

SENIOR CONSTABLE UPSTON

Q1 This is an electronic record of interview between Senior Constable David Upston of the New South Wales Water Police and Brian John Willey on Tuesday, the 9th of the 11th, 1999 at 59 Henry Melville Crescent at Gilmore in the A.C.T. The time on my watch is now 10.56am. And, Brian, for the purpose of the interview, could you please state your full name?

A Brian John Willey.

Q2 And your date of birth?

A 27th of February, 1950.

Q3 And your occupation?

A I'm a senior search and rescue officer with the Australian Maritime Safety Authority.

Q4 O.K. Brian, as I explained to you earlier, I'm making inquiries into the 1998 Sydney to Hobart Yacht Race and why I've come to speak to you today is, as I've already explained, is that, your involvement with the Sydney to Hobart Yacht Race as an AMSA official and what your role was and how you got involved with the 1998 Sydney to Hobart Yacht Race. Firstly, I'd like to have you start off as, how long have you been employed by AMSA?

A About 13 years now.

Q5 And what was your previous employment to get you through into AMSA?

A I was a, I was in the Navy for 21 years, resigned as a Lieutenant, I was a seaman officer, brackets, or with a sub-specialty of communications.

Q6 O.K. And you've basically done most of your training as far as your, as a SARO, at AMSA?

A Yeah.

Q7 O.K. And with the, the Sydney to Hobart, how did you become involved with being with the, Sam Hughes, I think, who's the main contact? Is that correct?

A Yeah.

Q8 O.K. How did you become involved?

A Well, I, I was starting on the night shift that night, which was at 11.00, 10.00 or 11.00pm - - -

Q9 And what day was this?

A This was on Sunday, the 27th of December - - -

Q10 Right.

A - - - '98, the race started on Boxing Day, of course, but my first shift back on duty after some days off was the night shift starting at 11 o'clock that night. I actually arrived on duty at about 10.30 I guess and of course we were right in the middle of a lot of things happening at that stage. There was already rescues happening, there was a lot of information coming in and we'd been, or the other fellows on duty had been liaising with race control in Hobart on the phone and things like that.

Q11 And you were, who were you briefed by as you came on duty?

A Well, I was taking over as the search and rescue mission co-ordinator from the previous senior SARO, maritime, and that was Rupert Laming, he was the duty

guy up until 11.00. Because of the complexity of that particular incident, any incident depending on its complexity takes a while to do a shift handover and this one actually took quite a long time because there was so much happening as we tried to do the handover of the shift. I kept him there actually until about 3.00 or 4.00 in the morning as an assistant to me, the handover probably took an hour or so after I arrived before we completed it and I was, you know, in the groove as far as keeping on top of things during the process of the incident.

Q12 O.K. And what was, what were your main functions and, if you can recall and I understand you don't have any notes here at the moment, but just to the best of your recollection, what stage were they up to and what did you sort of move into as far as a search and rescue role?

A Well, the, the shift that I was taking over from had been on since 3.00pm in the afternoon so they'd had daylight and they'd had a lot of information from sightings and from aircraft, search aircraft and helicopters doing rescues and also from some of the other boats. So there was an enormous amount of intelligence had come in and they were acting on it and there was people being pulled out of the water by helicopters and landed back onshore and helicopters flying back out. So my job at that time was to assimilate all of that. During my shift we evolved

from a lot of information at hand, which had come in during the afternoon and we were acting on, then of course darkness took place and less and less new information come to hand and we were really sorting out what the situation was and the first few hours of my shift was interviewing survivors, clarifying intelligence, trying to get a, a plot on the chart which accurately displayed what we knew to be factual and, of course, I was also the operator for the satellite system so we were getting an enormous amount of detections from all the distress beacons that were active. So I was trying to correlate them with physical sighting reports from aircraft, so it was really an intelligence collecting exercise, a plotting exercise and an organisation of intelligence with a view to trying and preparing ourselves for daylight to carry on the response.

Q13 O.K. And, and can you recall what survivors or who the survivors were you spoke to?

