18. Extinguishers

Extinguishing the inferno of a crashed aircraft was never easy and often impossible. Even with enough men, equipment, water, and flame retardant it would be a daunting confrontation for experienced professionals. For the Canberra firemen and RAAF airmen attending A16-97 in Duncan Cameron’s paddock there was no chance that they could repel the unyielding flames. The horror of what assailed their senses would keep them awake that night and bring disturbance to their sleep long into the future. For those charged with guarding the site and searching among the twisted wreckage and charred grass for fragments of past lives there were scattered cues to reflection. Here in burnt cloth, shattered watches, warped cufflinks, fractured dentures, a tangled rosary, and yards of wind-strewn parachute silk, was evidence of God’s indifference to distinctions of rank and status. There was no discrimination in death between rich and poor, old and young, men of all faiths and of none. What did it mean? What in Divine Providence had decreed an end in one terrifying moment to 10 lives, in this way, in this place, at this time?

Questions and doubts about a loving Creator would afflict bereaved families and friends for years to come. As Thornton Wilder had meditated in his 1927 novella The Bridge of San Luis Rey: why had God settled upon that person and upon that day for His demonstration of wisdom? The kindly Archbishop of Melbourne had consolation to offer, but no explanation. He wrote to Audrey Elford:

> It is very difficult to give an answer to the question of why this accident happened. I can only pass on to you my belief that the Love of God is with His children whatever may happen to us. Brave men are always prepared to take risks in the discharge of their duty, and if they meet with danger or even death, God’s love for them is unchanged. That Divine Love meets them upon the other side of the grave, and in their Heavenly Father’s keeping all is well with them whether in this life or in the life to come.¹

The clamouring mysteries of life and death on a fatal flight might in time be quieted by pastoral compassion and habits of worship. But preventing the molten metal and embers of A16-97 from igniting a flash fire of innuendo, probing, and devastating criticism was a challenge that brooked no delay. Frequent as they had been in the last decade, aviation accidents remained headline news. Not always on the front page as the war progressed, but often alongside the

¹ Abp F. W. Head to Mrs R. E. Elford, 19 Aug. 1940, Elford MSS.
main political stories. They sold newspapers and drew cinema audiences. Press photographers jostled to get pictures, sometimes like a *Daily Telegraph* man in May 1939, running afoul of Air Force guards and prompting complaints of assault from Frank Packer and the Australian Journalists’ Association to the Prime Minister. As RAAF pilot training and operations gathered momentum in 1940, the increasing frequency of crashes and enquiries from the censors prompted a policy clarification from the Air Board to the Director of Staff Duties at the beginning of May: statements about accidents were not to be issued to the press unless the occupants were killed or seriously injured.

In the days after the crash of A16-97 hundreds of curious local residents flocked to Duncan Cameron’s property. They were kept at bay by guards with fixed bayonets. Thousands more saw press photographs, and Cinesound and Movietone newsreel footage of the broken and incinerated aircraft and commentary on the gravity of the nation’s loss. For the RAAF, therefore, as for all air forces around the world, the urgent need to understand what had caused a calamitous accident was accompanied by acute concern about a possible loss in public confidence.

There was a repertoire of protocol and technique on which shocked authorities could draw. The Air Board had turned its mind to the procedures in place for investigating Air Force accidents in the week following Robert Menzies’ declaration in September 1939 that Australia was at war. Conscious of a recent history of embarrassing revelations and jurisdictional squabbles, the Board was determined to set a simplified course for the future. Up to four separate inquiries could occur in peacetime: ‘(a) Air Force Court of Inquiry (Judicial); (b) Inquiry by Air Accidents Investigation Committee; (c) Service (or internal) Court of Inquiry; (d) Coroner’s Inquiry.’ Under King’s Regulations for the Royal Air Force, incorporated in RAAF Orders, a Court of Inquiry was to be held into wartime accidents ‘in the field’ that involved ‘any injury to persons or damage to property (including aircraft) unless the Commanding Officer is satisfied that the cause of the accident is free from doubt, or that the holding of an inquiry would serve no useful purpose.’

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3 NAA: A461, V314/1/1. The Minister for Defence (Geoff Street) detailed an agreement reached in Sydney on 15 May 1939 with newspaper proprietors and the Australian Journalists’ Association regarding photographs of air crashes. In future, photographers would get in touch with the officer in charge. If photographers arrived before the officer, the photographs would be submitted before publication to an RAAF officer, who would be sent to the newspaper office (*Townsville Daily Bulletin*, 18 May 1939).
4 NAA: A705, 32/10/2536. Publication of crash photographs was banned in Feb. 1941 (NAA: A2676, 819).
A16-97 awaiting removal from Cameron's farm
(Photos by Frank Jefferies, courtesy of the RAAF Museum and Frank and Helen Struc)

The Air Board had urged that the internal Service Courts of Inquiry should be held in accordance with King's Regulations and that judicial inquiries and Air Accident Investigation Committee Inquiries should be discontinued. This appears to have been the policy followed over the next 11 months. (In the case of the Air Accidents Investigation Committee the Secretary of the Air Board had already advised that, as it was now constituted under the Air Navigation Regulations which did not apply to the Air Force, the AAIC was 'considered to lack jurisdiction in air-force accidents.') There was a further recommendation. If coronial inquiries were still to be held, the censor should be instructed that no reference to them should be permitted in the press. Wiser heads prevailed. As ministers scarred by years of newspaper scrutiny well understood, nothing would foster suspicion and discontent more than blatant attempts to suppress information about catastrophic events.

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5 RAAF 32/10/2208, NAA: A705, 108/2/189.
Announcements

Just six weeks before the Canberra crash the RAAF had appointed its first Director of Public Relations. Sir Keith Murdoch, Director-General of Information since late in May, had recommended that each of the three fighting services as well as the munitions and supply departments should have public relations directorates. The War Cabinet had concurred. The RAAF’s public relations operation, approved in detail by the Minister for Air, was mandated to assist with recruiting as well as ‘inform and educate’ the general public, and manage contact with the press and radio stations. Fairbairn also sought to head off ‘hasty criticism’ in Canberra with a weekly bulletin of ‘publishable’ RAAF activities for parliamentarians. Dick Elford’s friend Archer Kyffin Thomas, the chief of staff at the Melbourne Herald, was chosen to lead the directorate in Melbourne, and issued the first decisions on procedures after a meeting of the Air Minister, Air Board, and Directors late in June.6 But Thomas was not in good health and the Herald’s Reg Leonard, a UAP volunteer publicist and a protégé of Keith Murdoch’s, with 16 years newspaper experience though still only 33, had taken up the RAAF post in July. As luck would have it, Leonard was away in Tasmania on the day of the crash, and ‘unable to be involved in dealing with Press inquiries and related matters…I was stranded there for a couple of days and was more or less “out of the action” during the crisis.’7 Standing in at first for Leonard was his deputy Wilfred Bailey Tart, Sir Earle Page’s son-in-law. Wilf Tart, as Press Relations Officer, would have been responsible for issuing a statement, in accordance with recently confirmed practice, about the accident and the names of those who died.8 But on the day after the crash, by the time information about action the RAAF was taking was ready for release, Leonard was there to authorise it.

