

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston of the New South Wales Water Police in Sydney and Barry Barclay of the Victorian Air Wing. The time on my watch is now 10.23 on Saturday, the 17th of the 4th, 1999. Also present is Detective Senior Constable Gray from Bega Police and Sergeant Bob Piva, P-I-V-A, from the Victorian Air Wing. Barry, as I mentioned to you earlier, we, Detective Senior Constable Gray and I are making inquiries into the Sydney to Hobart Yacht Race and we're speaking to people, either directly or indirectly involved in the race and you, from what you're telling us, were a crew member on the Victorian Polair 1 - - -

A Mmm.

Q1 - - - is that correct?

A That's correct.

Q2 O.K. Now for the purpose of the interview, would you like to please state your full name?

A Barry Scott Barclay.

Q3 And your work address?

A Is Hangar 104, Lionel Street, Essendon Airport, Victoria Police Air Wing.

Q4 And your date of birth?

A 26th of the 9th, '61.

Q5 All right. So on the day of the 27th, correct me if I'm wrong, but you were rostered for duty as air crew on Polair 1?

A Yeah, the 27th?

Q6 Well - - -

A

Q7 Could you, could you explain to me then the, the, the first day that you got involved in this, this search and rescue?

A Oh, yes, 27th.

Q8 O.K. Well, from the, from the 27th - - -

A Mmm.

Q8 - - - would you like to explain and, and tell me what your role, as far as the air crew on Polair 1?

A Started shift at 10 o'clock in the morning. Did some winds and in the afternoon we were just out on general patrol and we landed back at Essendon I guess at around quarter to 4.00 on that afternoon and as we were landing we were getting a phone call, a radio call from the operations controller, our ops room, that it all turned down in Bass Strait. We've refuelled the aircraft, well, getting the aircraft refuelled, we've come in and the controller inside has said that our inspector has denied us permission to go to this particular rescue. At the time it was a, an E.P.I.R.B. going off in the Strait, 15 people on board, dismasted, and I think HeliMed 1 and some other planes were en route. Naturally we were a little bit annoyed that perhaps we weren't being dispatched. There was some further phone calls made and still denied permission to go and then finally, after a rather frantic phone call

from AUSAR saying that there's more boats sort of in trouble, the officer in charge here finally relented and we were allowed to go. Once upon a time, when AUSAR rang up and said, We want you to go, we had to go. It was, you couldn't say no, you had to go. At some stage, I don't know when it's occurred, but those rules and regulations have apparently changed and people have got the right to say no, which in a rescue organisation is absolutely silly. I think on this occasion we were very lucky that no one died from that half an hour, bit over half an hour time lapse while our O.C. was denying us permission to go. It could have been the other way around. If he'd have kept on mucking around and saying, No, you're not going, another 5, 10 minutes, John Campbell from Seattle would be dead, and I think those rules have got to be changed where if AUSAR say you go, you go. It's ridiculous. Yes, anyway, we were given permission to go and off we went.

Q9 O.K. Well, what happened then?

A We started flying down, hit 205 knots on the way down so we knew it was going to be pretty bad down there, landed at Latrobe Valley, which is halfway, refuelled, and continued on to Mallacoota, landed, stripped the, excuse me, stripped the aircraft, put as much fuel in as was, was able and then we were tasked. I think it was, I'm a little bit confused about what we were doing, but we were, I think we were tasked to that

first vessel with the 15, the Stand Aside, whatever it was. Got airborne and then we were directed to Winston Churchill, I think, it's a, yeah, it's, it had given a Mayday, we heard the Mayday on the way down there. Then we were directed to the Winston Churchill, I think, and en route to that we were once again redirected to the Kingara, where they'd had the, the man overboard. We monitored that one as well. I heard them, AUSAR in Canberra, direct the Channel 2 helicopter to go and help look for him, but I, I never saw him, I, I don't know whether he go there or not. Yeah, so we just turned turtle and went heading for the Kingara.

Q10 O.K. And then what happened?