A I spoke to one of three who were pulled off the Sword of Orion and they had, they were the first three to come off and there were six left on, I think, if I remember correctly. And I, we'd had other reports of people in the water or another yacht sinking and I wanted to know whether to send a helicopter directly back out to the Sword of Orion to pick them up given that people in a yacht are normally safer than those in the water. So I was really trying to get the aircraft

to do other work. And when I spoke to the survivor he, what he described about the state of that yacht made me decide to keep rescuing them first before we tried to do anything else because the, the waves were washing through the yacht, the canopy had collapsed and really it didn't sound like the yacht was going to last much longer. So it was that sort of thing, that was the one I remembered in particular but we were getting a lot of debriefing information secondhand also.

Q14 You don't recall who that person was at that stage, would the name Rob, pardon me, Rob Kothe be familiar to you - - -

A No.

Q14 - - - who was in fact the owner?

A No. I don't think it was the owner, I think it was one of the crew, but honestly I can't remember the name.

Q15 O.K. That's fine. And did you speak to him over the phone, did you?

A Yes.

Q16 Right. And as the, as your involvement got stronger and stronger and obviously you tasked various people to do different things?

A Mmm.

Q17 You had a conversation with Sam Hughes, who was in Hobart at the time, on a number of occasions?

A Twice, I think, that night because one of my assistants had rung the race control earlier, I'm not sure it was after I started my shift or just before I started my

shift, and they had obtained some information but I rang Sam because once I got an appreciation of what was happening several of us within the RCC come up with the idea, I'm not sure who said the words first, but I put to Sam that they should call off the race and my view was that if they call off the race the effect of that decision would be to stop the yachts trying to push ahead in a race situation and therefore confronting the weather in a, in a more harder way than they would normally so that they could just either turn around and come back safely or carry on slowly but not racing, that was my idea or that was the idea of the consensus in the RCC. I put it to Sam and then we finished that conversation. He rang back later so I think it's the later conversation that you, you're probably referring to where he gave me a response to my request.

Q18 Right. Well, what was that response?

A Well, basically he had consulted with people in the race headquarters in Hobart, they had seriously talked about the possibility of calling off the rescue and that's what he told me, that they had taken it as a serious suggestion and considered it. But they had decided that the real factor - - -

Q19 Calling off the rescue or the race?

A Did I say rescue?

Q20 Yes.

A Sorry, I meant race.

Q21 O.K.

A

Yeah. They had decided that the real, the only important consideration was the weather and they believed that the weather was abating and that they believed the, all the yachts had been through the worst of it at that point and it didn't seem to be much point in calling off the race because the yachts had all slowed down anyway, in his words, they were in survival mode, so they weren't really racing. And they were still going to think about it overnight and discuss it again early in the morning to see how the weather had changed. And I actually put it to him that I thought I should give him that request in writing and he suggested that if they, if we wanted it in writing that we should, I should get my duty manager to do that. We discussed it a bit more and I can't remember exactly the words but our duty manager, this was probably 1 o'clock in the morning and our duty manager was coming back on at 4 o'clock so I committed myself to talking it over with him. Sam committed the race control to discussing it again and deciding later in the morning to see if the weather had changed in any way and whether or not they should call off the race then. Now as it turns out, we never got back to discuss that. The, the, I guess the amount of work we were doing, we were just so busy I just never got back to discuss that with him. I guess it got overtaken by events and I don't know whether they discussed it at race headquarters 'cause we certainly didn't talk about it

during my shift and I left about 8.30 that morning instead of 7.00 when I would normally have got off and I never heard any more about that decision.

Q22 O.K. So, in fact, you had a conversation with your, with the supervisor?

A Yeah.

Q23 And you were going to wait until the early hours of the morning and then, in fact, perhaps go ahead and, and send something in writing?

A Yes, and that never happened.

Q24 That never happened?

A That's right.

Q25 And you then also, just to rehash, you never received any information back from Sam or race control in regards to what they thought in the morning?

A No. Not, certainly not by the time I'd left, which was about 8.30.

Q26 O.K. When was your next duty?

A I think it was the following night again so I would have done, my scheduled shift was 11.00pm that night til 7.00am that morning, next morning and I would have been coming back in at 11 o'clock the next night, which would have been Monday night.