The Department of Air announced on Wednesday, August 14 that two inquiries were under way. First was an investigation by the Inspectorate of Air Accidents, ‘an organisation set up in the Department of Air to provide a speedy means of investigating R.A.A.F. aircraft accidents and forced landings, in order to determine the cause and prevent recurrences’. The Inspector ‘and staff’ had left for Canberra on Tuesday. When they had finished their work a report would be submitted to the Chief of the Air Staff ‘outlining as far as can be gauged the cause of the accident and any underlying circumstances which may have contributed directly or indirectly to it’. The phrase about ‘underlying

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7 R. B. Leonard to CH, 22 May 1978; Gillison, Royal Australian Air Force 1939–1942, p.103; Lyons MSS NAA: M2270 24 for Leonard’s assistance in the 1937 election campaign. Leonard was on the last leg of a visit to state capitals to set up relations with RAAF stations and the press (NAA: A705, 168/1/168 Part 1).
8 Acting Sec. Air Board to Director Staff Duties, ‘Aircraft Accidents and Press Notices’, 5 May 1940, NAA: A705, 32/10/2536.
circumstances’ was drawn directly from an Air Board order (N391) issued just 33 days earlier. Without actually saying so, the press release implied that this investigation would be little more than a preliminary assessment. But it could possibly rule out some feared explanations. Newly sworn-in Minister for Air, Arthur Fadden, told the press that the Inspectorate would report to him as well as to the Chief of the Air Staff.9

The first concern of the government was to assure the public that the disaster was not the work of enemy saboteurs. It was barely six months previously, when the first Australian Hudson test flight had been held at Richmond, that over-zealous censors had prohibited publication of details of the aircraft’s performance. Precisely what secrets might have been divulged was not clear for, as Aircraft magazine pointed out, ‘by the expenditure of a few pence at a well-stocked local bookstall any school boy can work out their top speed and cruising range’.10 Recognising the truth of this, Jim Fairbairn tacitly approved a proposal in July that John Harrison, just beginning work at the Public Relations Directorate, should prepare an illustrated article on Hudsons for distribution to newspapers.11

Ineffectual as restrictions were in relation to an aircraft that was essentially similar to one that had been in service around the world for several years, there were more justified fears about loose talk. Air Force personnel could mostly be relied upon to respect the order issued late in June not to ‘make any communication, directly or indirectly’, to the press without the Minister’s authorisation.12 Nevertheless, it would have been no surprise to discover that the Hudson’s passenger list on August 13 had not been confidential. Far more secret information had escaped from loose lips. Squadron Leader Paddy Heffernan had reported just over a month earlier that news of No. 8 Squadron’s planned move to Singapore had leaked from Air Force Headquarters and ‘people associated with Government positions’ within a week of the decision being taken. An officer of Heffernan’s No. 8 Squadron en route to Canberra had heard of the proposed departure and the destination while pausing for refreshment at the ‘Niagara’ café in Gundagai. When the squadron arrived at Alice Springs on August 5 they were greeted warmly by a local population supposedly uninformed about where they were going.13

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9 The Mercury, 15 Aug. 1940.
10 Aircraft, vol. 18 (6), 1 March 1940, p.15.
13 CO RAAF Station, Canberra to Secretary, Air Board, 4 July 1940, secret, A1196, 36/501/111; Vincent, The RAAF Hudson Story Book One, p.38. Contrast the ‘Gilbertian’ prohibition on the Canberra aerodrome ground attendant answering telephone enquiries, even from his departmental head, about whether the mail plane had arrived because the RAAF used the same landing ground (Canberra Times, 5 Feb. 1940).
The possibility of sabotage was on many minds. In the previous week the Australian press had reported that the director of the United States Federal Bureau of Investigation had announced the discovery of acts of sabotage, including the placing of emery dust in aircraft engines and ‘destructive metal in naval motive power...Every one of these heinous things,’ J. Edgar Hoover had warned dramatically, ‘has been done by persons shielded by innocent but subversive forces.” It was only a couple of months since the New South Wales Deputy Premier, the Country Party’s Michael Bruxner, had attacked the Commonwealth government for being slow to recognise the dangers of subversion from both communist and fascist groups. The Prime Minister had been obliged to mount a public defence without being able to reveal all that had been done, necessarily without publicity.

Military guards had been supplied to Essendon aerodrome and the associated aeradio station shortly after war was declared. Menzies had written to state premiers noting that sabotage was thought to be the cause of the destruction of a hangar and aircraft at Broken Hill, and requesting that they assist by providing protection at aeradio transmission stations and aerodromes where aircraft of commercial or training value were housed. The correspondence was secret. By late November RAAF guards were preventing cars from entering Canberra aerodrome, to the immediate discomfort of the Prime Minister himself, his wife, and Sir Harry Gullett who were compelled to walk several hundred yards to the landing ground to catch a Friday morning flight to Melbourne.

Some newspapers, in ignorance of much that had been done to increase security around the country, reported fears that the ‘RAAF bomber’ with its prominent passengers might have been sabotaged. The better-informed Daily Telegraph said there was no such suspicion. They had perhaps been briefed off the record on the three sets of instructions RAAF stations had received within the previous four months on ‘the question of special security and anti-sabotage methods’. Sentries were doubled (20 men were on guard at Laverton during non-working hours). Hangars, usually containing six aircraft, were fully lit as well as locked at night.

If security had not been breached, could the aircraft have been carrying too much weight? Departmental officials were quick to deny fears that the plane

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14 Canberra Times, 7 Aug. 1940.
17 Sydney Morning Herald, 25 Nov. 1939.
was overloaded. The press were enjoined not to identify the type of aircraft, though the Canberra Times and Western Mail had already done so, and it was readily recognisable from photographs and newsreels of the wreckage. The Mercury left even less to the imagination by putting a photograph of ‘an RAAF bomber in flight’ across six columns of its front page on August 14.

The absurdity of the censorship was pointed out by the Cairns Post, reporting on August 24 that the Commonwealth Gazette had mentioned that the aircraft was a Hudson. The inadvertent revelation was made in a notification of the appointment of RAAF ‘assessors’ to assist an announced open inquiry into the accident. Among the thousands of people for whom this was not news, Jim Fairbairn’s grieving widow Peggy had wondered aloud to family and friends about sabotage. Of those reliant on other sources of information, at least one psychic was moved to write to the Prime Minister about a clairaudient revelation that ‘The landing controls were tampered with’, followed by a clairvoyant view of ‘a man in white overalls kneeling under the machine doing something with his right hand…I am also told for you to question the sentry or watchman on duty.’

Since the signing of the Nazi–Soviet non-aggression pact, subversion could be suspected from more than one direction. The security services had long been watchful of communists, Nazi and fascist sympathisers, and those with Japanese connections. Years later some contemporaries remembered speculation that the pilot Bob Hitchcock might have been a fifth columnist. Members of the Wiesener family, whose grandfather had been naturalised in 1876, recalled feeling that they might be under suspicion because of their German origins. Unfounded though they were, these were predictable responses to a shocking and inexplicable event. They could not be completely ignored. But they were unlikely to deflect those responsible for investigating the tragedy from their proper focus on more likely explanations. It was not as if aircraft accidents were a rare phenomenon.

In addition to the rapid deployment of the Inspectorate of Air Accidents, the press were advised, a Service Court of Inquiry had been constituted ‘under Air Force regulations’. The purpose of the Service Court would be ‘to inquire into and to report upon the circumstances surrounding the accident’. It would make a ‘thorough review of all relevant factors’ and submit recommendations to the Air Board ‘to avoid any similar occurrence in the future’. Anticipating some possible puzzlement about the overlapping roles of the two processes now in train, the statement concluded: ‘The ultimate aim of the two investigating

bodies is the same, but they work entirely independently.’20 It was presumably thought that confusion might be compounded if an attempt were made to correct reports in many newspapers linking Group Captain D. E. L. Wilson and two other officers examining the wreckage on the afternoon of August 13 with the superseded Air Accidents Investigation Committee.

‘A complicated one to operate’

While the machinery of investigation was being mobilised at Southern Area headquarters in 10 Irving Road Toorak, in Sydney the moment was being seized to advance ‘King’ Cole’s agenda for the training of Hudson pilots. Four days after the crash, a conference of station commanders, commanders of squadrons equipped with Hudsons, and other staff concerned, was convened at Central Area HQ in Edgecliff. Air Commodore Cole reported immediately to the Secretary of the Air Board that it was agreed that:

since the Lockheed type was a complicated one to operate, had a wing loading of ten pounds per square foot more than any other type in the Service, and the supply was limited, the question of their successful operation would require pilots with the following attributes:

a. Above average flying ability as shown by graduation course and subsequent experience.

b. To be of a reliable type, and

c. To have had at least 500 hours solo by day and by night.

