

Botany Historical Trust

NEWSLETTER **DECEMBER 2023**



Home Sweet Home Exhibition launch on 28 October 2023

(L-R) Christine Moss, Alan Nicholas, Cr Jo Jansyn, and Charmaine Piaud; all of whom are BHT members and donated or loaned items for the exhibition. Christine Moss stands in front of a photograph of her grandmother holding her as a baby. Photograph by Christine Stamper.





Robert Hanna

PRESIDENT'S REPORT

In the May newsletter, I mentioned that Carole Nestor had submitted her nomination to join the BHT Executive Committee. Carole's nomination has been formally approved by Bayside Council, and Carole attended her first Executive Meeting on 7 August 2023. Welcome aboard Carole!

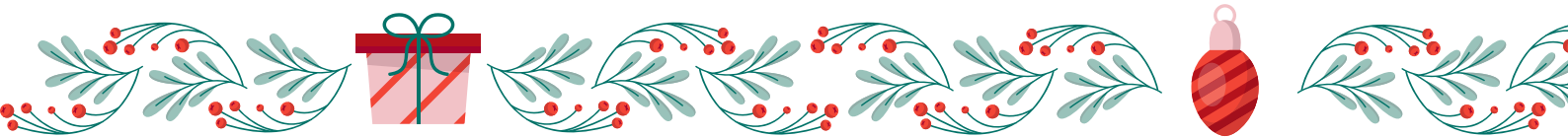
Unfortunately, due to health reasons, Denis Muller has resigned as an Executive member. While only on the Committee for a short time I thank Denis for his service and look forward to seeing him at future BHT functions and activities. This means there is still one vacant Executive Committee position. So again, I ask if any BHT members are interested in joining the Executive to contact Bayside Council.

In the May newsletter, I also mentioned that I was seeking to add the name of Flight Sergeant Oscar McFadden to the Botany War Memorial at Booralee Park. His name is missing from those World War II servicemen from Botany killed in action.

My pursuit of this matter revealed that Oscar's is not the only name missing. Since the last Executive meeting, I have conducted research into the relevant military archives. With the assistance of Council staff, we have identified a further 13 names missing from the memorial, as well as some errors with the existing 24 names. With Council support, and the support of the Botany RSL Sub-Branch, I am hopeful that these matters can be rectified by ANZAC Day next year. My personal thanks to Bayside Library staff Kirsten Broderick, Jenny Pilotos and Alison Wishart in achieving this outcome.

My research has revealed that 37 names of men from Botany and Pagewood should appear on the memorial. They include men from all three Services, including three who were crew members on *HMAS Sydney* which sank with all hands, on 20 November 1941.

Bayside Council recently announced the results of the 2023 Ron Rathbone Local History Competition. This year there were two joint winners: Dr Peter Hobbins for his essay, *Miracle at Mascot? Surviving Sydney's 1971 airliner collision*, and Dr Ian Hoskins with *Looking Backward: Daceyville and a time of idealism in public housing*. Both winning entries can be read on Bayside Council's website and hard copies are available at Mascot and Eastgardens' libraries.



Peter Hobbins' entry is a good read about a near collision between two fully loaded airliners at Mascot Airport in 1971. A precise of Peter Hobbins' winning essay appears in this newsletter.

On 28 October 2023, I attended the formal opening of the *Home Sweet Home* exhibition at the George Hanna Museum at Mascot Library. The exhibition provides an excellent snapshot of domestic life in Botany and Mascot from the 1920s to the 1960s. The exhibition will run until 29 February 2024. A visit to this exhibition should be a must for all BHT Members and friends.

I also attended the 2023 Nancy Hillier Lecture at Botany Town Hall on 2 November 2023. The lecture celebrated Nancy's legacy as a fierce campaigner and environmental activist in her attempts to save Botany's environment. Nancy was also a former President of the Botany Historical Trust.