Q27 Right. It didn't cross your mind then to raise that with Sam down at race control?

A No. Too many things had happened, there was already boats retiring and far too many things had happened to overtake events.

Q28 O.K.

A I think in my mind I believed that I had put it, put the notion to them, they had considered it, whether or not it was relevant for me to pursue it and force them into giving me a yes or no answer, I think I just decided that it was up to them, we had to do our job and we were busy doing our job and I never got back to it.

Q29 O.K. With, within that did you have any contact with the C.Y.C. or any correspondence with the, either the C.Y.C. back in Sydney or race control in Hobart in relation to a vessel identification or names and addresses, did you have that at your disposal either prior to you coming on to shift or at any time after?

A Names and addresses of owners, you mean?

Q30 Of owners, the description of vessels, any identifications of vessels, photographs?

A Not a lot of information in the way of description or photographs, we had a list of race participants and that was given to us by the race control. I think we had that before the race and they updated that by fax certainly once in my shift with their, with their comments on it which stated which yachts they believed to have withdrawn and who was still racing and so on. As it turns out, that wasn't very accurate because their information also was not up to date. They, they weren't doing frequent scheds, they had the previous sched in the afternoon, there was another one during

the morning and they just didn't have up to date information either, but no, we didn't have a lot of descriptive details of each yacht.

Q31 Did you find without that information that your job was, was made difficult?

A No, normally in a distress incident we, certainly the Sydney to Hobart incident was unusual because there were so many distress craft in one location at one time. In other incidents we, we deal with one vessel and we usually get descriptive details through either the yacht, the, the vessel itself or someone connected to it. We, we tried to do the same thing with the Sydney to Hobart and I just can't remember exactly how many details we got. But what, the thing that caused us a lot of problem were the names of the vessels and this was brought up in the debrief and the inquiry that the Cruising Yacht Club did themselves. There was confusion about the names 'cause they were the yacht names plus commercial business names attached to them. So sometimes the name of a yacht was two, three or four words and when you're trying to pass those sort of details over radio and with the problems with radio transmissions, things were getting missed. So some of the words passed to us as names of yachts did get a little mixed up and that was a serious point that we brought up with the inquiry and what they're doing now, from now on I believe is that radio use of names will consist of two words maximum so even if the name is

longer it will be reduced to two during radio scheds and any references during the yacht race. So for us there was some confusion in clarifying the names and there was also a little confusion, I use the word confusion advisedly here, I mean we were trying to establish facts and if there was something not absolutely precise then it was uncertain so we had to clarify it so that's what I mean by confusion. But, just trying to think where I'm going with this answer, the, we had information about various yachts that some had rendezvoused with other yachts, that they had taken on survivors or they were standing by yachts that were in trouble. Now when we found out later and clarified all this information the yachts that were supposedly standing by weren't, ones that were in trouble had already gone into Eden or somewhere and some, I believe, if I remember correctly, one or two that we weren't aware that were in trouble turned out to be in trouble. So the, the sources of information, the mixup in names caused a big problem for us in clarifying our intelligence picture.

Q32 Mmm.

A I guess that's what I'm trying to say.

Q33 Yeah.

A Sorting out the intelligence picture was a, a fairly big task during the night and, but to answer your, back to your original question about description. The description of either yacht, of any of the yachts

didn't really hinder us in any way 'cause it wasn't descriptions we were after, it was the name, the situation, whether they were in distress or not or whether they were standing by another yacht, it was what they were doing more than what they looked like that we were trying to sort out.

Q34 Right. What about portraying that information to the search aircraft? I understand that the search aircraft had difficulty in identifying vessels as a result of, of the lack of information coming forward to them. What can you tell me about that?