Cole had already argued that previous postings to squadrons with Hudsons had included people who did not meet these standards. He reiterated that many of the present postings of flying ranks were ‘below average in their flying course, weak in instrument flying, and have as little as 45 hours solo experience’. In many cases, Cole said, individuals had none of the requisite attributes; ‘and their present demeanour would suggest that it will take a considerable period to achieve all — in the interim they would be dangerous first pilots on the type’. The remedy, rejected four weeks earlier, was immediate switching of postings with officers of ‘known ability’ replacing those of the ‘lower category’. Ten men — seven flying officers and three pilot officers — were named. And Cole concluded with a ‘recommended flow’ scheme by which the optimal conversion of first pilots could be achieved.21

20 NAA: A9845, 319/22.
21 NAA: A705, 208/1/1533.
Cole’s persistence, opportunistic as it was, is understandable in the context of the RAAF’s recent history. Never noted for his tact, his personal assertiveness also owed something to the diminishing of his influence resulting from the supersession of his friend Air Commodore Williams. Concern about accidents had been a perennial preoccupation of the Air Board and Defence ministers through the 1920s and 1930s. After a spate of misadventures involving Hawker Demons, the RAF’s Inspector-General, Air Marshal Sir Edward Ellington, had reported to the Australian government in July 1938 that the training of both RAAF pilots and their instructors was deficient. Ellington’s observations about accidents had led ineluctably to a more wide-ranging review. His secret criticisms, extending to the responsibility of the Air Board, provided grounds and a rationale, if not an unanswerable case, for changes at the top. The government, seizing on the Ellington critique, was happy to look as though it was doing something. In vain did the Air Board ‘emphatically contest’ Ellington’s flawed accident analysis. Someone had to take the blame. Unmoved by Air Board rebuttals of Ellington’s conclusions, and stiffened in his resolve by a hostile press campaign casting the affair as a triumph for a pro-English school of thought, the Prime Minister had pronounced that ‘the main responsibility’ for shortcomings rested with the Chief of the Air Staff, Richard Williams. Noting that further accidents ‘indicated the persistence of underlying causes’, the government sidelined Williams, whose determined recommendation of American aircraft for the RAAF had cost him the support of Menzies and Casey. Williams was replaced with his perennial rival Jimmy Goble. Goble had been away with the RAF for two years to January 1938. He adroitly disclaimed responsibility for the unsatisfactory situation highlighted by Ellington. Within a year, Goble in turn had overplayed his hand, been moved aside, and succeeded by an RAF officer, Sir Charles Burnett.

As we have seen, Air Chief Marshal Burnett, not Menzies’ first choice, owed his appointment to an uncharacteristic episode of insubordination by Fairbairn. Burnett had developed a good relationship with his minister. Much as he would have preferred Dicky Williams in the post, Fairbairn was pragmatic. He realised that the Scottish Air Marshal had a grasp and vigour, despite recurring ill-health, that had been good for the Air Force. On 4 July 1940 Cabinet had endorsed Fairbairn’s recommendation that the CAS’s appointment should be extended for

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22 Chris Coulthard-Clark, McNamara VC: a hero’s dilemma, Air Power Studies Centre, Fairbairn ACT, 1997, p.82; Knight, These Things Happened, p.383.
another year. Burnett had been determined to prove that he was worthy of the Minister’s trust. Growing evidence of problems with Hudsons as they came into service was an embarrassment that could not be concealed from his political masters. On June 13, information about four accidents had been circulated to Area commands at his behest. Aiming to prevent similar occurrences and to impress on unit commanders and other officers the need for close supervision of training and maintenance, ‘Dad’ Bladin provided brief details of each incident. A pilot had landed with his tail wheel unlocked; another had attempted to climb at too slow a speed after take-off; a third had stalled back to the ground because he failed to remove hoar frost; and the fourth had lost power in both engines as tank drain cocks had not been opened to discharge water that condensed inside the tank.

These were not trivial incidents. One of them was fatal. And too many people knew about them. At a meeting of the War Cabinet in Melbourne on July 23 the matter was raised. ’Arising from rumours of recent crashes of Hudson aircraft, the Chief of the Air Staff said that he would include in his report in future reference to any serious losses that might occur.’ The wording was curious. The crashes were not just rumoured. They had actually happened. It was rumours about unexplained crashes that presumably were creating anxiety.

Aware that his predecessor but one, the luckless Williams, had been held accountable for unacceptable losses of pilots and aircraft, Burnett had already pressed George Jones for action as Director of Training. In his second month in the job Burnett realised that he did not know what system was being used to investigate and analyse accidents. ‘I wish a proper record of flying accidents kept and analysed so that periodic instructions can be sent out for the benefit of the Flying Training Schools and others.’ From a hustle of review and recommendations it emerged that the preliminary accident report form and subsequent analysis based on an American format were about to be replaced with a process ‘more in keeping with the R.A.F. system’. Fresh instructions about accident reporting were promulgated in mid-May. At first Jones, now a Group Captain, tried to develop a better appreciation of what was really

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24 ‘Extension of Appointment of Chief of the Air Staff’, War Cabinet Minute 392, 3 July 1940, NAA: A5954, 804/1.
25 NAA: A705, 32/10/2478.
26 ‘Extract from War Cabinet Minutes, 23rd July 1940’, NAA: A5954, 331/1.
28 Since March 1938 considerable effort had been devoted to revising form E/E/24 for reporting technical and training matters arising from aircraft ‘casualties’. As late as April 1940 forms amended in Nov. 1939 had not been distributed (NAA: A705, 32/10/1950). It had been determined in August 1937 that messages reporting aircraft casualties should be in plain language, not code or cypher (NAA: A705, 32/10/1764).
happening. A statistical analysis was to be prepared each month showing the numbers of accidents, their causes, the penalties imposed, and the remedies adopted. Instructors and pupils were required to sight the reports. Burnett had personally corrected the text of the order and a covering letter, expunging some ill-considered words that were ‘most dangerous to give to Pilots. To say we allow aircraft to be flown that are dangerous to fly owing to age will not foster confidence with the Pilot or his relatives.’

In a further endeavour to at least do something about recurring collisions, Jones ‘cooked up a scheme’. In the absence of better suggestions, he remembered, ‘I originally decided to put a big red sticker on the instrument board of every aeroplane: Avoid collisions. Look out for other aircraft.’ When the order to print the notices crossed the desk of ‘Johnnie’ Coleman, the Secretary of the Air Board and Air Council and the first Assistant Secretary of the Department of Air, counselled more customary public service language: ‘Wouldn’t it be better to say: In accordance with regulations so and so you are required to keep a sharp look-out?’ Jones recalled that he prevailed, notwithstanding that Coleman’s ‘sharp look-out’ was quoted from the Air Board Order on ‘Flying Instruction — Approaching and Landing’, issued at the end of April 1940.

It was one thing to issue orders, but as the Director of Operations and Intelligence would comment on ‘recent accidents’ in July: ‘in the end it is the vigilance of the flight or squadron commander and the efficiency of the unit training which determine whether pilots apply the orders issued’. And on the morning of August 13, Jones’s bureaucratic victory over someone not known to throw his weight around shrivelled into insignificance. It was a time when the organisation and its senior men would be put to a test unlike anything they had hitherto encountered.

**Accident investigation**

Viewed from a distance of over 70 years, the reactions of the Air Force and government are remarkable for their speed and effectiveness. On the day of the crash, RAAF procedure entailed the prompt completion of a one-page ‘Preliminary report (external) of flying accident or forced landing’. Procedure was followed, presumably on receipt of a signal from Canberra to the duty officer at headquarters. The form was completed and submitted as required to the Secretary, Department of Air. However, the next day it was replaced by a

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29 CAS [Chief of Air Staff] to AMP (DT), 28 Feb. 1940, NAA: A707, 32/10/2478.
31 NAA: A705, 208/1/1549.
second version bearing the annotation ‘This cancels preliminary report 39 dated 13/8/40.’ The second version on file is also numbered 39. The original does not appear to survive in the National Archives. Nor is there an explanation of why it was thought necessary to replace it.\footnote{32}

It would be fruitless to speculate on why another report would have been substituted for the original. But it may be doubted that it was normal practice to do so.\footnote{33} The ‘preliminary’ report, submitted by the Director of Training (DoT) and bearing the signature of the DoT, George Jones, provided cryptic details. ‘\textit{Nature of Accident:} Spun into ground.’ ‘\textit{Probable cause:} Obscure.’ Reflecting the recent concern to understand and if possible reduce accidents, the printed circulation list was headed by the Minister for Air, then the Chief of the Air Staff, the Air Member for Organisation and Equipment, the Air Member for Personnel, the Secretary of the Air Board, and the Director of Medical Services (Air). The Assistant Secretary of the Air Board added his own initials.\footnote{34} A typed addition to the names printed on the circulation list was ‘Gp Captain Murphy’.

