

COMMONWEALTH OF AUSTRALIA

SPEECH

BY

The Rt Hon. J. G. GORTON, M.P.

ON

REPORT OF ROYAL COMMISSIONERS ON STATEMENT BY LIEUTENANT-COMMANDER CABBAN

[From the "Parliamentary Debates," 2 April 1968]

Mr GORTON (Higgins—Prime Minister) [8.50]—Mr Speaker, we have heard tonight from the Leader of the Opposition (Mr Whitlam) an exposition which appears to attack and to seek to attack not only the Naval Board, the Government and myself but also and in particular the findings of the Royal Commissioners who were set up to conduct an examination and who, being, I imagine the honourable member would agree, completely impartial, should not be subjected to this kind of attack and to this kind of denigration for the findings they made on the evidence presented to them over such a period of time. But of course the attack was not confined to the Commissioners and their findings. It was also extended in a way in which no politician ought to extend an attack in this place to a public servant to the extent of describing the Secretary of the Department of the Navy as 'this creature'. This is a shameful way for the Leader of the Opposition to carry on. If there is to be some opposition to a course that is taken by a senior public servant, if there is to be some claim that that course was wrong, let it at least be made in a reasonable way and let it not be attached to this kind of childish denigration of a man who cannot support himself in this place.

It has been pointed out to me by a member of the Opposition that I have 18 minutes left; but there are a number of other honourable members on this side who have a lot more than 18 minutes left and who will be well able to defend themselves against the improper attacks made upon them. Let me just indicate to the House the approach that the Government makes on this matter. A second Royal Commission was set up as a result of allegations made by Lieutenant-Commander Cabban, who brought into question the drinking habits and the seamanship of the late Captain Stevens. Because the allegations in the statement were so serious and because if they had been proved to be accurate they could have had such a serious effect, it was decided that the question would be reopened and that there would be a second Royal Commission. Mr Speaker, the Royal Commissioners, who I know are not exempt from attack by the Leader of the Opposition but whom most people would regard as being completely impartial, have stated that any reasonable man reading the Cabban statement as it was made some 6 months after the completion of the first Royal Commission could not fail to reach a conclusion that Captain Stevens was a chronic drunkard, that he spent his time

in port drinking until he became ill, recovering from that and then embarking upon another drinking bout and that his qualifications as to seamanship were such that he should not have been in charge of one of Her Majesty's vessels. This was what the Commissioners said a reasonable man reading the Cabban statement would conclude, and this was what the Commissioners specifically and completely rejected as being a true history of the facts.

We in this House should now take this opportunity to point out that the Commissioners reached this conclusion after examining all the relevant evidence and they expressed their findings in these words:

This is not merely a case where allegations of frequent drunkenness are not proved. Not only is there no evidence to support frequent drunkenness, but the evidence positively establishes that this was not the fact.

If it is true, as the Commissioners claim it was true, that this officer of the Royal Australian Navy, who perished in the performance of his duty, has been held up whether with malice or not, and the Commissioners claim no malice, before the public as somebody who was in such a state of drunkenness, it is essential to establish here that the Commissioners have completely refuted in the words I have just stated any accuracy in this accusation. Indeed, I can go further and state, as I believe I should state, that Lieutenant-Commander Cabban himself in his evidence before the Commissioners disclaimed any attempt to have drawn from his evidence a conclusion that the late Captain Stevens was in fact so affected by drink. It is essential that this should now be stated in this House.

Similarly it is necessary to state that on the question of the competence as a seaman of the late Captain Stevens the Commissioners found that he was not in any way incompetent as a seaman to command one of Her Majesty's ships and indeed again Lieutenant-Commander Cabban in his statements and evidence before the Commission disclaimed any intention in what was in his statement to suggest that the late Captain Stevens was in any way lacking as a seaman. These two points should be made clear, because this officer has been subjected to these accusations and these accusations have been found by a judicial commission

to be not founded in fact. I wish to make that point in justice to an officer who is no longer with us.

Now I move on to some of the strange and inaccurate statements made by the Leader of the Opposition in his address to us tonight. One of the first and most inaccurate statements, if there is a degree of inaccuracy in these matters, was that the Commission found that from January 1963 to February 1964 Captain Stevens was unfit to retain his command. This is what the Leader of the Opposition told us 10 minutes ago. Yet when we read the report of the Commissioners, from which I presume the Leader of the Opposition was pretending to quote, we find that they say:

We must answer this question as from 1st December 1963.