A I'm not sure I can tell you a lot about that. You may not be aware that in the RCC, the rescue centre where I work, there are two teams essentially. One is an aviation team, there's a senior SARO and a SARO aviation, and there's a maritime team of a senior SARO and a SARO aviation. And this, the aviation part of the RCC team liaised directly with the search aircraft where my role as the SARO MC is to say, I want an aircraft out here or I want, I'm diverting a ship here, and try to deploy assets and get them in place and do a job. The aviation team are specifically liaise with the aircraft and the operators in making that happen. So I'm not sure how much I became aware, if at all, that aircraft were having trouble identifying particular yachts. A lot of the times they were going out they were getting direct communications with yachts themselves on VHF handheld short range radio, so they

would be sent out to a position by us to look for a yacht and if they found that yacht they would deal with it, if they found something else they would deal with it. So they would go out, try to do what we'd asked them to do if, if they could and if they found something else they would recover someone, rescue someone, then when they got back up in the air they'd talk to us and tell us what's going on. So the whole shift, the 10 hours I was there, we were getting information backwards and forwards and trying to clarify exactly what had happened. So it was quite a busy night and quite a task just trying to collate the information.

Q35 Right. So basically the information that you passed on to the, to the SARO aviation was only basically E.P.I.R.B. positions - - -

A Yeah.

Q35 - - - or, or beacon, emergency beacon positions - - -

A Yeah.

Q35 - - - and not vessel descriptions or names?

A We got very little, we got very little information during that shift direct from any of the yachts on radio. I don't recall exactly what, we had a merchant ship which we had diverted through and he was passing information about his position, in fact we had him looking for one of the yachts because we had a 406 E.P.I.R.B. position and we thought that would be accurate enough for a merchant ship to find it. As it

turns out they didn't because that, the boat with the 406 position was underway, making way, it wasn't adrift in distress. So when you're trying to find someone that's actually making way they don't really need a lot of help. So there was things like that and there was other yachts too who had their beacons going and they were making way. So our, my sources of intelligence, to give you a precise answer, were the distress beacon, information from the race control which turned out to be out of date and conflicting, and some, some from the helicopters and search aircraft which also came via the aviation team. So that they'd get whatever, whatever information they got in would be passed to me, I'd try and plot that with my team, collate it and then we'd feed back what we believed was the most appropriate response and then they would organise the response.

Q36 O.K. And in hindsight do you feel that with more accurate details and information about the, the yachts that it would have made your task a little bit easier in knowing that this year full details and everything is now being supplied to AMSA?

A Yeah. Obviously if we've got perhaps a data sheet on every yacht with a photograph which has its name, I mean we had the names this time and the call signs, that'll help us a little bit but essentially it's, our real problem in every incident is find out exactly the situation with a distressed craft and it's the communications from the distress site where we get that

sort of information. Having a description which we can feed to a search aircraft either with fixed wing or helicopter or a ship is always useful, but remember most of my shift that we're talking about was in the dark so descriptions weren't much good to the helicopters anyway. So they were working on light, sightings, anything visual. So they would go to a lat and long that we gave them and search and find what they could.

Q37 Mmm.

A So descriptions wouldn't have helped them in the dark but I, yes, I agree as a base point that having - - -

Q38 Mmm.

A - - - that sort of thing will be more useful.

Q39 And certainly within that information communications that that vessel has on board would also assist?

A Yeah. I think that one of the factors that came out of the C.Y.C. inquiry was that there were very few handheld VHF's so when their masts went down their antennas went with them and they weren't able to communicate with the search aircraft when the search aircraft arrived on their scene. That made it awfully difficult for the search aircraft to establish how serious their problems were. Bearing in mind that you've got horrendous winds and spray and everything so just a visual appreciation is not always an accurate one, it requires comms and a lot of them couldn't provide that.

Q40 O.K. Getting on to communications, how was the setup with the, with AMSA and the Young Endeavour? How do you communicate with them?

A The Young Endeavour normally reports direct to race control and any information out of Young Endeavour would come via race control. We try not to overload the radio relay vessel, Young Endeavour, with direct communications but we have an at sea and if we wanted to we could pass messages direct to and from it, that's a and forward system and they could, we could send them a message, they could read it and send one back, vice versa. But also if we really wanted to we could talk to them on radio through the Telstra coast radio stations.

Q41 And that, you have a radio room set up at AMSA and, and in fact that's, is that how you communicated at times?