A Well, the, the conditions were atrocious. We got over the G.P.S. lat. and long. that we were given, basically couldn't see a thing and Darryl said, I'll just turn, turn around, we'll come back. And as he started to turn I saw the, the red flare out the front of the aircraft and I told Darryl, There's the flare, we'll go and track for that. It looked about 10 miles away, but as it turned out, it was only about a mile. And en route I just called up the Kingara on the, the marine frequency, distress frequency, and just started chatting to them about, you know, where they'd lost their man and where he could possibly be and they said, He's off the port bow, but looking at the vessel the port bow was going through about 180 degrees so I

didn't have much of an idea, but it was out there somewhere. So we just started searching.

Q11 O.K. And then you started to search - - -

A Yeah.

Q11 - - - and then what happened?

A Dave saw the orange life buoy and he thought something was in it, put it on my side of the aircraft, I thought there was something in it to, but all it was was the waves coming up through the middle. The wave picked it up and blew it away so there was nothing there. And as I was looking at that I just, out of the top of my vision, just saw something that shouldn't have been there, and just looked up, and it was John, just waving.

Q12 O.K. And then you went over to him?

A Yeah, just slid sideways - - -

Q13 Yeah.

A - - - while Dave got himself ready, did the checks on Dave, then chucked Dave out, winched him down to him.

Q14 And you operated the winch at the time?

A Yes.

Q15 O.K. So David went down on the winch and - - -

A Yeah.

Q15 - - - and recovered or retrieved one of the crew members off - - -

A Yes.

Q15 - - - off the vessel?

A Mmm.

Q16 Now on that winching, winching up - - -

A Yes.

Q16 - - - did anything unusual happen?

A About halfway up John started to slip out of the, the harness and I mentioned to, to Darryl at the time, We're gonna drop this bloke. The conditions were just such that Dave couldn't get the chest strap on him, which, which is designed basically to stop you from slipping out, and a strong person can keep his arms down, but John obviously wasn't strong at that stage. So I thought, oh well, better hurry this up, so went, like, full speed up and got to just below the door of the aircraft, and I had a winch freeze. I went through the emergency cycles or procedures several times, still nothing worked. I could see John still slipping out so I thought, oh well, I've got to do something here. So I just grabbed him by the, the undies and pulled him up, that was with one hand, and when he, got him up high enough, I just sort of lent out and bear hugged him and dragged him in, and then started thinking about what I'm going to do with Dave, 'cause it was a long way back to shore, and while I was thinking about what I was going to do, I was still recycling everything in the, with the winch, and it's just started working again. So I recovered Dave normally, shut the door and off we went.

Q17 O.K. Then you've returned back to Mallacoota?

A Mallacoota, yeah, we were originally told to go to

Merimbula - - -

Q18 Yeah.

A - - - and we started tracking towards Merimbula, but the figures just weren't adding up for Merimbula - - -

Q19 Mmm.

A - - - so Darryl made the decision, the pilot, turn, to turn around and we'll got back to Mallacoota, that's what we did.

Q20 So the pilot made you aware that you were having fuel difficulties?

A Yes.

Q21 O.K.

A Yeah. Yeah.

Q22 So a number of things happened after that, you went down, went back to Mallacoota - - -

A Yeah.

Q22 - - - the patient was taken away and obviously looked after - - -

A Mmm.

Q22 - - - and then you, what happened then?

A Oh, we just refuelled and restaged back down to Mallacoota Airport. We couldn't quite make it to Mallacoota Airport. Tied down the machine for the night and went back and talked to AUSAR on the phone and did all the post flight stuff and went to bed.

Q23 Right. And then the next day?

A Had an early start, went down and got the machine ready, talked to AUSAR on the phone, and they wanted us

to go out and relieve a Navy Sea King, which I think was about 60 miles out, looking for the Winston Churchill, no, was it the Winston Churchill? I don't know whether it was the Winston Churchill or some other vessel, it could have been the Business Post.

Q24 Mmm.