They did not say as from 1st January but as from a year later. Here we have been told that the Commissioners have found something to be true that the Commissioners did not find to be true. What sort of creditability can we give to this kind of accusation?

Mr Donald Cameron—None.

Mr GORTON—I agree. I thank the honourable member for the answer. I prefer to rely on the findings of the Royal Commissioners. Then we have the Leader of the Opposition suggesting to this House that the Naval Board did know of the allegations against Captain Stevens. Yet the findings of the Royal Commissioners are perfectly clear on this point. They are:

We find—

'We' are the Royal Commissioners—
that the Naval Board did not know of the allegations . . . and there was nothing that came to their knowledge which ought to have put them on inquiry.

This is a different presentation from the one we have received tonight from the Leader of the Opposition. Again, one must make one's own judgment on the relative credibility of the Leader of the Opposition and of the Royal Commissioners sitting in impartial findings on these facts. We are told, and it is true, that officers such as McNeill and Tiller did not complete the forms which naval regulations required them to complete. This is admitted. Both these officers were out of the Navy by the time the inquiry was set in train. But all that this proves is that the regulations laid

down by the Navy will, if they are followed by the officers in it, bring to the attention of the Board facts which the Board ought to know. There is no military, Air Force, Naval Board or other administrative authority which can do more than lay down regulations which, if they are carried out, will fulfil the requirements sought to be attained by that administrative authority.

I think one of the most serious derogations of the Leader of the Opposition was his attempt to suggest that the Attorney-General (Mr Bowen), the Treasurer (Mr McMahon) and the honourable member for Binbotham (Mr Chipp), the former Minister for the Navy, have in some way misled this House during the last debate upon this matter. It is claimed by the Leader of the Opposition that there was corroboration at the time of the statements made by Lieutenant-Commander Cabban and that these Ministers knew of that corroboration and that in saying there was not such corroboration Ministers deliberately misled this House. I do not believe there is any scintilla—I use that word advisedly—of evidence to support this statement. Let us look at what in fact was said by Lieutenant-Commander Cabban and what in fact was said by the relevant Ministers in this place and what was said by those officers whom Lieutenant-Commander Cabban said would corroborate him. His statement Lieutenant-Commander Cabban said:

During the period in the Far East the situation became more than trying, it was quite desperate, as he drank for very long periods in harbour until he became violently ill and then would spend days in bed being treated by the doctor and his steward until he was fit to again start drinking.

Lieutenant-Commander Griffith, the officer who Cabban said would corroborate him, stated:

I had never seen Captain Stevens under the influence of drink.

Mr Kevin Cairns—A bit different.

Mr GORTON—Well, it is not corroboration, although at the mess dinner to which Cabban refers in his statement, Captain Stevens obviously did not look well. Lieutenant-Commander Griffith said:

The general remarks made on or after the dinner was that the Captain had drunk too much but when Captain Stevens left the mess he was

not held up. I do not remember any signs of slurred speech or of actions to indicate drunkenness such as mentioned by Mr Cabban.

Can the Leader of the Opposition truly claim that this statement by Lieutenant-Commander Griffith is corroboration of the statement by Lieutenant-Commander Cabban? Later Lieutenant-Commander Griffith—this is the officer who was supposed to corroborate Cabban, whom the Leader of the Opposition said did corroborate Cabban, whom the Leader of the Opposition said the Minister knew corroborated Cabban, and in respect of whom the Leader of the Opposition therefore said, the Minister misled the House—said:

My understanding is that Captain Stevens had the reputation of being a heavy rather than a moderate drinker. I know of no occasion on which I have seen him intoxicated.

Is that corroboration of a charge of drunkenness? Lieutenant-Commander Griffith went on to say:

Subject to the qualification on the night of the mess dinner, the Captain was obviously unwell but whether this was due to alcohol I cannot say. I have never seen Captain Stevens drink at sea and although I have been in his cabin I have never seen him drink there other than the ordinary issue of lime powder and water.

Is this corroboration of a statement which the Royal Commissioners claimed would, to any reasonable man, indicate that the late Captain Stevens was a drunkard? What is this claim of corroboration tied to?