Arthur W. Murphy, already at 49 a veteran RAAF flyer who had begun in the Australian Flying Corps as a technical warrant officer, had been appointed Inspector of Aircraft Accidents only two months earlier. As a Wing Commander immediately before this, he had commanded the No. 1 Aircraft Depot at Laverton. After wartime service with the Royal Flying Corps and Australian Flying Corps which earned him a DFC, ‘Spud’ Murphy had made his mark in 1919 as the sergeant mechanic accompanying his old Melbourne High School friend Captain Harry Wrigley on an epochal trans-continental survey flight from Point Cook to Darwin. His technical background as well as his long flying experience had made him a logical choice to lead accident investigations.\footnote{35} In December 1937, when controversy erupted over a spate of what the Defence Department suggested should be called ‘mishaps’ — including the death of Pilot Officer J. F. Fallon, the son of a Labor MP — Murphy had been appointed by the Air Board with Group Captain W. H. Anderson and Wing Commander E. C. Wackett as a special committee to ‘investigate the troubles experienced recently with Demon aircraft fitted with Rolls Royce “Kestrel” engines’.\footnote{36} Jack Graham, who had been called from the RAAF’s legal office into a personnel role early in

\begin{footnotes}
\item[32] There does not appear to be a revised form E/E 24 relating to A16-97.
\item[33] I have not seen a similar note on any of hundreds of other reports in this period.
\item[34] ‘Lockheed Hudson A16 [Accidents Part 2]’, NAA: A9845, 135/27. The form is annotated with references to other files on which copies were presumably placed: 32/10/2824, 32/10/2729, 32/10/2733.
\item[35] Alan Fraser, ‘Murphy, Arthur William (1891–1963)’, Nairn and Serle (eds), \textit{Australian Dictionary of Biography}, vol. 10, p.633 does not mention the Air Accident Inspectorate. In 1936 Murphy had been part of a mission overseas to advise on aircraft suitable for production in Australia, and was involved in the decision to produce the Beaufort and the establishment of the Commonwealth Aircraft Factory. Murphy’s wartime exploits in Egypt, Palestine, Syria and Arabia earned him a place, ‘one of the immortals by proxy’, in the index of T. E. Lawrence’s \textit{Seven Pillars of Wisdom} (Stanley Brogden, \textit{Sky Diggers: A Tribute to the R.A.A.F.}, Whitcombe & Tombs, Melbourne, 1944, p.14).
\end{footnotes}
1940, remembered Murphy as ‘a hard bitten character’. He would be expected
to work quickly and report candidly. He had known and served with Richard
Williams since the very earliest days of the AFC. There were few men in the
senior ranks of the permanent Service whom Murphy did not know personally.
Charles Burnett, like Williams before him, reposed considerable trust in him.

The Inspectorate was the creation of the Chief of the Air Staff. At a staff
conference on 18 June 1940, Burnett had been surprised to discover that the
Director of Training, not the Director of Operations and Intelligence, was
responsible for Courts of Inquiry. Impatient at the delay in forwarding findings
about a Hudson that had force-landed after both engines cut out, he directed
that proceedings of Courts should reach headquarters more quickly. His temper
was not improved when the Director of Technical Services revealed that the
Hudson had been imperilled because the daily inspection had not been properly
carried out and water had not been drained from the petrol tanks. Plainly
mistrustful of the adequacy of existing arrangements, Burnett had set his own
machinery in motion. The Service was notified of the existence of Murphy’s
unit and its functions in a temporary order issued on July 11. The unit had
no statutory basis but action was in train to establish it formally and confer its
functions and powers by regulation under the National Security Act.

Burnett’s initiative paralleled a change to the more formal practice. The Air
Accidents Investigation Committee, whose jurisdiction over RAAF accidents
had been queried a year earlier, was abolished as from 7 August 1940. It had
taken some nine months to draw up the Air Navigation regulations necessary
to put into effect the Cabinet decision to abolish the Air Accidents Committee
— thereby saving £600 a year as well as the time of senior officers who were
members — and to establish Air Courts of Inquiry. Under statutory rule
No. 155 of 1940 the new Courts of Inquiry would ensure due process and the
representation of RAAF interests. But Burnett wanted advice without delay,
irrespective of process. In fact, the dual system of investigation was the outcome
of a struggle for control that had erupted 18 months earlier.

Early in 1939 the Acting Director-General of Civil Aviation, Maurice Mehaffey,
in collaboration with the Crown Solicitor, Harry Fred Whitlam, had begun to
prepare a bill for the creation of Air Courts of Inquiry constituted on similar lines
to the traditional Marine Courts of Inquiry. Civil Aviation Minister Vic Thorby

38 Although lines were sometimes crossed, responsibility for investigating accidents lay with the Director
of Training ‘because the majority of accidents are due to the pilot’s error and the D.T. being responsible for
flying training is in the best position to prevent their recurrence’ (S/Ldr J. M. McCauley D.T. to AVM H. R.
40 H. E. Holt (A/g Minister for Civil Aviation), ‘Air Courts of Inquiry’, Cabinet Agenda 244, approved 30
Nov. 1939, NAA: A461, V314/1/1.
had referred the proposal to the Defence Minister, Geoff Street, for advice on 20 February 1939. Street passed it to the Air Board. Alarmed by the prospect of intrusion into Service affairs, the Board scurried to defend its autonomy. Within four days Air Commodore Williams had made it clear that he agreed with his subordinates that ‘in the first instance they should try to remain outside the jurisdiction of the proposed Air Court of Inquiry’. ‘If unsuccessful,’ the fall-back position was that ‘they should limit it to fatal accidents only and that the assessors be Air Force officers.’ Meanwhile Air Commodore Goble, four days from formally taking over from Williams as Chief of the Air Staff, ‘directed that no reference be made to the Air Accidents Investigation Committee at present’.

The Air Board’s case was developed in a minute to the Secretary of the Department of Civil Aviation on February 24. With the provocative caveat, ‘on the assumption that the Government has already decided to establish an Air Court of Inquiry’, they accepted that the proposals of the Director-General of Civil Aviation were ‘satisfactory so far as civil aviation is concerned’. But there the agreement ended:

As for Air Force accidents, these are now investigated by a Service Court of Inquiry, as it is in the vital interest of the Board, and the Royal Australian Air Force as a whole, to discover causes. Irrespective of what other Courts or Committees may be charged to investigate Air Force accidents, this internal Court of Inquiry must still be held, and the Board feels that such a Court, conducted by qualified officers of experience, is the most satisfactory means of investigating Air Force accidents.

The argument then shifted to another level.

The Government, on the advice of the Air Board, has consistently refused to agree to allow Air Force accidents to be investigated at ‘open’ enquiries, and it is considered that this policy should continue. The Air Force is a fighting Service dependent mainly on the morale of its pilots for its efficiency in flying, and it is considered that the publicity connected with open investigations would have a most harmful effect on the morale of the young pilot or cadet pupil.

The conclusion embodied the outgoing Chief of the Air Staff’s position: Air Force accidents should not come under the jurisdiction of the proposed new Air Courts of Inquiry. Just as accidents involving naval vessels were excluded from Marine Courts of Inquiry so should RAAF accidents be subject only to Service inquiries.

If the Air Board thought that was the end of the matter they were in for a shock. When the Defence Minister saw their advice he recognised the political danger at once: ‘I cannot agree that public opinion would be satisfied with the
investigation of Air Force accidents by R.A.A.F. Courts of Inquiry only.’ Street had been unimpressed by the RAAF response to a forced landing on King Island on 11 September 1938. The Court of Inquiry was belated and ‘the facts were only elucidated promptly by reference to the Air Accidents Committee’. Geoff Street laid down the policy that was to be followed:

R.A.A.F. Courts of Inquiry can still operate for Service purposes, but Air Force accidents should be dealt with by the Air Court of Inquiry, and an Air Force officer added as an additional assessor in these cases. Rules can be laid down for dealing with accidents in camera where important Service considerations are involved, or the Court can use its discretion.

