

STATEMENT in the matter of:

Place:

City East Region Logistics & Technical Support Unit.

1998 SYDNEY TO HOBART YACHT RACE

Date : 23 June 1999

Name: Daniel Joseph McCONVILLE

Address: City East Logistics & Tactical Support

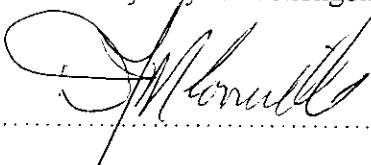
Tel. No.9265.4694

Occupation: Senior Sergeant of Police

STATES:-

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.
2. I am 48 years of age.
3. My full name is Daniel Joseph McCONVILLE, I am a Senior Sergeant in the New South Wales Police Service stationed at the City East Region Tactical & Logistical Support Unit.
4. I am also a member of the Cruising Yacht Club of Australia and I participate in ocean yacht racing events. I have been sailing for most of my life, having commenced ocean yacht racing in 1977. I have competed in all the well-known passage races conducted on the eastern seaboard. They include:-

- Sydney to Hobart
- Sydney to Mooloolaba
- Sydney to Southport
- Cabbage Tree Island
- Sydney to Wollongong

Signature.....

Witness.....

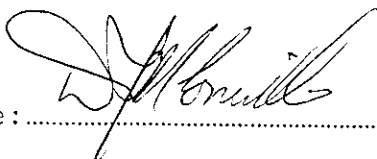

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- Gosford to Lord Howe Island
- Brisbane to Hamilton Island Race
- Brisbane to Gladstone Race
- Hayman Island Big Boat Series
- Hamilton Island Race Week

1. I have sailed thousands of ocean miles both racing as well as delivering racing yachts back home from finishing ports and venues.
2. I have owned yachts for many years. The latest was a 9.2mtr ocean racing yacht, which I sold 2 years ago. Since that time I have been sailing aboard the yacht 'YENDYS', a Bruce FARR designed 15.7 mtr IMS Cruiser/racer.
3. I have held several key positions on the yacht Yendys including Sailing Master, Watch Captain and Navigator.
4. In the 1998 Sydney to Hobart Yacht Race I was to conduct the navigational functions during the race. Part of that function was to obtain as much information regarding the weather as possible prior to the race start on the 26th December.
5. The race started in a northeasterly wind, which freshened during the afternoon providing strong running conditions down the coast. The wind freshened to a maximum reached of 38 knots late on the 26th. This was assisted by a south running current of over 4 knots. During the night the yacht was surfing down waves at over 20 knots ensuring we would be much further south than we were at the same time the previous year. We were also conscious of the fact that we would be much further south than we anticipated when we would encounter the approaching change in weather.

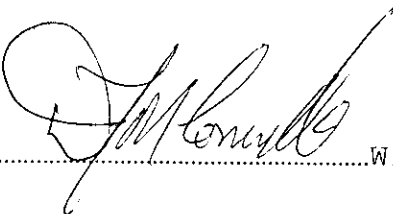
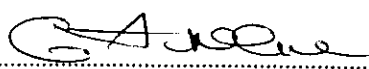
Signature:  Witness: 

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- 6. The wind forced us to sail off the coast to the east of the rhumb line (an imaginary line between south head and Tasman Light). This was not a concern as we had the assistance of the southerly currents and the race plan was to gybe back to the coast before the predicted southwesterly change. At 2330hrs Yendys was 26 nautical miles east of Tuross Lake on latitude 36.04S.
- 7. The wind changed to the west and southwest on schedule. During the night and morning the wind built steadily from the southwest and Yendys was pounding into a short seaway with 40 ? 50 Kt winds.
- 8. Storm sails were put up but we found that once the wind was over 60 Kt. we had too much sail up and the yacht was difficult to control.
- 9. After midday the wind increased and we were getting regular gusts of over 70 kts. We were concerned over the loads placed on the rudder and the decision was taken to sail under bare poles. The yacht was still moving quite fast and generally the way we wanted to go, albeit east of the rhumb line but it also took a lot of pressure off the rudder.
- 10. During the 1400hr sked with the Radio Relay Vessel (RRV) the operator issued storm warnings with gusts to 50 kts. At this time we were well into Bass Strait and were experiencing consistent winds over 70kts with the strongest recorded gust registering 76kts. The yachts are called during the sked in alphabetical order, which means Yendys is near the last to be called.
- 11. I heard the radio operator on Sword of Orion advise the RRV that they were experiencing winds of over 70kts. contrary to the warnings given by the RRV.
- 12. The sked took some time to get through owing to the level of activity at the time and when it came to Yendys

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turn, I said, "We are experiencing the same conditions as reported by Sword of Orion." The RRV then warned the fleet of the local conditions in Bass Strait.

13. I maintained a radio watch after the sked, as there were a number of yachts in trouble. At 1722hrs I heard a faint "Mayday" from a yacht which identified herself as "Business Post Naiad (BPN)" and gave a position I noted as 38.04S and 150.19E. I waited but the RRV did not copy the Mayday and at 1747hrs I advised RRV of the Mayday. At the same time Loki advised the RRV that she had been damaged.

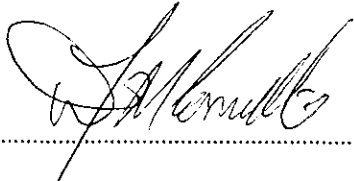
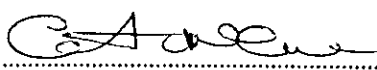
14. I acknowledged the Mayday with BPN and at 1754hrs obtained her position as 38.05S and 150.32E. She advised she had broken windows and major damage to her decks. She was trying to steer 174 degrees magnetic and had deployed her EPIRB. This I passed on to the RRV.

15. At 1805hrs she reported steering 298 - 300 degrees some 43 miles from Disaster Bay with the intention of closing the coast. Around this time I monitored calls for help from Loki as well as Kingara who at 1830hrs issued a Mayday and reported a man overboard at position 38.00S, 150.47E. This was picked up by RRV.

16. At 1845hrs. I asked the radio operator on board BPN what the situation on board was. He replied that the matter had stabilised. This information was also passed on to RRV.

17. At 1937hrs. On request from the RRV I asked BPN for an alternative communications source, a mobile telephone number. I was given the number 0419-582508. They asked, "what are the chances of two crew being taken off the boat by aircraft as we are concerned the boat would roll over again". At 1940hrs they gave a position of 356S and 150.31E. These details were transmitted to RRV who advised it would be forwarded to Canberra.

18. Communications with BPN was proving quite difficult; this was perhaps that Yendys was increasing the

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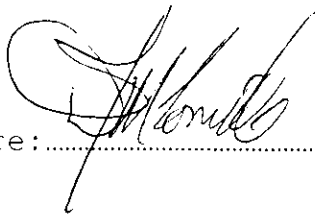
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distance between the two yachts and perhaps the batteries on board BPN. I requested the RRV to allocate another vessel to relay messages and was excused from this responsibility.

19. At no time during the storm did we on Yendys feel that we were in a life-threatening situation. We continued to race towards Hobart and at no time did we discuss as an option the prospect of turning the boat around.

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