
VEA - Veterans Entitlement Act  
VRB - Veterans Review Board  
1800Z - or 1030 K (etc) Indicating when in various Longitudinal Time Zones

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Royal Australian Navy, Records, Training and Employment Office (RTEO), Canberra.

Australian War Memorial, Canberra.

Writeway Research Service's, Research Report, 4 May, 2001. (Accessed under Freedom of Information)

## Contributors

### Divers:

Harry found and contacted nine Members of HMAS *Melbourne*, 1965 Ship's Dive Team. They are:

Commander Ray Elley, RAN (Rtd)

Statutory Declaration, letter and photographs

Blue Duke, ex POQMG

Statutory Declaration

John Cole, ex LEMAW

Statutory Declaration, letter and photograph

Harry Harkness, ex POATWL3

Statutory Declarations to DVA & MCERS & photos

Commander Chris Bolton, RANEM

Letter and follow up letter.

Lieutenant Commander David Lees, RAN (Rtd)

Letter and follow up letter.

Harry Brankstone, ex CPOCD

Faxed letter and follow up letter

Ken Wunsch, ex LAMW (Armourer)

Letter and photograph.

Commander Peter Cooke-Russell, RAN (Rtd)

see Writeway Research Service, Report Statement  
also letters, photographs and newspaper extracts.

## **Other Contributors:**

Bob Luxford ex CPOATWL3, Harry & John's immediate supervisor in 1965  
Statutory Declaration& photos

Barry Icton ex POEAC, MELBOURNE 1965 Headquarters Staff.  
Letter

Brian Dall (Deceased 8/11/2001) (ex Frogman & ex Navy Rugby player)  
Found 'Blue' Duke for Harry

Kevin 'Ripper' Doyle (ex 'Birdie' & ex Navy Rugby player)  
Found Ken Wunsch for Harry

WOCD Glenn Spilsted OAM, Diving Museum HMAS Penguin, Sydney  
Provided contact numbers.

Commodore John R. Da Costa, RAN (Rtd) (ex O.I.C. of 816 Squadron 'B'  
Flight, 1965)  
Letter

Commodore 'Toz' T.A. Dadswell, AM, RAN (Rtd) (ex C.O. of 816  
Squadron, 1965)  
Letter

Bruce Acutt, Consulting Psychologist, Rockhampton.  
Letter

Barry McDuff, Vietnam Veteran and retired English School Teacher  
Critique of book.

Gregory Wallace, CEO, Perry Shire Council  
Letter

Michael Whiting, Queensland Department of State Development  
Letter

## **Acknowledgements**

### **Advocates:**

Catherine Haney, Solicitor, Streeting Haney Lawyers, Surfers Paradise. Queensland. (Represented @ AAT)

Noel Payne OAM, JP (Qualified), ASAC Advocate. Armed Services Assistance Centre, Brisbane (Represented @ DVA & VRB)

### **Government Departments:**

Brett Mitchell, Naval Historical Services, Canberra.

Ann Treverrow, Department of Defence, Personnel Records, Navy Records.

Klaudija Razov and David Brightwell, Navy Medals Section, Canberra.

Anthony Staunton, Policy, Eligibility and Research, DVA Canberra.

David Griffin, Naval History Directorate, Canberra.

Bronwyn Myrtle, Australian War Memorial, Canberra.

### **Ex-Service Organisations:**

John Arnold, Editor of Fleet Air Arm Association of Australia Inc., Quarterly Journal 'Slipstream'.

Bob Geale, Curator, Naval Aviation Museum, Nowra. N.S.W.

Dick Harrison, Pensions Officer, Bundaberg RSL.

### **Medical Support Group:**

Dr Jon Joiner, GP

Dr Scott Jenkins, Psychiatrist. B.Sc., M.A., B.Med., FRANZCP

Ms Sharon Weinstein, Clinical Psychologist, BA (Hons), MA Clin Psych., MAPS

**Federal Government Member:**

Paul Neville, MHR, Member for Hinkler, 1993-2013.

**Missing Documentation:**

HMAS *Melbourne*'s, Ship's Diving Log could not be located.



## I Remember

Listed below are some of the people I remember working with during my 20 years, 114 days, in the RAN.

### Air Electrical Branch

**Officers:** Tony Hunt, Oscar Hughes, Noel Parker, Fred Lewis, Peter Hart, Harry Benner, Bull Raymond, Dusty Miller, Don Clements, Charlie Morris, Jerry York, Eric Leck, Tom Vance, Bill Davies, Reg Elphick, Ken Barrett, Geoffrey Stevens, Lt. Burrows, Don Williams, Larry Larder, 'Normie' Rowe, Larry O'Neil, Ben Larsen, Joe Creasey, David Nichols, Lt. Cdr Croucher, George 'Cocky' Roach, John Crawley, Ted Bryant.