I wish all members of the Botany Historical Trust and their families all the best for the coming Christmas season and the new year.

Robert Hanna
President, Botany Historical Trust



LET US KNOW ...

The BHT Executive Committee are currently planning our excursion and activity program for 2024 and would love to hear your suggestions. If you have an idea for either an excursion or activity, please email cate.kloos@bayside.nsw.gov.au

THE COMMITTEE



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Committee Member

We have Committee Member positions vacant and we invite members to apply. If you are interested please email: council@bayside.nsw.gov.au for the attention of the Botany Historical Trust

2024 Meeting Schedule – 5 February, 6 May, 5 August and 6 November (this date includes the AGM)

2023 Ron Rathbone Local History Competition

The winners of this year's annual Ron Rathbone Local History Competition were announced by Councillor Liz Barlow in a ceremony on Saturday 2 September.

As always, the entries covered a wide range of topics and provided a wealth of new local history information, insights, and stories.

Dr Peter Orlovich, well-known to Botany Historical Trust members, has been a key member of the Judging Panel since the competition was inaugurated in 2006. This year, Dr Orlovich announced his retirement from the Judging Panel, and the ceremony began with Councillor Liz Barlow presenting Dr Orlovich with a Certificate of Thanks for his unwavering commitment to the competition over the last 18 years.

The judges' work is never easy and this year it proved particularly difficult to determine the winner of the Open Category. In the end, the judges decided the Open Category prize of \$5,000 should be split equally between the authors of two very different, but equally worthwhile works, both of which were on the Botany area.

Ian Hoskins won for his work, *Looking Backward: Daceyville and a time of idealism in public housing*. The judges found this to be an excellent and scholarly work that investigated the origins of Daceyville and provided readers with a deeper knowledge and understanding of the development of this public housing suburb. In examining Daceyville, Ian Hoskins' essay also explored the many issues surrounding public housing, making it a work of exceptional relevance today.

Peter Hobbins was the second joint winner for his work, *Miracle at Mascot? Surviving Sydney's 1971 airliner collision*. This fascinating work begins with a conceptual question: how close to disaster are those living under the flight path from Sydney Airport? The essay goes on to document the history, context and impact of the 1971 airline collision at Sydney Airport both locally and on the aviation industry worldwide. The work is based on a large number of original sources providing a great deal of information and it is a reminder of the impact of the airport on the Bayside area. Moreover, the work is a thrilling and gripping read and a short version of Peter Hobbins' entry is included in this newsletter for readers to enjoy.

For those who would like to read the winning entries, they can be found online – along with the other entries in the competition – at www.bayside.nsw.gov.au/ronrathbone



Councillors Muscat, Barlow and Jansyn with the winners of the 2023 Ron Rathbone Local History Competition Awards



BHT member Dr Orlovich with Councillors Barlow and Muscat at the 2023 Ron Rathbone Local History Competition Awards

Entries – Open Category

- ★ Garry Darby and Wayne Pascoe, *125 Years: A History of the St George Sailing Club.*
- ★ Trevor Ellis, *A New Life Under a New Flag.*
- ★ Peter Hobbins, *Miracle at Mascot? Surviving Sydney's 1971 airliner collision.*
- ★ Ian Hoskins, *Looking Backward: Daceyville and a time of idealism in public housing.*
- ★ Janette Pelosi, Joseph Davis, *from Lidham Hill to Lydham Hall.*
- ★ Alan Russell, *Arncliffe During World War Two.*
- ★ Olga Sedneva, *Between the Lines, Behind the Doors.*
- ★ Olga Sedneva, *Giff, The Railway Man.*
- ★ Olga Sedneva, *The Lydham Hill Tale.*

Winners – Open Category

Recognition of Achievement Award

- ★ Garry Darby and Wayne Pascoe, *125 Years: A History of the St George Sailing Club*

Joint Winners

- ★ Peter Hobbins, *Miracle at Mascot? Surviving Sydney's 1971 airliner collision.*
- ★ Ian Hoskins, *Looking Backward: Daceyville and a time of idealism in public housing.*