A I'm not quite sure what the vessel was, but we were relieving a Navy Sea King anyway. So we got airborne, full as a goog with fuel and started flying out, got about halfway out and we were redirected to Midnight, no, Midnight Special, given the G.P.S. locations for that, told there was nine people on board, that Southcare had got five off, so we talked to Southcare helicopter on the radio, just to find out what the conditions were like, and how they did the winch, and got overhead and, and did the last four blokes off that.

Q25 And there was no problems doing that?

A Oh, it was, it was a, just a, bulk difficult winches but they were just - - -

Q26 Yeah.

A - - - you know, straight forward, there was no sort of big problems.

Q27 O.K. Did you find that there was anything hampering your winching at that time?

A Me personally, no, but I could see Dave was having troubles, they had, well, I suppose you could describe them as fairly old life vests on, they weren't

inflatable or anything like that, they were just big cubes of, of foam and very, very bulky, which made it hard for Dave to get the, the strop around.

Q28 O.K. And then you performed a number of other tasks?

A Yeah, after we'd delivered those four blokes back, we were tasked with E.P.I.R.B. back off the coast, I can't remember how far out at sea it was, but we were given the location. And we searched that E.P.I.R.B. location with the Channel 2 machine doing sort of triangulation with the Channel 2 machine for about an hour, I suppose, and there was just nothing there. I assumed that the E.P.I.R.B. may have been just sitting underwater or just slightly underwater or something or other, but there was certainly nothing sighted. Told AUSAR, and returned Mallacoota again for fuel. And then we were retasked. I was given a whole load of coordinates for the, the parallel search in company with about another five helicopters. They'd given us a big grid to do. By that stage, David had a bit of a spit, with the salt water ingestion was a bit air sick so we put another crewman on and planned the, the sortie, and we went and did that, got about two thirds of the way through that search and had to go to Merimbula for fuel, 'cause we were close to Merimbula at that stage. Oh, we come across the Business Post and a couple of life rafts from the Business Post with a, a dead sailor in it. A couple of life rafts, yeah, we went to Merimbula for fuel, refuelled, got straight

out, did the last two legs of the, the grid we were given, came back to Merimbula for fuel again, we talked to, oh, I can't think of the bloke's name from Canberra, one of the young fellows that were running the show, and they cleared us at that stage. Basically, most of the stuff, the action that was happening, was 90 miles out to sea, which is really getting to our, well, I wouldn't feel comfortable going that far out to sea in our helicopters.

Q29 Mmm.

A So they released us, left the, the Sea Kings and the, the bigger helicopters to it, and went back to Mallacoota, picked up the rest of the crew and flew home.

Q30 O.K. When you got back to Mallacoota, was there any, any equipment off the sailors around the airport or anything like that, that you, that you could, that you saw?

A At Mallacoota Airport?

Q31 At Mallacoota Airport.

A Well, we only, we were only at Mallacoota Airport, Airport when we first got there and the first night. After that our operations were based at the Mallacoota footy ground.

Q32 Mmm.

A So, yes, there was a lot of gear at Mallacoota free ground - - -

Q33 Mmm.

A - - - the Red Cross ladies were washing everything and hanging it up to dry, so there was a lot of gear there.

Q34 Did you see any of their life jackets, personally yourself from the, you've mentioned earlier there was some bulky old life jackets?

A Yes.

Q35 Was there anything unusual about those life jackets? Were they, in fact, life jackets?

A Well, it looked like them to me.

Q36 Yeah?

A Yeah. They looked like old fashioned life jackets.

Q37 Right.

A Yeah, they didn't look like homemade jobs or anything like that. They had several cells - - -

Q38 Mmm.

A - - - with the foam in them.

Q39 Was there any unusual wording on them at all that you can recall?

A No. I can remember they were white, but as far as writing, no, I can't recall.

Q40 Mmm. When you, when you first got in the aircraft and you heard a distress call from the Winston Churchill - - -

A Mmm.

Q40 - - - do you remember what time that was?