**Warrant Officers:** 'Rusty' Marquis, Bob Brown, Barry Herron, Bob Crowe, Don Simpson.

**Chief Petty Officers:** John Pledge, Tom Curry, George Wiley, Ron Storey, Bob Cronin, 'Black Mac' MacDonald, Ted Cox, Charlie Travis, Greg Peck, 'Shiner' Jack Wright, Dick Gillam, Charlie Melville, Pat Hansen, Bob Luxford, Roy Muscio, Peter Harris, Bill Corkill, Colin Payne, Adrian Whiteman, John Hatchman, Paul Goddard, Barry Hicks, Dick Alchin, Dave Rice, Jack Dunn, Jim Alton, Tass Anning, 'Pinkie' Greene, Roy Hathaway, Bill Brookes, 'Yogi' Ubel, Bob Pearson.

**Petty Officers:** Ted Harms, Arthur 'Snoz' Durant, Tom Moss, Gavin Maskey, Brian Smith, Gary Smith, Jack Davey, 'Bogie' Knight, Jack Dwyer, Kevin Mutch, Keith Hutchins, Harry Harkness (self), 'Nipper' Vandenberg, Frank Birtles, Henry Birtles, Bill Kinross, Les 'Feathers' Crowe, 'Blue' Boyle, Les Swebbs, Terry Thornett, Alan Brailey, Colin Bushe-Jones, Leslie Shepherd, Dick 'Purple' Packham, Jim Conroy, Peter Redpath, Alfie Richardson, Frank Wylie, Marty Cowper, Harvey Porter, Graham Tomasetti, Michael Groves, Neil Dendle, Joe Creasey, Cliff Edwards, Mick Horn, Dave Rasmussen, Dave Hanlon, Graham Selkirk.

**Leading Seamen:** Lindsay O'Connor, Bob Davis, Bill Hutchinson, Ron 'Moose' Moore, Kevin Burgess, John Butler, Ray Larder, Warren 'Junior' Hull, Keith Doncon, Vic Parkins, 'Irish' Hanna, 'Jock' Simpson, 'Jock' Donaldson, John Cole, Don Russell, Colin Blundell, Bernie Bradley, Neville Hall, Scotty Newman, Mick Worlich, Jim King, Barry Sunderland, Tony Herbert, Tony Haines, Bernie Kirkman, Rowell 'Ned' Kelly, Peter Miller, Don Cairns, Ken Fielding, Pete Cobble, Mick Corner, Noel Morgan, Rick Forbes, Ian Lockett, Russell Laycock, Jack Cuttler, Brian Fitzgerald, Jim Ireland,

**Able Seamen:** Owen Hughes, Jeffrey 'Digger' Dunn, Bill Snell, Jock Stephenson, Michael Ball, John Deering, Arthur McKenzie, Ron Craig, Ross Oakley, Tassy Johnson, Ted Clarke, 'Bones' Ashmead, Tony Gazia, Mal Holloway, Pat Hickey, Don 'Spud' Tate, Keith Brown, Douglas 'Jock' McLeod, 'Ripper' Kirby, Steve Knight.

### **Air Radio Branch**

**Chief Petty Officers:** Pat Lawford, Jim Duncombe, Colin Horton, Danny Hannigan, Charlie Fisher, Kev Rolf, Bill Herd, Colin Mason, Stanley Hume, Jack Duperouzel, Lindsay Boyd, George Parker, Mick Hayes,

**Petty Officers:** Barry Icton, Geoff Sharrock, Bill Sonsee, Dave Thomas, Colin Cook, Tom Holdsworth, Dave Adams, Phil Wright, Noel 'Huck' Elliott, George Loveday, Alec Mroz, Trevor Leggo, Des Carroll, Fred Rubly, Larry Larder, Jim Davis, Terry Ford, Ron Melville, Brian Cheers, Ben Larsen, Steve Roper, Kev Koschel, Leon Semler, John 'Chooks' Cleary, Ron Cooke, Col Davidson, 'Jock' Clarke, Steve Keeling, Ken Prior, Frank Fox, Gavin Greer, Bill Hilzinger, Lionel Leggat, Barry Bird, Eddy Lamb, Kevin Bullen, Buck Ryan,

**Leading Seamen:** Ken Bullock, Jim Hickey, John Lowcock, 'Huck' Finn, John Wade, Mick Corner, Jim Herold, Ron Smith, Ian Sausverdis, 'Specks' Hingston, Wesley Grubb, Des Rosenberg, Ted Edwards, Bill Julius, Dave