Lest it be thought that he was surrendering any Defence prerogatives, Street added an oral assurance, noted on the file the same day: as far as Air Force accidents were concerned any powers to be exercised by ‘the Minister’ under the new Act or regulations should be vested in the Minister for Defence, not the Minister for Civil Aviation.41

Burnett’s inspectorate

With the appointment of a Minister for Air late in 1939, Geoff Street’s role in relation to Air Force aircraft accidents had passed to his friend Jim Fairbairn. The new minister brought another dose of common sense to the developing regulatory regime. He successfully urged the deletion of a draft clause mandating a Court of Inquiry whenever there was loss of life or serious injury. There would, he said, be cases where there was some obvious cause that would not warrant bringing in a judge and assessors. It would be far better that the minister should have discretion to decide if an investigation was in the public interest, or if it was desirable because the department was unable to certify the cause of an accident or had not ‘correctly explained’ it. More worrying for civil aviation officials was an entirely new recommendation, accepted by Cabinet on 29 May 1940, that would enable any officer authorised by the Director-General to investigate any accident or forced landing that had not previously been referred to an Air Court of Inquiry, and to summon witnesses to give evidence on oath or affirmation.42

Although not directly affected by these changes, Sir Charles Burnett was alert to the fact that his minister not only knew a lot about flying but had strong views about the government’s accountability to a potentially fractious electorate.

41 NAA: A705 108/2/189; A432, 39/442.
42 NAA: A461, F114/1/1. Fairbairn’s submission, 8 May 1940, took further proposals brought to Cabinet in his absence by Holt, Cabinet Agenda 244, ‘Air Courts of Inquiry’, NAA: A2697, roll 2.
Burnett had realised that if he was to keep ahead of political curiosity and concern, and of inquiries he could not control, it was essential to have his own ‘quick and expert’ source of information. His first thought had been to bring in an outsider, independent of the RAAF hierarchy, as ‘Inspector of Air Accidents’. Advice on suitable men from A. B. Corbett, Director-General of the Department of Civil Aviation and his deputy E. C. Johnston, led to an overture to Qantas for the services of their chief engineer, Arthur Baird. Qantas managing director Hudson Fysh, communicating directly with his old friend Jim Fairbairn, made it clear that Baird could not be spared. No other available ‘outside’ man met Burnett’s requirements. He therefore settled on Wing Commander Murphy, who was recommended by Air Commodore Anderson over the objection of Air Marshal Williams who thought Murphy would be ‘pulling a far greater weight’ in command of the Aircraft Depot. Murphy was instructed that he would operate directly under the CAS’s orders ‘or those of the Deputy Chief of the Air Staff, and you will be responsible solely to me, through the Deputy Chief of the Air Staff’ — the arrangement demonstrating the unique position of trust and authority now enjoyed by Bill Bostock. The Inspectorate’s remit covered all Air Force aircraft accidents and forced landings. Its brief was to ascertain the cause of an accident and recommend suitable preventative action for the future. An unadvertised occasional extra dimension of their mission was to take a good look at station administration, aircraft maintenance, and flying orders, especially in new Elementary and Service Flying Schools manned by comparatively inexperienced COs, chief flying instructors, instructors, and ground personnel. Murphy thus ran a de facto unofficial organisational investigation team for the Chief of the Air Staff.

Burnett’s Inspectorate, a rather grand name for what at the time was a four-man operation — the ‘staff’ mentioned by the departmental press release was one legal officer, a clerk, and a pilot — was despatched to Canberra in the afternoon of August 13. Murphy’s initials on the ‘preliminary’ form are undated but he would certainly have known of its unenlightening contents before he left. He had already that morning heard of another accident that might ordinarily have demanded his attention. A Hudson of No. 23 Squadron based at Archerfield had disappeared the day before on a navigation exercise out to sea. Three pilots and

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43 ‘Air Accidents — Investigation of’, NAA: A705, 32/1/45 Part 1. In March 1943, the DCAS was advised that ‘the file covering the formation and policy of the Inspectorate…was lost towards the end of 1941’ and the Inspectorate had been operating for 18 months without terms of reference. The file was identified and released for the first time on 17 May 2013.

44 Sir Harry Winneke, interview, 18 Jan. 1979; ‘CAS — Inspectorate of Aircraft Accidents — Policy’, NAA: A705, 32/1/45 PART 2. The establishment of the Inspectorate was belatedly announced in a press release in Fairbairn’s name on 8 Aug. 1940 but Gillison (Royal Australian Air Force 1939–1942, p.96) was mistaken in saying that it was ‘set up to make confidential reports to the Minister’.

45 Two fitters on the establishment of No. 1 Aircraft Depot were to be placed at the disposal of the Inspectorate ‘as and when required’ (NAA: A705, 231/9/462).
three other men were missing. In the absence of physical evidence there was no immediate call for the Inspectorate’s presence in Queensland. So Murphy and his associate, Squadron Leader Harry Winneke, the able young Melbourne barrister originally attached to the RAAF legal section, scrambled for Canberra. Harry Winneke’s flying experience was limited. He was not a pilot. He was not there to be an aviation expert but to use his forensic skills to elicit information from witnesses. He had enjoyed the benefit of kindly instruction from ‘Air Force fellows…they’d take me down to Point Cook and those places and explain the theory of flight to me, take me up in the air and put me through the controls and show me how the aircraft worked’.  

Winneke was no stranger to aircraft accidents. In November and December 1938 he had represented Associated Airlines Pty Ltd during the Air Accidents Investigation Committee’s inquiry into the Kyeema crash. That had been a significant learning experience. As the inquiry report noted: ‘The accident in question involved a greater loss of life than any other aircraft accident which has ever occurred in Australia and one of the most serious in the history of regular air transport throughout the world.’ It was not just the 15 men and three women who perished, but the enormous publicity surrounding the most prominent of them, the greatly respected federal MP Charles Hawker, that made the Kyeema accident so notable. A separate inquiry headed by Robert Lawson, the Chief Engineer of the Postmaster General’s Department, had revealed the administration of civil aviation to be dysfunctional. Sweeping organisational reforms were recommended and implemented: too late to save the lives of the Kyeema’s passengers and crew. Too late, also, for the peace of mind of Jim Fairbairn and Geoff Street, the distressed political colleagues and friends of Charles Hawker, who blamed the bungling and procrastination of the Civil Aviation Board for the failure to install and test radio beacons that might have prevented the crash.

In mid-1939 Winneke had been counsel assisting with RAAF accident inquiries run by Justice H. B. Piper. He was thus familiar with the new Air Court of Inquiry process. With Piper he had been taken on familiarisation flights in Ansons, given basic instruction in the theory of flight, and even flown alongside the pilot in a dual-control aircraft. His forceful leading of evidence on the Riverstone crash of A4-32 and the Port Philip Bay crash of A4-11 suggested that the pilots, not the machines, were at fault. He had struck a chord at RAAF headquarters. Very early in the war he was asked by Group Captain  

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50 NAA: A705, 32/10/2387.
Bill Bostock, then Deputy Chief of the Air Staff, to join up to handle courts of inquiry, courts martial, and various other personnel matters that were the anticipated consequence of a rapidly expanding Service. He had been posted to the Inspectorate of Air Accidents in mid-June 1940.\textsuperscript{51}

\textbf{Harry Winneke, advocate and accident investigator}

(Sketch attributed to Roy Hodgkinson, courtesy of Heather Winneke)\textsuperscript{52}

The Air Member for Personnel had pleaded in vain that Winneke be retained in his legal role but Burnett’s incontrovertible argument was that he would work smoothly with Murphy ‘who, I fancy, is sometimes a little difficult in producing his meaning on paper’.\textsuperscript{53} In August, the Accident Inspectorate was on 24-hour standby, with their own aircraft, Dick Casey’s four-seater Percival P10 Vega Gull Six, now impressed and repaired for Service use. Complete with Casey’s

\textsuperscript{51} Robert Coleman, \textit{Above Renown: The Biography of Sir Henry Winneke}, Macmillan & Herald & Weekly Times, Melbourne, 1988, pp.93, 98–9, for a different version of Bostock’s approach to Winneke.

\textsuperscript{52} The image is attributed to Roy Hodgkinson in Robert Coleman’s biography of Winneke but on close inspection the signature is indistinct.

\textsuperscript{53} NAA: A705, 32/1/45 Part 1.
customised soft-leather upholstery, it was a luxury ride ‘more like flying in a saloon car than in an aeroplane. One can even carry on a reasonable conversation while in flight.’ They had their own pilot, an RFC and commercial flyer, Frank Neale. Neale had been recalled to duty at Laverton as a flying officer, later promoted squadron leader in charge of the Communication Flight, a small fleet of light aircraft formed at Laverton in November 1939 and available to move Air Officers Commanding Groups or Areas and their staffs. It was into this unit that the private planes of both Casey and Fairbairn had been collected. The crash in Canberra was to be the Inspectorate’s most sensitive assignment; and the CAS needed answers rapidly.