A That was after we left Latrobe Valley Airport. Yeah, it would have to be after Latrobe Valley Airport.

Q41 That would be in the log somewhere though, wouldn't it?

- - -

- A Yes.
- Q42 It would be - - -
- A Yeah.
- Q43 It was shortly after you left - - -
- A Yeah, yeah, yeah, yeah - - -
- Q44 Could it be some time round, after 6 o'clock perhaps?
- A yeah, it, well, it, it would have been, yeah, probably pretty close to 6 o'clock actually.
- Q45 Yeah.
- A Yeah.
- Q46 The, the, the only reason why I'm asking is to try and establish a time - - -
- A Mmm.
- Q46 - - - that the Winston Churchill first made a Mayday call - - -
- A Yeah, yeah.
- Q46 - - - or somebody heard a Mayday call. Now when you, when you were doing a, a group search with the other five aircraft - - -
- A Yes.
- Q46 - - - you came across a Business Post Naiad?
- A Mmm.
- Q47 Did you stop and have a look around the Business Post Naiad?
- A Yes.
- Q48 And did you do any filming of that at all?
- A Yes, yes, we did. Yeah.

Q49 Did you do the filming yourself?
A No, I think the crewman that I put on, after Dave fell ill, I think he did the filming.
Q50 And who was that?
A Trevor Rim.
Q51 Rim, is it?
A Yeah, R-I-M.
Q52 And have you seen that film, that footage?
A Oh, very briefly, yes.
Q53 O.K. So that footage is available for us?
A Yeah, I'm sure it's around somewhere, yeah.
Q54 Yeah?
A Mmm.
Q55 Detective Gray, have you got anything you'd like to say?

DETECTIVE SENIOR CONSTABLE GRAY

Q56 Yeah, just a couple of things. Have you got any idea why permission was denied

A Oh, I think the reason was he didn't want to leave the metro area uncovered - - -

Q57 Right.

A - - - by helicopter. See, I was in the navy for 10 years and - - -

Q58 Mmm.

A - - - I heard on the, the news the night before - - -

Q59 Yeah.

A - - - that, that, that the fleet was going to get hit by this huge storm and that half the fleet would

probably be turning around and heading back to either Eden or Sydney. And I thought, oh, it's going to be interesting down there tomorrow.

Q60 Mmm.

A And when I heard this call come in, you know, one boat with 15 people on board, it's obviously a big boat. If there's a boat that size in trouble - - -

Q61 Mmm.

A - - - there's obviously going to be more - - -

Q62 Mmm.

A - - - and you didn't have to be an Einstein to know that - - -

Q63 Yeah.

A - - - especially considering the weather forecast from the night before - - -

Q64 Mmm.

A - - - so I was a bit annoyed that permission wasn't being given. See, this is a specialist area - - -

Q65 Yeah.

A - - - you've got people in charge that perhaps don't know that much about the aviation or maybe marine search and rescue - - -

Q66 Yeah.

A - - - roles, and who are more worried about budgets or whatever, that, that's not, that's not my business - - -

Q67 Yeah.

A - - - if they worry about the budget, be that as it

may, but as far as I can see, we're the crew on here that are getting a few facts, we know what the weather's like, you could, all you had to do was look out the front there and see the, the, the, the storm down that way, and we're being denied. It was, it could have cost lives.

Q68 Mmm.

A I think we're very lucky that it didn't, to be quite honest.

Q69 Was there another helicopter here, at the time?

A Oh - - -

Q70

A Well, we've got a, an ambulance machine that's on 24 hours.

Q71 Right.

A But it's nothing out of the ordinary for the police machine to, to be gone.

Q72 Yeah.

A You know, it goes away for searches, so you've got the metropolitan area uncovered anyway. The, the, what needs to be done is, is Air Services or CASA or AMSAR or whatever - - -

Q73 Mmm.

A - - - to be given the authority again to say, Yes, we, we want you now - - -

Q74 Mmm.

A - - - to go, no ifs, no buts, go.

Q75 Mmm.