Winners – High School Category

Encouragement Award

- ★ Margaret Oszywa, *Why is Bayside's Local History Important?*

Winner

- ★ Sydney Technical High School group entry by students Marcus Camara, Taha Chalak, Russell Liauw, and Marcus Young, *A Bayside Local History: Sydney Technical High School, Bexley, Commemorates their Vietnam Veterans.*

Congratulations again to all the entrants whose time and effort have provided so much information and enjoyment for all of us interested in Bayside's local history.

Home Sweet Home

Botany and Mascot 1920-1960



Carmen Vella (left), Kerren and Jesse Hosking (right), along with Councillors Christina Curry and Jo Jansyn (centre) enjoy dressing up in the *Home Sweet Home* exhibition. Photograph by Christine Stamper.

On 28 October 2023, Bayside Councillor and BHT member Jo Jansyn, representing the Mayor, Bill Saravinovski, officially opened the latest exhibition at the George Hanna Memorial Museum at Mascot Library. About 30 BHT members attended along with 10 local residents.

Home Sweet Home: Botany and Mascot 1920-1960 takes visitors back to a time when 'working from home' meant cooking, cleaning, washing, ironing, sewing, and raising children. This was regarded as 'women's work'. Women were relieved from some of this unpaid domestic labour in the 1950s if their family could afford to buy 'electrical servants' like electric washing machines, stoves, and refrigerators.

'This exhibition is both nostalgic and informative', said Councillor Jansyn. 'I think many older visitors will recognise the old push mower and the wind-up children's toys'.

'This is a great exhibition for grandparents and grandchildren to visit together. Some children may not have seen a kerosene iron or a pair of step-ins before and grandparents can explain how they were used'.

Councillor Jansyn thanked BHT members Christine Moss, Charmaine Piaud, and Alan Nicholas, all of whom contributed items and stories to the exhibition. She also thanked Elin Thomas for her beautiful exhibition design and curator, Alison Wishart.

'Finally, I would like to thank our neighbouring council, Georges River, and, in particular, the Hurstville Museum & Gallery, for allowing us to adapt *Home in St George 1920-1960*, which was on display in their gallery earlier this year', said Councillor Jansyn.

Alison Wishart, Local History Librarian



'In the kitchen': items on display were donated by Christine Moss and Charmaine Piaud and loaned by Hurstville Museum and Gallery. Photograph by Alison Wishart.

Exhibition Details

Home Sweet Home: Botany and Mascot 1920s-1960s
George Hanna Memorial Museum, Mascot Library
Free entry

Until 29 February 2024

Monday to Friday | 10am to 6pm
From 6 January 2024 also on Saturdays
9am to 12noon

Library will be closed between 23 December and 1 January.



Local Stories

Growing up in Botany



Charmaine at the BHT Christmas Function in November 2022

When I was growing up in the 1940s and 1950s, there was no TV or internet. Instead, I belonged to several clubs, such as the Argonauts, which had a weekly radio program on the ABC, the junior Red Cross, and the Sunday Sun (newspaper) Sunbeams Club.

Unlike most teenage girls in the 1950s, I went to university and completed a Bachelor of Science, majoring in chemistry.

After I graduated from the University of Sydney, I started work at J Bayley and Sons Tannery in Lord Street, which was next door to the wool scour where my father had worked.

I was able to walk to and from work. I was employed there as an analytical chemist from 1961 until 1990, when I was retrenched.

Then I went to work at St Vincent's Hospital in the pathology department until I retired in 2000.