The Service looks after its own

Murphy and Winneke were not to have the field to themselves. Independently of the Air Force, Commonwealth Police detectives and uniformed officers were already interviewing witnesses and preparing statements for the Coroner. The Inspectorate was also raced to the scene and to the witnesses by the members of a specially constituted Service Court of Inquiry. Under Air Force Regulations such a Service Court could be assembled by the Air Board or, in the carefully chosen words of the Secretary of the Board, Mel Langslow, ‘other appropriate air-force authority’. As Langslow advised the new Minister for Air, the Country Party’s Arthur Fadden, two days after the crash, it was not superseded by the new Inspectorate; and when assembled ‘may still function in the normal way and even investigate the same accident’. What Langslow did not say was that Burnett’s Inspectorate took precedence in access to the wreckage. As the Air Board Order had put it on July 11: ‘A court of inquiry shall not…without the permission of the Inspectorate, interfere with, for purposes of inspection or examination, any aircraft involved in an accident concerning which the Inspectorate has been directed to report.’ If there were to be a Service Court of Inquiry inspection or examination, it would ‘normally take place concurrently with that conducted by the Inspectorate, but the Inspectorate may grant such permission subject to such conditions as it thinks fit’.

The Air Board did not need ministerial approval to set up a Service Court. Unlike the less formal procedure of Murphy and Winneke, a Service Court had unfettered authority to call and examine Air Force personnel. It could also invite, though not compel, civil witnesses.  

57 Within hours of news of the crash reaching Melbourne, Group Captain U. E. Ewart, Senior Administrative Staff Officer, Southern Area, had signed off on the appointment of a three-person Court of Inquiry. The president was to be Wing Commander L. V. Lachal, a 36-year-old career officer lately returned from the United Kingdom where he had been CO of No. 10 Squadron, and currently working alongside Ulex Ewart at Headquarters Southern Area in Toorak.  

58 The other members were Squadron Leader Frederick Ivor Stevens on engineer duties at No. 1 Service Flying Training School, and Pilot Officer George A. Pape, who was ‘marched in’ to join the law staff attached to Southern Area HQ on August 5 after completing a month’s course for administrative and special-duties officers. Thirty-seven years old, unmarried, and living at home with his father, in applying for a commission Pape had modestly noted ‘13 years as a barrister with a reasonably good practice’.  

59 His presence was, as Lachal would recall, a ‘very happy coincidence’. The team was to submit ‘proceedings in triplicate…not later than MONDAY, 19th August, 1940’.  

60 Leon Lachal, a Xavier College boy, had risen in 14 years from cadet to squadron commander and senior headquarters staff appointments. He had experience of courts of inquiry. He was trusted and understood the urgency. Honest, pleasant, and well-liked, ‘Old Stump’ (he was about 6ft 3in, the RAAF photographer, John Harrison, remembered) was not a man to make waves. ‘He was a sound fellow,’ his chief, Harry Wrigley, recalled, ‘he had a pretty wide flying experience, and he had a fund of common sense.’  

61 But he had not flown Hudsons. Fred Stevens, a CAF officer aged 37 called to serve at HQ in 1939, was fully alert to the implications of the crash for the flying training task to which he had been posted at Point Cook. He had been a sergeant pilot and had been Lachal’s flying instructor.  

62 Pape, whose service in the Melbourne University Regiment had...
overlapped that of Lieutenant Robert Menzies, had been one of Menzies’ last pupils at the bar. Like Menzies, he practised from Selborne Chambers; he needed no advice about the Prime Minister’s temperament and impatience with brains that moved more slowly than his own. By the end of the day, five interviews had been taken at Essendon, and another four at Laverton. Two days later, flown in a Hudson piloted by Bob Hitchcock’s fellow flight commander Jack Ryland with Wilbur Wackett as 2nd pilot, the team was in a chilly Canberra and Queanbeyan where they took sworn statements from 13 witnesses. With language tightened up — and no hint, for example, that one interview had taken place out in a paddock among the farmer’s cows — Pape could bring coherence to what might otherwise have been stumbling narratives. Flight Lieutenant Ryland, who was formally ‘in attendance’ throughout the interviews, was the twenty-fourth and last witness. By Saturday August 17 the four men were back in Melbourne. Pape, who had to collect the final signatures on the witness statements, had been the last to get aboard the aircraft in Canberra as its engines were warming up. The Service Court report, drafted by Pape, was completed on Sunday.

The Accident Inspectorate: Murphy and Winneke about to swoop
(Courtesy of Sir Harry Winneke)
Murphy and Winneke had already finished their own work. Watching them at dusk on August 13 examining the wreckage, a reporter saw that ‘the dead tree upon which the plane was virtually impaled, burned fiercely, throwing a red glow over the scarred hillside’.\(^6\)\(^3\) The inspectors had spoken to 15 witnesses in Canberra and Queanbeyan by the time they submitted their report on August 16. Although the report of the Inspector of Air Accidents went formally to the Chief of the Air Staff, within hours a copy was despatched by Winneke to the Secretary of the Air Department for the information of the new minister.

Four days before the accident, the day after the Inspectorate’s existence was publicly announced, Fairbairn had sent a minute to the CAS, routed via the Secretary of the Air Department, saying that he wanted to be sent copies of all reports from Murphy. Softening any implication of mistrust, Fairbairn pointed out that the Air Accidents Investigation Committee had reported on RAAF accidents to the Defence Minister and latterly to the Minister for Air.\(^6\)\(^4\) Burnett may well have had preliminary advice as early as the afternoon or evening of the crash, having arrived in Canberra that day to stay at Government House accompanied by his personal assistant, Flying Officer N. B. Palmer. In a ‘Most Secret’ minute, Mel Langslow advised Arthur Fadden that what he had submitted was ‘for your personal information’. With characteristic caution Langslow wrote:

> This report is submitted in accordance with the approved procedure but, in view of the fact that the Government has decided to constitute the Air Force Court of Inquiry to investigate this accident, it is considered that the contents of this report should not be disclosed at this stage.

The last three words were added by hand. Earlier in the day, with no formal advice of what the two concurrent Service investigations would report, Cabinet had agreed to set up an Air Force Court of Inquiry. It was to be an open judicial inquiry of the kind the Air Board had unsuccessfully argued against the previous year. What Artie Fadden now learned was to set the tone for all that followed. Murphy concluded that the ‘immediate cause’ of the crash was a stall. He thought that the height of Canberra aerodrome, some 2000 feet above sea level, and a heavier load than the pilot was accustomed to, ‘may have been factors contributing to cause the stall’. But ‘the first pilot’s attention’ had been drawn to these matters on the afternoon before the crash. The aircraft itself was ‘completely serviceable’. He had made a ‘close inspection’ of what was left at the site. The remains of the starboard wing showed the flaps to be down to within nine inches of the total travel of the ramp. The throttles appeared to be to the

\(^6\)\(^3\) Sun News-Pictorial, 14 Aug. 1940.

\(^6\)\(^4\) Three months later Langslow was tersely reminding the CAS that ‘the directions of a previous Minister that a copy of all reports…was to be forwarded to the Minister as issued, are not being complied with’ (NAA: A705, 32/1/45 Part 1).
rear. The throttle of the port carburettor was partly open. The elevator tabs were ‘slightly up’, three-eighths of an inch above the elevator’s trailing edge. The starboard aileron tab was in the neutral position. The surviving elevator and rudder ‘worked quite freely’.

Nothing that Murphy noticed in the wreckage indicated a failure of the aircraft. He did not repeat in his report what he seems to have incautiously conveyed to reporters near the wreckage on August 13: that the collision of the aircraft with a fallen log and the subsequent conflagration had caused most if not all of the deaths. As the Launceston Examiner story put it the next day: ‘if it had not been for the fire most of them could have been extricated from the ‘plane without serious injury’. What credence could be given to Murphy’s conclusions? In the opinion of L. P. Coombes, who had arrived in January 1939 from the British aircraft establishment at Farnborough to create the CSIR Aeronautical Research Laboratories (ARL), Murphy was ‘a sound practical engineer with long workshop and maintenance experience’. He was certainly no mechanical forensic pathologist. ‘Tich’ McFarlane was less kind: ‘Nice enough bloke — he wouldn’t know which was the flying end of a Hudson.’ But, in the absence of a more thorough investigation, his advice on the causes of the crash was as good as the Chief of the Air Staff could hope to get. The ARL itself was not yet sufficiently established and equipped to have undertaken any engineering tests.