Let me move to the question of seamanship. In the statement made by Lieutenant-Commander Cabban a number of incidents are mentioned. There is the alleged collision between two destroyers. This was the time when one destroyer was berthing alongside another destroyer which was static, not moving. There was the incident when a tow-line parted. There was the incident mentioned when a ship drove in—I think that was the term—between two other ships. These incidents took place. Lieutenant-Commander Cabban in his evidence before the Commission said that he did not advance these incidents as indications of bad seamanship at all or of bad ship handling at all. This was not in his mind and he did not advance them in that way. But nevertheless the Commission found that a reasonable man reading the documents would have thought they did tend to indicate some lack of seamanship or some lack of ship handling, and

they did take place. But on all the evidence, including the evidence of Lieutenant-Commander Cabban himself, they were not either evidence of bad seamanship or advanced as evidence of bad seamanship. According to his evidence they were merely advanced as an indication of the temperament of Captain Stevens.

It is no corroboration of an incident to say that that incident took place. If I were to say here tonight—and of course I would not—that yesterday I saw the Leader of the Opposition walk through the door of his office and he had had so much to drink that he tripped on the carpet and fell flat on the floor, and if later someone were to say, 'Yes, he was walking through the door of his office and he did trip on the carpet and fall over, but I know he had nothing to drink the whole day; he tripped because the carpet was loose', then this second statement would not be a corroboration of the first. It would be quite different in content and in the implications to be drawn from it. Yet, it is that kind of suggestion which the Leader of the Opposition claims to be a corroboration. It is just not a corroboration at all. These matters will be developed by the Ministers who have been attacked. They cannot be developed by the Royal Commissioners who have been attacked, but they will be attacked by those who can speak for themselves in this House.

Let me refer to the questions which the Leader of the Opposition asked in his statement and to the answers which he has given. The Leader of the Opposition asked: Was Captain Stevens unfit to retain command of 'Voyager'? The Commission said he was. The Commission said he was as from December 1963, not as from the date which the Leader of the Opposition advanced in this chamber as the time from which he was unfit to retain command. The Leader of the Opposition also asked: Did the Naval Board know of his unfitness? The Leader of the Opposition answered his own question by saying: 'We know at least that the Chief Medical Officer of the Navy was aware of it.' Mr Speaker, what a misleading statement that is. What an inaccurate statement that is. Let us look at the Leader of the Opposition's statement that the chief medical officer of the Navy was aware of Captain Stevens's unfitness to retain command of 'Voyager'. [Extension of time

granted.] I thank the House for its courtesy in granting me an extension of time. I shall endeavour not to extend my time too far. The basis of this claim by the Leader of the Opposition that the chief medical officer of the Navy was aware of Captain Stevens's unfitness to retain command of 'Voyager' is that the chief medical officer of the Navy knew that on one occasion Captain Stevens had had a duodenal ulcer, and that he knew that Captain Stevens was taking care of that ulcer and was drinking milk when he went out to see the chief medical officer in his own home. In other words, Mr Speaker, all that that means is that the chief medical officer of the Navy knew that there had been a medical history, knew that there had been treatment for an ulcer, knew that the condition had healed, and knew that the officer was taking care of that condition. This is now advanced in this House and twisted round to a suggestion that, because of that, the chief medical officer knew that some years later the late Captain Stevens was unfit to retain command of 'Voyager'. What credibility can we give to arguments of this kind?

Then the Leader of the Opposition asks: Should the Naval Board have known? He answers his question—and he answers all his questions, naturally, in a way that suits himself, as I suppose we all do with our own questions—in this way: In the light of Stevens's known past history and his conduct while in command of 'Voyager', it is plain that there was a gross malfunctioning of the system of check and control of naval commanders. So the Leader of the Opposition has decided that the royal commissioners were wrong in their findings, because what they found was that the Naval Board did not know; that there was nothing which came to its knowledge which should have put it on inquiry; that the two naval medical officers referred to in the report had in fact not filled in the forms which the regulations required them to fill in; and therefore there could have been no possibility of the Board, or responsible members of it, knowing.

'Did responsible officers of the Navy know of the condition which made him unfit to retain command?', asks the Leader of the Opposition. And he answers: There is evidence that many more officers beyond those criticised in the report were in fact

aware of it. Aware of what, Mr Speaker? aware of the fact that he had a duodenal ulcer? Of course there were a number of officers aware of that. There were also—and the Leader of the Opposition did not care to tell us this—a number of other naval officers, members of the Royal Navy as well as members of the Royal Australian Navy, commanding and responsible for Captain Stevens and other captains in charge of ships, who were so satisfied with the way in which he performed his duties as commanding officer of 'Voyager' that they reported on him as having properly and thoroughly carried out his duties in command. Those were not just officers of the Royal Australian Navy, but also officers of the Royal Navy. Then we are asked by the Leader of the Opposition: Did corroboration exist for all or any of his statements at the time of the parliamentary debate last May? What is a reference to Cabban's statements.