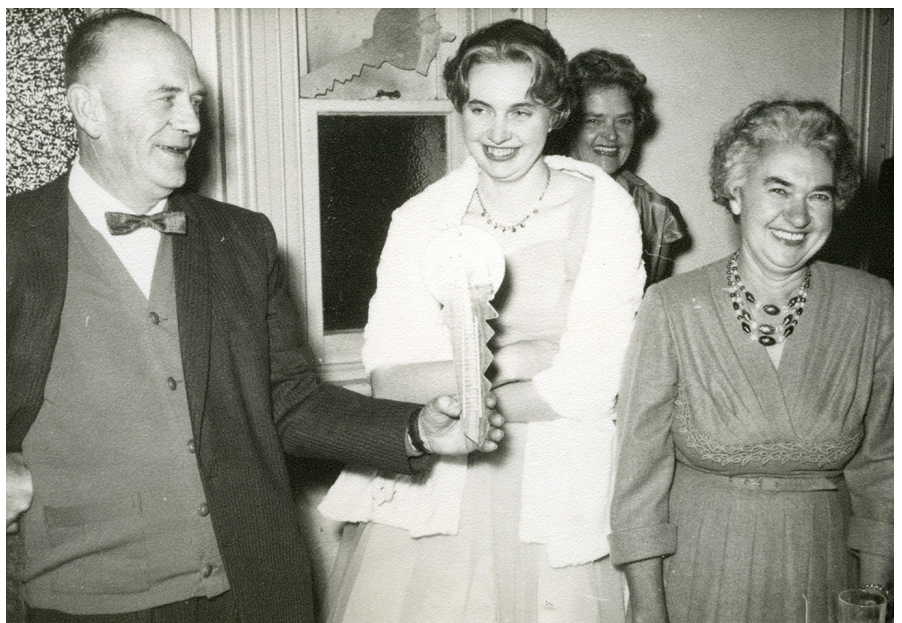
I still live in Banksia Street. I agree with my neighbour, who said to me once that living in Botany is like living in a little village.

Charmaine Piaud

I was born in Botany in June 1940. My parents, Lucien and Ilma (nee Tuck), moved into our house in Banksia Street soon after they married in 1928.

My father was an engineer and worked at several factories in Botany including F.W. Hughes's Wool Scour.

My mum cooked all our meals and made most of our clothes. She also kept chickens and would sell the surplus eggs to the neighbours. One year there was a gas strike, so Mum cooked Christmas dinner in the backyard on a pile of bricks over an open flame.



I had my 21st birthday party at Botany Town Hall. My father gave me a large key, which symbolises that turning 21 years old will open many doors for me. In the 1960s, 21 was the age when you were legally considered to be an adult and could vote in elections.



My father volunteered as an air-raid warden during World War II (he is in the back row, third from the right). We had an air-raid shelter in our backyard at Banksia Street made of sand and corrugated iron. I remember being taken to the shelter one night when I was just two years old. Botany was near the Mascot aerodrome, so it was thought to be in the danger zone. My mother later told me that one of the neighbours was 15 minutes late arriving in the shelter because she wanted to put her make-up on first!

Growing up in Mascot

I was born in 1949 and, like my parents, grew up in Mascot. From 1952 my family lived at 16 Hatfield Street, but we would often visit my paternal grandparents in Frogmore Street.

I went to Mascot Primary School and since it was only 200 metres from home, I would usually come home for lunch. The last person to leave the house would lock the front door, but the back door was never locked.

During the 1950s, milk and bread was delivered daily via horse and cart. On Fridays, a man wearing his South Sydney Football jersey would come on his horse and cart selling skinned rabbits for cooking. The milkman would yell “Milkoh”, the baker “Bakaa” and the rabbit man “Rabbittoh”. In summer, we had an ice block delivered (before there were refrigerators) and in winter a weekly bag of coal for the cosy heater.

In Hatfield Street (which was closed at both ends), kids played in the street without supervision. We played cricket and football, rode bikes and raced homemade billycarts.



My cousin Donna, with our dog called ‘Lady’, in the back yard at 16 Hatfield Street, 1962. My father made the dog kennel.