In the circumstances, Murphy had ‘no option but to attribute the stall to an error of judgment on the part of the pilot’. Whether the baldly listed technical detail in the Inspectorate report would have been comprehensible to Fadden or any other non-flying minister must be doubted. Burnett, who was in Canberra for the August 13 Cabinet meeting and did not return to Melbourne until the next day, would have been relieved. What they would all have assimilated was the unequivocal conclusion that the responsibility lay with the pilot. The last thing that Murphy would have wanted to present to the Chief of the Air Staff, still less to the Air Minister or Prime Minister, was a suggestion of mechanical fault symptomatic of careless maintenance, poor construction, or design flaw.

While it might be thought that there was an unseemly haste about Murphy’s activities and those of Lachal’s Court, the rapid interviewing of those who had first-hand testimony to offer ensured that there was little time for details to be forgotten or memories to be conflated or corrupted. Among the Service witnesses from RAAF Station Canberra to whom Murphy and Winneke had spoken were Pilot Officer R. R. H. Winter (duty officer, Survey Flight), Flying Officer Ronald C. Wilson (Station Equipment Officer), Flight Sergeant Clifford Linton Smith

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65 L. P. Coombes to CH, 3 April 1982.
66 A. B. McFarlane, interview, 18 April 1978.
67 AM Sir C. Burnett to Mrs R. E. Elford, 14 Aug. 1940, Elford MSS.
(storekeeper), and Corporal Mortimer G. Ewing (fitter IIa). All four had also been interviewed by the Lachal group. So too was AC1 Henry F. House, the mess steward at No. 2 School of Technical Training, who had told them he saw the aircraft’s nose dip and the machine commence to turn in a spinning position above the height of the hills on the eastern side of the aerodrome. House had not seen the plane hit the ground but when he saw an eruption of flames he hastened to tell the mess chief, Warrant Officer Jordan. Corporal Harold Unitt, also of No. 2 S.T.T., did not give evidence to Lachal’s team. Murphy did not mention that he had never flown a Hudson. His knowledge of its construction, functioning, and performance was limited. Nor did he take evidence from anyone who was familiar with the aircraft.

The Ryland factor

Lachal and his associates might have had informal conversations with Murphy. Pape and Winneke were friends and regular golfing companions. However, there is no evidence of any co-operation between the two investigating teams. Certainly the Service Court did not take evidence on the record about what could be inferred from the wreckage. They did have the time to talk to ground crew at Laverton to establish that required maintenance and checking had been done. But they sought no independent professional advice. If the range of expertise enlisted by the Service Court was limited there was perhaps an even more serious concern about its procedure. To understand the flying characteristics of the Hudson better, they had contemplated calling 34-year-old Squadron Leader Dallas Scott who had been given command of No. 7 Squadron late in June 1940. Scott, a Melbourne Grammar boy and Public Schools boxing champion, had briefly been Bob Hitchcock’s flight commander in No. 21 Squadron in 1937. While awaiting the arrival of his own squadron’s Hudsons, he had been assisting No. 2 Squadron with their conversions. One of the Air Force’s most experienced Hudson pilots, Scott had flown Sir Charles Burnett in May in a week-long tour of inspection of Darwin, Townsville, Archerfield, Richmond, Cootamundra, and Wagga. He had subsequently been attached to No. 1 Squadron at Sembawang to help with their Hudson conversions. Lachal was evidently unaware that Scott

68 The haste with which the report was compiled is reflected in a number of minor errors such as the listing of P/O R. H.[sic] H. Winter. Winter’s three forenames, Richard Raymond Henry, also defeated Lachal’s team who listed him as R. M. H. Winter.

was out of the country and would not return to Australia until August 18. With Scott absent, the Service Court was to rely for technical advice on the behaviour of the aircraft on Jack Ryland, with whom they had travelled to Canberra.\footnote{Service Court of Inquiry, Notes on suggested witnesses to be called, undated [13 Aug. 1940?]. NAA: A9845, 318/48; E. R. [Bon] Hall, \textit{Glory in Chaos: The RAAF in the Far East in 1940–42}, Sembawang Association, West Coburg, 1989, pp.4, 11.}

Ryland was without doubt exceptionally able. David Campbell, converted by him to the Hudson in the weeks after the crash, thought he was an ‘extraordinarily good officer and pilot…there was no better instructor than him’.\footnote{Campbell, telephone interview, 24 May 1978.} However, in the rush to get things done, no one seems to have been troubled by the conflict of interest Ryland faced. He would unavoidably be giving advice relevant to the adequacy of his own training and evaluation of Bob Hitchcock. Murphy and Winneke had seen a copy of Hitchcock’s conversion course certificate, signed by Ryland and Squadron Leader Freddie Thomas. But they did not report having spoken to either man. Nevertheless, Murphy and Winneke wrote that Hitchcock’s Squadron Commander assessed him as ‘above average as a pilot and a sound experienced pilot’. His instructor on the conversion course (Ryland was not named) assessed him as ‘a very sound pilot, slightly above average on HUDSONS’.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{Jack_Ryland_records_a_week_of_Hudson_conversion_courses_at_No._2_Squadron_FLt_Ryland_s_flying_log_book_Ryland_MSS_NLA_MS_5020.png}
\caption{Jack Ryland records a week of Hudson conversion courses at No. 2 Squadron (F/Lt Ryland’s flying log book, Ryland MSS NLA MS 5020)}
\end{figure}
Jack Ryland recounted for the Service Court the details of the conversion course for his pupil Hitchcock between June 26 and July 21: 19 hours 15 minutes dual and check dual, 49 hours 10 minutes solo practice. Had Hitchcock been given instruction in full-load flying? Yes. He had taken off at full permissible take-off load of 18 500 lbs, flown until sufficient fuel had been burned to reduce the load to 17 500 lbs (maximum permissible landing weight), and carried out ‘three or four landings’. Was Flight Lieutenant Hitchcock instructed in the stalling characteristics of ‘Hudson type’ aircraft? Yes, and both before and after solo he was made to demonstrate these characteristics ‘to ensure that he fully understood them’. Was he instructed in the stalling characteristics with full load? No, Ryland did not consider that the stalling characteristics would be ‘vastly different’ with full load to what they were when he instructed in them and demonstrated them.

The Court then turned to the possible need to alter the disposition of the load during flight as petrol was consumed. Ryland here was careful to give a conditional ‘No’ — *if* the aircraft was loaded correctly in the first place and *if* the tanks were operated in the correct sequence ‘which I taught to Flight Lieutenant Hitchcock and which is shown on a label in front of the fuel cock’. What then, Lachal and Stevens asked, do we know about the characteristics of the aircraft with the load disposed in different manners? Had any tests been done? Yes, Ryland in company with Dallas Scott, had tried two unusual loads: the first had the pilot in the correct position, four people in the navigator’s compartment, and nobody in the cabin; the second had four people and ballast in the ballast compartment and only the pilot in the cockpit with no people forward of the pilot. ‘As far as I can remember,’ Ryland went on:

in the first case, one complete turn of the trimming tab maintained the aircraft in normal flight and in the second case one complete turn of the trimming tab similarly trimmed off tail heaviness. Otherwise the aircraft was quite normal except for a slight vertical hunting in the second instance. This vertical hunting was in no way dangerous and could be easily controlled by the pilot. I do not think that the Hudson reacted in a manner different to any other type of aircraft which I have flown under similar conditions.

Satisfied with this explanation, the Court then asked which of the four main types of stall with Hudsons was the most sudden: (1) gear up, power on (2) gear up, power off (3) gear down, power on (4) gear down, power off? It was (3): gear down, power on.

There remained the question of whether Hitchcock had landed on Canberra aerodrome before the fatal crash (and implicitly whether local conditions might have contributed to the accident). In fact both Ryland and Hitchcock had flown
in on the same day on an earlier occasion. The wind had been blowing from
the same direction as on August 13; so the approach was similar, and Ryland
‘experienced no difficulty’. He would later tell the Air Court of Inquiry that
he had watched Hitchcock execute a perfect landing. But had Hitchcock
practised landings with various flap settings? The Court was assured that he
had done so on many occasions and that it was normal practice to vary flap
settings according to the wind.