A It shouldn't, it shouldn't be in the hand of a person that's sitting at home, sitting down for his evening meal or, or whatever, that isn't aware of exactly what's going on. The experts are in Canberra.

Q76 Mmm.

A They know what the situation is.

Q77 Has that problem been addressed internally since this incident?

A Oh, we've had debriefs about it - - -

Q78 Mmm.

A - - - but, you know, you've still got the problem where the, the, the decision is in the hand of a person sitting at home that hasn't got all the facts.

Q79 Yeah.

A Not the experts.

Q80 O.K. So what is your, the Victorian Police Search and Rescue area?

A The State of Victoria - - -

Q81 Yeah.

A - - - for a start and Bass Strait, and we have been known to go to South Australia, southern New South Wales and Tasmania.

Q82 Right. O.K. Now as far as the winch is concerned, have you any idea what would have caused that winch freeze?

A Oh, just a glitch.

Q83 Right.

A It, it's just a, a glitch, you know, it could have been

anything - - -

Q84 Yeah.

A - - - the, the conditions were just appalling.

Q85 Yeah.

A It could have been salt water or fresh water ingestion into the control box underneath the aircraft. It could have been a bit of water getting in up the top in the - - -

Q86 Yeah.

A - - - the top wires, it could have been anything.

Q87 Right.

A It's just one of those things that happens. It could have been a, a dicky switch on the handpiece - - -

Q88 Mmm.

A - - - you just don't know.

Q89 Yeah.

A But, you know, we have all the emergency procedures to, to overcome those - - -

Q90 Right.

A - - - things, and if, if it, if it hadn't have worked, I would have been able to get Dave in eventually.

Q91 Yeah. Now you mentioned some life rafts that you saw.

A Mmm.

Q92 Are you aware from which, which vessel they came?

A No idea, no ...

Q93 Are you able to describe them to me?

A Round, yellow ones with, with roofs.

Q94 Yeah.

A You know, protective covers, orange protective covers.
Q95 Mmm. Right. At any stage when you were involved in this operation, did you fear for your safety or the safety of the rest of the crew?

A I was a bit concerned flying back from John Campbell -
- -

Q96 Yeah.

A - - - when the needles were getting closer and closer to the empty stage.

Q97 Yeah. And did you consider the rescue or, or the operation itself to be dangerous?

A Oh, it was certainly dangerous. Mmm.

Q98 Yeah, O.K.

SENIOR CONSTABLE UPSTON

Q99 All right, Sergeant Piva, is there anything you'd like to add to the interview?

SERGEANT PIVA

No.

SENIOR CONSTABLE UPSTON

Q100 Is there anything, Barry, that you'd like to add to the, to the interview?

A Oh, no, I think that's, that's about it.

DETECTIVE SENIOR CONSTABLE GRAY

Q101 Have you so far as recommendations from your point of view for future

A I beg your pardon?

Q102 Have you got any, any recommendations from your point of view - - -

A Yes.

Q102 - - - in relation to future Sydney to Hobart Yacht Races or other yacht races, from your point of view?

A Oh, from my, not, not for the yacht race, not from my point of view, you know, I'm wouldn't class myself as an expert on marine safety or

Q103 No, no, no, but from you being a rescuer.

A Rescuer? Oh - - -

Q104 Rescuing yachts and visibility of yachts and all that sort of thing, do you have any views or ideas on that? From what - - -

A Yeah, from what I could see, most, most people were doing things pretty good.

Q105 Right.

A You know, they had the flares, radios, they were doing as, as best they could. Mmm. My only recommendation is to put the power to get aircraft out back in the hands of the correct authorities.

Q106 O.K.

SENIOR CONSTABLE UPSTON

Q107 All right. Barry, just one final question. How long have you been at the Victorian Police Air Link?

A Just over 7 years.

Q108 And what's your total policing experience?

A Nearly 12.

Q109 O.K. All right. The time on my watch is now 10.47. This interview is now concluded.

INTERVIEW CONCLUDED