The only rule was when the streetlights came on, it was time to go home for dinner. My Great Uncle Sid ran the stables at the southern end of Hatfield Street, and we would sometime be put to work, feeding the horses.

After a serious childhood accident, which nearly saw my right foot amputated, I took up ballroom dancing to try and strengthen my foot. I had lessons in the Masonic Hall on Botany Road and went on to win the NSW and South Pacific Dancing Championships when I was 13 years old with my partner, Joanne Carew.

In 1972, I graduated with a Bachelor of Dentistry from the University of Sydney. I married Cheryl in 1974 and we have retired to live in Sandringham.

Alan Nicholas



Alan and Cheryl at Amalfi Coast in 2019



My father Stan Nicholas worked at the Rolls Royce factory in Kent Street, Mascot, as an engineer but the family car was a Holden. This photo shows Stan cleaning the family car outside our home in 16 Hatfield Street in 1966.

LOCAL TRIVIA FROM TIMES PAST

In a newsletter from 1964, the Mascot Bowling Club (which was located on Wentworth Avenue) advertised that their licensed club was open until midnight on Fridays, and then had the attached advice for its patrons telling them how to drink at home and save money.

DRINKERS.

Since you cannot refrain from drinking, why not start a hotel in your own home. Be the only customer and you will not have to buy a licence.

Give your wife £7.12.0 to buy four cartons of beer. There are 240 drinks in four cartons of beer. Buy all your own drinks from your wife at 1/- a glass.

At the end of seven days (when cartons are gone) your wife will have £4.8.0 to put in the bank and £7.12.0 to buy four more cartons of beer.

If you live for 20 years and continue to buy all your drinks from your wife, then die with your boots on, your widow will have £4,576 - enough to educate and clothe your children, pay off the mortgage on your house, marry a decent man - and forget she ever knew a clot like you.

Three Metres from Catastrophe:

Sydney's 1971 Airliner Collision

by Dr Peter Hobbins

The original version of this article appeared in issue 157 of History, published by the Royal Australian Historical Society in September 2023. This article is a shorter version of Dr Hobbins' winning essay.



TAA's Boeing 727s entered the 1970s with this new livery, proving popular with crews and passengers, especially for the quiet interior since the three jet engines were mounted behind the main cabin. Probably depicting VH-TJA, this c.1971 postcard is from the author's collection.

The world was horrified in 1977 when two Boeing 747 airliners collided at Los Rodeos airport in the Canary Islands, killing 583 people. In poor visibility, one 747 commenced its take-off, unaware that another aircraft was backtracking down the runway toward them. Investigators suggested that if the first aeroplane had risen just eight metres more, the worst aviation accident in history might have been averted.¹

In Australia, however, another possibility arose. 'Aviation experts say the Canary Islands crash would never have happened if both pilots had studied official reports of a similar near-tragedy in Sydney', reported the *Sydney Observer*.² Similar stories recalled the night of 29 January 1971, when two jet airliners collided on the runway at Kingsford-Smith Airport in Mascot, endangering 240 passengers and crew. Decades later, aviation safety expert Macarthur Job declared this collision 'one of the nearest approaches to calamity' in Australian skies.³

Air Traffic and Resident Fears

In the early 1960s, new jetliners such as the Boeing 707 and McDonnell Douglas DC8 prompted the Australian Government to extend Kingsford-Smith's Runway 16 into Botany Bay, with work completed in 1968.⁴ Soon after Queen Elizabeth II opened a new international terminal in 1970, a further extension of Runway 16 was underway, permitting access for the massive 747 that was set to revolutionise global travel.⁵ By 1970, nearly 6 million passengers flew within Australia annually, including 3.4 million through Kingsford-Smith.⁶ This upsurge in air traffic demanded a major infrastructure enhancement, including a new control tower and a second fire station.⁷