In their report, completed the day after the final testimony had been taken,
Pape, Lachal and Stevens noted that they had ‘co-opted the services of Flight
Lieutenant J. P. Ryland…in order to have available his knowledge when witnesses
were being questioned’. There is no direct reference in the transcripts to any
intervention he might have made. But it is difficult to believe that Ryland’s
contribution was limited to the recorded testimony. Having sat through the
proceedings, there was only one piece of evidence which he openly and strongly
rejected. In an obviously pre-arranged final question, it was put to him that he
had heard it said that the aircraft did a complete roll and a change of direction
as it was coming in to land at a height of about 500 feet above the ground. ‘Do
you consider this possible? Definitely no.’

Ryland was brought in as a witness to attest to Hitchcock’s competence as a pilot.
It might reasonably have been supposed that his own judgment as an instructor
could have been put in question if there were doubts about Hitchcock’s ability
to handle the Hudson. Yet not only did Ryland testify, the last person to do so,
he was co-opted as ‘an experienced “Hudson” “Captain” and Instructor’, in
effect an expert assessor. There is no reason to suppose that Ryland’s testimony
was anything other than candid. But, in relying on his professional advice —
some of it, one might suppose, given off the record — the Court was rendered
vulnerable to the possibility that Service witnesses might be shielded or
deflected rather than stringently examined.

If Ryland were to find reason to attribute blame to the aircraft itself, its
construction, maintenance, or performance, he would by implication be leading
Lachal’s inquiry to a finding that would at least in part exonerate the pilot. He
took pains to say that the aircraft presented no problems to a competent pilot. In
conveying to Lachal, Pape, and Stevens his assessment of Hitchcock as a ‘slightly
better than average’ Hudson pilot, Ryland was setting up a question to which
there was no easy answer. How could a very sound, better-than-average pilot,
in a machine with no discernible mechanical faults or severe flying peculiarities,
in good weather, be responsible for this shocking accident? The evidence of

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72 Testimony of S/Ldr J. P. Ryland, Service Court of Inquiry, 17 Aug. 1940, NAA: A705, 32/10/2729; 32/10/2733.
73 ‘Statement by the Court’, Service Court of Inquiry, 18 Aug. 1940, NAA: A705, 32/10/2729; 32/10/2733.
74 Ryland testimony, Service Court of Inquiry, 17 Aug. 1940, NAA: A705, 32/10/2729; 32/10/2733.
Squadron Leader Thomas implicitly posed the same question: ‘What was your personal assessment of Flight Lieutenant Hitchcock as a pilot? I consider Flight Lieutenant Hitchcock was slightly above average as a pilot, his instrument flying was good and he was a steady and thorough type.’

Here was a puzzle that Lachal was ill-equipped to solve. Geoff Hartnell, then the navigation officer in Group Captain Bladin’s Directorate of Operations and Intelligence, recalled Lachal at headquarters as ‘professionally absolutely unimpressive’, a judgment confirmed when he served under him later in the war. It did not help Lachal that he had no direct knowledge of Hudsons. But George Pape, no pilot but a smart lawyer, was shrewd enough to realise the value to the Service and the government of a finding that even a well-trained and competent pilot might make an unforeseeable error of judgement. The contemporary record bears the stamp of Pape’s command of language and logic. And as Lachal ruefully remembered, ‘George, from the legal aspect, gave me a kick in the pants a few times…and said “He didn’t say that, he didn’t say that” and so on.’

The members of the Service Court were troubled that they had not been able to ascertain the all-up weight of Hudson A16-97 when it left Essendon. Taking their cue from Ryland, they did not think the distribution of the load in any way contributed to the accident. They did, however, recommend that squadrons equipped with modern multi-engined aircraft be issued with a weight sheet summary for the type of aircraft and with Librascope ‘balance computors [sic]’ for calculating an aircraft’s centre of gravity and total weight and enable the load to be correctly disposed. And pilots of multi-engined aircraft should, they said, be given as much full-load practice as possible.

Led by Pape, who crafted the words, the Court was confident enough in its understanding to pronounce a finding that the crash was ‘due to the aircraft stalling when approaching the aerodrome to land’ with its landing gear and flaps lowered. What then was the cause of the stall? It was:

…probably due to the power approach being made at too low an altitude and the pilot realizing that he would not be able to clear an intervening hill easing the nose of the aircraft up to such a position that it stalled.

A contributing factor to this may have been the existence of high hills on the western side of the aerodrome. These would give a false horizon.

The accident was due to an error of judgment on the part of the pilot.

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75 AVM G. C. Hartnell, interview, 11 April 1978.
76 Sir George Pape and ACdre L. V. Lachal, interview, 14 Sept. 1977.
The evidence of civilian eye-witnesses on the last moments of A16-97's flight had informed the Service Court’s analysis. But their observations were interpreted through the professional eyes of Ryland. Whatever those on the ground thought they saw, it would be understood within the framework of possibility and probability that Ryland elaborated for his Air Force colleagues.

The Service Court of Inquiry met its deadline. Forwarded from Southern Area to the Director of Training, its proceedings and report had been digested by George Jones and circulated to the most senior headquarters officers within five days. Jones was uneasy. His initial reaction on hearing of the crash had been to say that its cause was ‘obscure’. Presented with a formal finding that the accident was ‘due to an error of judgment on the part of the pilot’, he was disinclined to accept it. ‘I feel that this is going too far’, he told the Air Member for Personnel and his directorate colleagues:

There appears to me to be insufficient evidence to arrive at any definite finding as to the cause of the accident. I cannot believe that a pilot of HITCHCOCK’s experience would stall the aircraft under the circumstances which apparently existed. I have experimented with the Hudson under similar circumstances, except as regards load, and find that the aircraft would give ample warning of an approach of a stall.

The capitalisation of Hitchcock might have looked like a subtle hint for some readers. But it was common practice in RAAF documents to capitalise surnames. This time, however, Jones seems to have been suggesting something he could not put into words. ‘Dad’ Bladin, Director of Operations and Intelligence, returned Jones’s minute on August 27 with a courteous but emphatic declaration: ‘The evidence points to a stall which after all is the result of a pilot’s error of judgment.’ Before placing the documents on file Jones added a final enigmatic rebuttal: ‘I agree, but I doubt whether this was a pilot’s error of judgment.’

And in a later accident summary under the heading ‘Criticism by Director of Training’ he simply referred to the Court of Inquiry’s finding that the accident was caused by the pilot’s error of judgment. Jones expressed no doubt and offered no alternative explanation. But he might have had in mind the acerbic observation of the long-serving editor of The Aeroplane published nearly nine years before this event in a three-part essay on ‘Errors of Judgment’. The phrase was most useful, Charles Grey wrote, because it covered everything ‘from a genuine error in calculation by a thoroughly competent person all the way down to an act which in the common tongue, would be described as just plain damned foolishness’.

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For those outside official circles who studied aviation accidents, the concept of pilot error was an inexhaustible theme. The respected American expert Harry Armstrong, head of the Physiology Research Laboratory of the Air Corps, returned to it repeatedly. To him much of what was concluded by official inquiries was simplistic and self-serving. There were only four explanations of a crash that could be considered valid, he said in 1938:

If it was shown that a pilot was not mentally or physically fit, then the flight surgeon who is charged with his care is at fault and the accident should be charged to ‘doctor’s error.’ If it can be shown that the pilot was lacking in flying technique or experience then the accident should be charged to ‘employment manager’s error.’ If it can be shown that any of his equipment failed then the accident should be charged to ‘material failure.’ Finally if it can be shown that the accident was due to a multiplicity of duties which might cause him to forget, to make an erroneous calculation, or to overlook a fact which would have been obvious under less trying conditions then the accident should be charged to ‘airplane designer’s error.’

Troubled, but uninstructed in these subtleties, Jones ventured his own simple explanation of the crash of A16-97. It was possible, he suggested, that too low an approach could have been a contributory cause. All units had previously had their attention drawn to this error, ‘an undesirable outcome of the use of powered approaches’. He proposed to write a special letter to units reiterating this concern. But for the moment he would have to keep his ideas to himself. For now, although the victims of the crash were interred, and the Service was returning to an equilibrium that had been disturbed by a fortnight of introspection and stifled suspicion, there was yet another inquiry in motion.