Parker (RN), Pete Knauth, Arthur Rowe, Jules Ducret, Rob Taylor, Bill Huntriss, Les Sykes, Brian Levett, Nick Roberts,

**Able Seamen:** ‘Blue’ Girvan, Jim Winkle, Ernie Keech, ‘Chips’ Carpenter (RN), Don Cluff (RN), Ray Davis, Henry Ptak.

### **Air Engineering Branch**

**Officers:** Frank Spong, John Selby, Ron Rob, Tom Dodds, Tug Wilson, Bill Hayter, Don James, Don Hay,

**Other ranks:** Bob Connellan, Maurie Turner, Doug Eastgate, Max Gardener, Frank Donnelly, Ken Hegarty, Ian Stilton, Barry Lister, Stan Brown, Dick Markwell, Jim Da Silva, Graeme Price, Lou Luther, Ron Tucker, Ron Cole, Snow Hall, George Egeroff, ‘Prof’ Edwards, Gabby Hayes, Bill Barlow, Ben Link, Wes Cooper, Ian Stinson, Kev Brennan, Chip Dale, Jim Napier, Jock Collins, ‘Robbie’ Roberts, Bill Kerr, Jim Eagles, ‘Jukie’ Maddison, Greg Kelson, John Arnold, Ian Larsen, Carl Fellenberg, Bruce Burns, Curly Davenport, Trevor Gibbs Dec), Ross Gill, Teddy Richards, Ray Thomas, Paul Dugdale, Tony Mulverhill, George Szymoniczek, Frank ‘Shorty’ Nielsen, ‘Hot Rod’ Thomas, Michael Stubbington, Fred Husband, Bob Liddicoat, Terry Delaney, ‘Blue’ Greenfield, Ray Burt, Trevor Bolitho, Arthur ‘Shiner’ Wright, Arthur Sharland, Ron ‘Butch’ Jenkins, Jack Day, ‘Bomber’ Brunswick, ‘Lofty’ Macarley, ‘Jumper’ Cross, Barry Arthur, Jim Eagles, ‘Buz’ Wharfield, Alan Arnell, Errol Shelley, Des Hannah, Des Reardon, Sandy Wilson, Joe Cedro, Lex Bryant, ‘Bluey’ Neilson, Barry Jose, Brian Simpson, Kevin ‘Ripper’ Doyle, Peter Clark, John ‘Yak Yak’ Clark, Dick Wrobel, ‘Woody Herman, Alan Heitman, Brian Melville, Barry Giles, Leo Burgraff, Max Altham, Jim Lee, Paul Birkenhead, Colin Chessel, Tony Penno, Ted Winning, Barry Grainger, Ray Guest, Chuck Aitken, Philip ‘Bats’ Lee, Bill Strahan, Ernie Maude, Bill Gault, Frank Rankin, George Meacham, Peter Penny, Don Parkinson, Alf Moffat, Tony Penno, Terry Payne, Brian Sargeson, Noel Fischer, Kevin Roberts, Colin Poulton, Bill Zimmer, George Hall, Bill

Mac Farlane, Bob Studdert, Kevin Camm, Harry Whiteside, Ray Davies, Alan Hill, Les McCulloch, 'Darky' Hodgers, Merve Cundy, 'Pappy' Gault, Matty Matherson, John Witt, Graham Bullman, Des Hannah, Garth 'Polly' Perkins, Kevin Longford, Graeme Sharp, Alfie Diver.

### **Air Armours**

George Best, 'Colonel' Coombes, Alonzo Brooks, Don Lewis, Peter Bray, Lou Burns, Jack Lieske, Eric Cottrell, Tony Fletcher, Keith Staff, Billy Paul, 'Lofty' Wallaker, Mike Carr, Colin Alexander, Ken Wunsch.

### **Aircraft Handlers Branch**

Neville Russell, Alex Stevens, Hughie Richards, Merv Manuel, Tiny Davis, Lou Pediffer, Les Bailey, 'Trader' Horn, Jack Reid, Reg Holton, John Green, Gary 'Joe' Linnaker, Bernie Jeffreys, Vince Nolan, Norm Pickering, Harry Huggins, Johnny Huggins, Jack Rock, 'Whiskey' Dalton, Barry Fallon, Ken Staff, George Wilcox, Slim Sutherland, Curly Guilk, 'Smiley' Mc Gowan, 'Crash' Kennedy, 'JC' Williams, Bob Withers, Terry 'Boxer' Banks, Noel 'Fonda' Cunningham, Leo Kirkman, George Plant, 'Banjo' Patterson, Basil Sheather, Bob Witt.

### **'Crushers' / Regulating Branch**

Pongo Lemon, Lou Jordan, Alan Morris, Bernie Henderson, 'Rughead' Gilbert, Bert Harrell, Bob James, Des O'Bree, 'Tiger' Mason, 'Aussie' Austin, 'Bungy' Williams, Don Winzar.