Such plans were necessary. In 1945 a Consolidated Liberator transport crashed at Mascot, killing all 12 aboard*, while in 1961 an Ansett-ANA Vickers Viscount airliner disintegrated over Botany Bay during a thunderstorm, with 15 fatalities.⁸ Residents had a lucky escape in 1957 when a Douglas DC-3 lost power after take-off. Narrowly avoiding Botany and Pagewood, it ditched into water at Eastlakes Golf Course; all 27 aboard survived.⁹ Unsurprisingly, locals remained alarmed about aircraft descending into nearby suburbs, especially Arncliffe, Bexley, Kyeemagh, Mascot, Rockdale and Sydenham.¹⁰

'It has been said that because of the remarkable technical advances in aviation in recent years', proposed a 1969 review by Trans-Australia Airlines (TAA), 'the new generation of passengers take safety for granted'.¹¹ TAA was a leader in this field, praised for high maintenance standards and sensible aircraft choices. One was the Boeing 727, which 'ushered in the jet era on Australian domestic routes in a highly efficient manner'.¹² Named *James Cook* and registered as VH-TJA, TAA's first 727 commenced passenger flights in November 1964.

* For a local recollection of this accident, see Alan Russell's entry in the 2023 Ron Rathbone Local History Competition, 'Arncliffe during World War Two', at www.bayside.nsw.gov.au/sites/default/files/2023-09/russell_alan_entry.pdf.

Boeing 727s also arrived with cockpit voice recorders (CVRs) fitted as standard. Aircrew were outraged at this new technology; the Australian Federation of Air Pilots (AFAP) declared they would accept these devices 'only when guarantees were given that the tapes would not be admissible in any civil liability hearing and would not be used at all when the pilot was unavailable to give evidence'.¹³ As the main union representing airline pilots, the Federation had just forced a significant improvement in working conditions after a three-day strike.¹⁴ In December 1964 an accord was reached with the Director-General of the Department of Civil Aviation (DCA), assuring pilots that if they survived an accident, voice recordings would not be admissible as evidence.¹⁵

Overseas airlines were exempt from this 'gentlemen's agreement'. One that offered a weekly service from Vancouver to Sydney was Canadian Pacific Airlines, rebranded CP Air in 1968. Among their distinctive orange-topped DC8s was CF-CPQ, christened *Empress of Hong Kong*. Operating Flight 301, it touched down at Mascot at 9.34 pm on 29 January 1971 with 136 passengers and 11 crew. Within minutes it touched off a major safety incident that reshaped the legal, industrial, and procedural basis of airline travel in Australia.

Three Metres from Calamity

The controllers in Sydney Tower that night were Robert Gunn, Robert Davidson and Lindsay Hill. While the Canadian airliner was landing, Hill advised the DC8 to 'take taxiway right – call on 121.7'. He intended the aircraft to vacate the runway, then switch radio frequencies to come under Davidson's guidance to taxi to the international terminal. In CF-CPQ's cockpit, however, all four crew claimed to hear 'backtrack if you like – change to 121.7'.¹⁶ None questioned the unexpected direction, turning their aeroplane through 180 degrees then backtracking north along Runway 16.¹⁷





There was no mistaking CP Air's distinctive colour scheme, introduced in 1968. This John Hopton photograph of the stretched 'Super DC8' CF-CPQ in the early 1970s is provided courtesy of the Airways Museum.

In the dark, drizzly conditions, nobody in the tower observed the DC8 unexpectedly heading back along the active runway. At 9.35 pm, Hill cleared VH-TJA for take-off. The TAA 727 sat at the northern end of Runway 16, fully fuelled to operate Flight 592 to Perth, with 84 passengers and eight crew. Captained by Warren 'Jimmy' James, with first officer Doug Spiers, the jet accelerated and lifted its nose. James claimed that it was only at this instant that he saw an obstacle ahead but chose to maintain a normal take-off angle.¹⁸