What corroboration was available, if any, Mr Speaker? I suggest that there was none. Oh, yes, there was corroboration by incidents occurring when ships went close to each other and when tow lines parted. But, as I pointed out, this was not corroboration of the underlying suggestion that this was due to bad seamanship. Oh, yes, there was corroboration that on 3 days, as the royal commission found, out of the 180-odd days of the cruise Captain Stevens was affected by alcohol—slightly on one occasion, more on slightly on another. Is that corroboration, Mr Speaker? Would this House think that that was corroboration of the kind of impression that one would gain from a first reading of the statements that the late Captain Stevens was drunk all the time in command, that he spent his time drinking, then getting better so that he could drink again? Could that be called corroboration? For it was not called corroboration by the royal commissioners.

Then we are asked: If there was corroboration, was it known to the Navy Department? It was, the Leader of the Opposition tells us, because the Department had obtained it. What the Department obtained, Mr Speaker, was statements by Lieutenant-Commander Griffith refuting completely the claims made by Lieutenant-Commander Cabban. What the Department obtained which did to some extent support the claims made by Lieutenant-Commander Cabban was a statement made by the medical officer

who had since left the Navy—Surgeon-Lieutenant Tiller. The Leader of the Opposition has attempted to make great play with the suggestion that because Surgeon-Lieutenant Tiller had made a statement which tended to corroborate—as it did—some of the statements by Lieutenant-Commander Cabban, therefore Ministers in this House were wrong because they suppressed this statement, because they did not let it come to the light of the day. What is the truth of this, Mr Speaker? The truth of this is that Surgeon-Lieutenant Tiller made a statement long before there was any question of a royal commission being appointed and long before there was any chance of his ever being held in the witness box to sustain the evidence and the truth of whatever he might put in the statement that he then made. Subsequently, this question of the royal commission arose, and there also arose the question of sustaining the truth and accuracy of the statement previously made. And in those circumstances, Surgeon-Lieutenant Tiller—not the Government—said that he did not wish his statement to be used; it was a statement which was his personal property, and he did not want it to be used. The royal commissioners, in their judgment and in their findings, found that this was a perfectly reasonable attitude for Tiller to take and that it was a perfectly reasonable attitude for Mr Landau, the Secretary of the Department of the Navy, who was referred to by the Leader of the Opposition as 'this creature', to respect the privacy of what was in effect a private communication and to get another statement, which was subsequently made.

Mr Speaker, I do not wish to trespass too long on the courtesy that the House has done me in extending my time. I shall complete what I have to say in these words: The second royal commission was set up by the Government as a result of statements made by Lieutenant-Commander Cabban. Those statements, on the royal commissioners' own findings, were found to be untrue, though not untrue as a result of malice. On the findings of the royal commission, the implications inherent in what the Leader of the Opposition has said this evening about the drinking habits of the late Captain Stevens were fully rejected by the royal commissioners. In their view, on the evidence

of Cabban himself, the allegations as to bad seamanship were fully rejected. In the view of the royal commissioners, examining the matter as a whole, the previous findings of the first royal commission in relation to Captain Robertson were rejected. And the Government has already taken action to do what was considered to be the just thing in that case.

Mr Bryant—It would never have happened without Cabban.

Mr GORTON—I would not contest that.

Mr Bryant—Then why do you not say so?

Mr GORTON—I am saying so, am I not? How can I do more than say that I would not contest that?

Dr J. F. Cairns—Give credit where credit is due.

Mr SPEAKER—Order! The honourable member for Yarra will cease interjecting.

Dr J. F. Cairns—The Prime Minister needs a lot of help, Mr Speaker.

Mr GORTON—If I needed a lot of help I would not get it from the honourable member for Yarra, Mr Speaker, and I certainly would not seek it.

Mr SPEAKER—Order! I have already asked the honourable member for Yarra to cease interjecting. If he continues in this vein I will have to deal with him.

Mr GORTON—It is quite evident that the findings regarding the causes of the collision would not have been made if there had not been a second Royal Commission. I would imagine that this was evident to a 2-year old child. There would not have been a second Royal Commission if it had not been for what were found to be misleading accusations by Lieutenant-Commander Cabban. This, again, I think would be evident to the honourable member for Yarra.