### **Clearance & CABA Divers**

Colin Carr, John Gilchrist, David Lees, Peter Cooke-Russell, Chris Bolton, Ray Elley, 'Mouse' Beckhouse, Roy Rasmussen, Brian Dall, Harry Brankstone, John Cole, Albert 'Blue' Duke, Ken Wunsch, Harry Harkness (self), Lee Coppins, 'Dixie' Ford (POPTI), Bob James, REM Lumsden (RN),

‘Fitz’ Fitzgerald, Paul Dugdale, Darcy Wilcoxson, ‘Sandy’ Brennan, Graham Bullman, Desmond Hannah.

### **Miscellaneous General Service**

Barry Griffith, Peter (William Peter John Anthony) Curtius, John Farrell, Max Maxwell, Alan Brooksby, Mike Kuczynski, ‘Woody’ Wlodarczyk, Jake Ellery, Jim Fern, Bluey Guild, ‘Gussy’ Moran, Chris Oysten, Peter George, Arthur Wyatt, Noel Donnelly, Errol Yukes, ‘Vulture’ Davis, ‘Junior’ Hillary, Ernie Solway, ‘Salty’ Eccles, Peter Newby, John Buttle, Trevor Richards, Syd Hinkler, ‘Kiwi’ Rooks, Max Simpson, ‘Booker’ Boxall, ‘Rocky’ Grimsey, Peter Gearey, Barry ‘Buck’ Rogers, Father MacDonald, ‘Padre’ Long, ‘Tiger’ Lyons, ‘Doc’ Darrock, Glyn Evans.

### **Commanding Officers**

Admiral Sir V.A.T. Smith, Admiral Tom Morrison, Commodore ‘Toz’ Dadswell, Commodore Plunket-Cole, Commodore Guy Griffith, Captain Wally Rothwell, Captain D.A.H. ‘Knobby Clark’, Captain H.D. Stevenson, Captain D.C. Wells, Captain A. M. Synnot, Captain J.S. Mesley, Captain V.A. Parker, Captain G.J. Willis, Captain J. D. Gobel, Commander Kel Duncan, Commander Stan Quinn.

### **Aircrew**

Benny Mathews, Peter Arnold, ‘Hoagie’ Carmichael, Don Debus, ‘Tich’ Gordon, ‘Knocker’ Whyte, Sandy Sanderson, Darky Phillips, Pat Vickers, John Hutchison, Bob Ray, John Da Costa, Brian Dutch, Dusty King, Dave Innes, Peter Berzins, David Orr, David Farthing, Bruce ‘Poona’ Ledlie, Ray Godfrey, Cowboy McLean, Neil Ralph, Albert Riley, Zork Rohrsheim, Jerry O’Day, ‘Slug’ Whitton, John Van Gelda, Max Speedie, Peter Ward, Stewart Pittaway, Geoff Ledger, Andy Craig, Anthony Huelin, ‘Tony’ Cassadio, Noel Shipp, Pete Cannell, Arthur Johnson, Tony Booth, Vince Daly, Jim Boetcher,

Rob Partington, Fred McCreanor, Staff Lowe, Jim Firth, Jeff Dalgiesh, Tony Hill, John Leak, John Wilke, Roy Coulter, Jim Buchanan, Alan Evans, 'Squizzy' Taylor, Col Wheatley, Steve Davidson, Graeme 'Suzie' Wong, John Marshall (R.N.), Don McLaren, Winston 'Wingnuts' James, Rolly Waddell-Wood, Ken Vote, Geoff Vidal, Jim Gumley, Ted Wynberg, Gordon 'Pancho' Walters, Rob Partington, Keith Engelsman, 'Lofty' Kimpton, Ivan Misfield, Joe Kroeger, 'Lofty' Yellema, Bruce Crawford, Mick Bayliss, Murray Buckett, Gordon Edgecombe, Guy Cooper, John Nicol, George Swanson, Eddy Bell.

## Epilogue

While the main theme of this story is about one individual's struggle for justice and recognition of his past naval service and that of his Ship's Dive Team, there is a much larger story to be told here, because, in 1965 there were approximately 1300 navy personnel serving onboard HMAS *Melbourne* during the Indonesian Confrontation and early stages of the Vietnam War.

As such, there remain many untold stories of this deployment still to be told and I trust this meagre effort will encourage others to come forward and add their story to these basic facts. There are many Veterans who have been denied their rightful entitlements and yet others who do not realise they have them.

Click the link below to record where you fit in this important, but largely unrecorded and unrecognised, period of Australian Naval Operational Service.

[onusofproof.net](http://onusofproof.net)