These were critical seconds. Having switched radio frequencies, the Canadians had not heard that VH-TJA was taking off. Suddenly they saw the 727 accelerating toward them and Captain Charles Magrath veered the lumbering DC8 rightward. Although the DC8 shuddered as the TAA airliner screeched overhead, everything seemed normal so Magrath resumed taxiing.¹⁹ Above the airport, however, James and Spiers realised that their aircraft had hit the DC8, shearing off the top half of its tailfin. More seriously, the collision gouged an 18-metre path through the 727's belly, severely damaging air conditioning, hydraulic and electrical systems. After circling for 40 minutes off Botany Bay to dump its fuel load, VH-TJA landed safely.²⁰

While there was no fire and nobody aboard either aircraft was injured, air safety investigators estimated that just three metres separated the two airliners from significant bodily impact.²¹ Such an event might have triggered a major fire across a 300-metre radius, or a massive fireball reaching one kilometre.²² This was the slight margin by which, proposed DCA's Director-General, 'a tragedy of immense proportions was only very narrowly avoided'.²³

Issued in August 1971, the report by DCA's Air Safety Investigation Branch (ASIB) attributed the accident to human error – in Sydney Tower, in the 727's cockpit and on the DC8's flight deck. The Canadians were criticised for not ensuring that the pilot in command was familiar with Kingsford-Smith's layout and procedures, and not seeking clarification of the unusual 'backtrack' instruction.²⁴ While the CP Air crew claimed that they disconnected their CVR after being informed of the collision, the wrong switches had been pulled, leaving the tape running and permanently erasing critical evidence. VH-TJA's CVR, however, had captured cockpit noises for the final 60 minutes of the flight. ASIB investigators were eager to hear this recording, but when the AFAP threatened industrial action, the Department backed down.²⁵

Safety investigators also blamed air traffic controllers for not asking the Canadians to confirm when they had cleared Runway 16, and for not clarifying that they should switch radio frequencies only when off the runway. What intrigued the ASIB team, however, was an audio recording of the tower's exchanges with both aircraft. During VH-TJA's take-off, the question 'How far ahead is he?' inexplicably appeared on a tower tape. Later analysis attributed this query to Captain James, suggesting that he had inadvertently transmitted from the 727's cockpit. The ASIB report concluded that if the TAA crew had abandoned take-off when they first saw the DC8 ahead, the 727 would have stopped a comfortable 680 metres short of collision.²⁶

'People's Reputations have Taken a Hell of a Hammering'

In tabling the ASIB report in the Senate, Minister for Civil Aviation, Robert Cotton, remarked that 'People's reputations have taken a hell of a hammering'.²⁷ But a far bigger issue now loomed: a legal case in the High Court of Australia. On 4 March 1971, TAA served writs against CP Air, the Commonwealth as operators of Kingsford-Smith Airport, and the DCA Director-General for air traffic control services.²⁸ Then on 14 December, CP Air launched a counterclaim against TAA and the Commonwealth.²⁹ While the date for a hearing dragged on for years, in 1973 the new federal Labor government dissolved the DCA and rolled its functions into a larger Department of Transport.³⁰

Finally, on 13 February 1975, CP Air's lawyers instigated proceedings and submitted a summons for VH-TJA's CVR tape. The application was heard before Sir Garfield Barwick, Chief Justice of the High Court. The Crown Solicitor opposed the request, submitting an affidavit from the ASIB which argued that the Department of Transport was 'honour and duty bound ... to oppose the use of cockpit voice records in any liability action'.³¹ TAA's counsel concurred,

under the threat that AFAP members would not crew any aircraft fitted with a CVR.³² Intoning that 'I am certainly not going to act under any feeling of industrial blackmail', Barwick refused the Federation any representation in court and rejected CP Air's summons, but permitted the trial judge the right to hear the tape.³³

Conducted in Sydney from 26 May to 24 June 1975, the trial was heard before Justice Sir Anthony Mason, 'regarded by many as one of Australia's greatest judges'.³⁴ While numerous witnesses were called, proceedings pivoted on the 727's cockpit recording.

'Without doubt, the introduction of the TJA CVR information had a significant bearing on the inquiry', remarked a Department observer. 'I am quite certain TAA's earlier and perhaps stronger position slipped a good deal as a result'.³⁵ Despite TAA's claim that it comprised privileged information, Mason chose to listen to the recording on the grounds that it would not imperil the national interest.³⁶ Furthermore, to exclude this evidence without reason would contradict the principle that justice must be seen to be done.³⁷

The key audio evidence comprised a comment by TAA's Captain James: 'Gee I would have thought he (is/was) still on the runway but at any event - (hope) to be airborne before then'.³⁸ These words came 15 seconds after the tower gave clearance for take-off and 39 seconds prior to the impact. The recording also indicated that ten minutes later, VH-TJA's crew attempted to rationalise their decision: 'In fact if we'd a tried to stop ... it would have been a bloody worse mess', Spiers remarked.³⁹



Mason passed judgement on 29 August 1975, affirming that ‘the CVR provided valuable evidence upon which I have placed considerable reliance’.⁴⁰ Indeed, he deemed the TAA crew’s account ‘unsatisfactory and unreliable’, while the Canadians ‘did not impress me as accurate witnesses’.⁴¹ Suggesting that James had seen the orange-topped DC8 soon into his take-off run, Mason insisted that ‘the risk was considerable and it should not have been taken’.⁴² He was equally sceptical that Captain Magrath did not observe the 727’s lights heading toward him while Uturning to backtrack. Nor did the controllers in the tower escape a verdict of negligence in permitting the TAA 727 to take-off without ensuring that the runway was clear.

Apportioning responsibility, Justice Mason noted that culpability in civil law indicates not moral blameworthiness, but the ‘degree of departure from the standard of care of the reasonable man’.⁴³ He slated the primary liability to the Commonwealth, citing the duty of air traffic controllers to maintain safe airways and prevent accidents.

He found that the CP Air crew exercised less than reasonable attention, proposing their responsibility for the collision was equal to that of the TAA pilots. After accounting for claims and counterclaims, plus costs, TAA received \$441,140.91 (55.9 percent of their original claim) and CP Air \$47,208.84 (11.7 percent of \$402,489 sought). The Commonwealth’s final debt, including legal fees, totalled over \$480,000.

‘As the present airport becomes more and more congested’, proposed Rockdale’s Mayor, Ron Rathbone, in 1982, ‘so the possibility of a major air disaster also grows’.⁴⁴ Indeed, the 1971 accident was one of 40 collisions at Kingsford-Smith Airport over 1969–1989, nearly half involving two aircraft.⁴⁵ While pilots continued to insist that CVR recordings should not be presented as legal evidence, the 1971 collision at Mascot led to a tightening of Australia’s already-stringent airways procedures.⁴⁶ Thus the near-miracle at Mascot has helped maintain the airport’s safety record for more than half a century.

Acknowledgements

The author thanks the staff and volunteers of the Rockdale Library, Airways Museum, TAA Museum and the National Archives of Australia for their assistance in preparing this account. In recognition, he has donated 10% of the prize money to the TAA Museum and 10% to the Airways Museum. A longer version of this article was awarded equal first place in Bayside Council’s 2023 Ron Rathbone Local History Competition and can be accessed at Rockdale and Mascot Libraries.

About the Author

Dr Peter Hobbins is a former Royal Australian Historical Society Councillor who leads the Society’s Reconciliation Action Plan working party. He heads the curatorial, exhibitions, publications and library portfolio at the Australian National Maritime Museum. An Honorary Research Fellow of the Civil Aviation Historical Society, he won the 2023 Bob Wills Memorial Plaque for the best researched and written article in *Aviation Heritage*, journal of the Aviation Historical Society of Australia.



Passengers aboard TAA Flight 592 would have boarded with a hand-written ticket similar to this 1971 example, from the author’s collection.



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