A No, we, we have a radio room, actually room's not a good description, we have a radio equipment set up - -
-

Q42 Mmm.

A - - - that's a - - -

Q43 Is that a console or something, is it?

A Yes. It's a console with antennas on the roof and we can use it but we're not staffed to man that and on this night we wouldn't have even attempted to use our limited resources to listen out on the radio. We've got a fully qualified radio operators with Telstra

coast radio stations and we rely on them and that works very well for us.

Q44 As, as the co-ordinating authority then you would then task like you were saying a limited coast station, Coast Guard, coastal patrol to do the communications for you?

A Not normally the limited ones, no, they work for the volunteers and we would use Telstra, the - - -

Q45 So Sydney radio - - -

A Yes.

Q45 - - - Melbourne radio and the like?

A Yes.

Q46 O.K.

A Yeah.

Q47 All right. Do you feel that communications could have been better managed in this particular incident?

A I think in hindsight it would have been better if, if we had known exactly more about what the Young Endeavour, the radio relay vessel, knew but we had been given that by race control. I don't think I was fully aware at the beginning of my shift that the Young Endeavour hadn't had a lot of information, up to date information. I think, just trying to hark back to what happened, when I came in there was a heap of information on the status boards, on the chart, and I didn't stop everything and say, Hey, let's talk to Young Endeavour and find what it is now. I was trying to assimilate everything that we got and, and we were

collect, more information was coming in every second if you like, we had 2,500 phone calls in the first 24 hours. And so there was a lot happening and I don't think, certainly early in the shift that we decided we didn't have enough information, there was certainly more than enough to deal with at the time. But in, to answer your question it would be nice, I guess, if we had a direct, more direct link with the radio relay vessel and race control, it'd be probably nice if we were all in the one room in an instant like this so that any comms that they, any information that they gleaned was immediately available to us as the rescue centre. Now they, they would normally pass that on and that's what Sam was down there for, if he had anything useful to us he would ring us, call us on the phone and if he was asleep someone else in race control would do that. I don't think we thought we were missing out on anything, it's just that there's a route for it to get to us and that was, always incurs delays.

Q48 In a situation like that do you think the C.Y.C. over exerted their role in, in, in being a, as being a co-ordinator as it was? Do you think that perhaps AMSA should have taken a lot more of the responsibility from the C.Y.C. being race controller in that situation?

A That's a good question. I'm not sure if they did involve themselves in telling yachts what to do or, or making decisions about a response to assist a yacht, I believe they were trying to collect information and

they were limited in doing that because there was no scheds during the night. I don't think they did take much of a role in co-ordinating a response. They certainly tried to tell you if a yacht is retiring and things like that or if they believe they've got some information about a problem with a yacht they pass it on. So I don't, I don't think I ever had the impression that they were doing a co-ordination, a search and rescue response co-ordination at all but I guess anything could be better if we were all in one operations room in an instant like that rather than having a delayed response.

Q49 But that was in fact Sam Hughes' position, wasn't it?

A Yes.

Q50 And he was, he was your representative - - -

A Yes.

Q50 - - - in the race control centre to pass on that information to you?

A Yes.

Q51 Yeah.

A That was his role. That's my answering machine in the background. I'm sorry - - -

Q52 That's all right.

A - - - about that.

Q53 No, that's no problem. And in, in fact you found that was comfortable with the information that you got back from Sam?

A Well, certainly it's more comfortable knowing it's coming from Sam because he will put it in the context that we need it, we don't have to ask questions to clarify any issues, so that's one of the reasons we have a representative down there and he's a qualified senior SARO, maritime like myself so he would certainly know what to pass us on, on to us and if there's nothing coming from him we know there's nothing for, to be passed on.

Q54 Mmm.

A So that's the reason and it seems to work well.

Q55 O.K. All right, Brian, I think that just about covers most things. Do you, do you have anything further that you would like to add that would assist us in, in, in improving and expanding on what is in place that, that are your thoughts?

A That's another good question. We gave feedback to the C.Y.C. inquiry along the lines of making the yachts more visible or more identifiable by having numbers, you know, on board on the upper deck so that if there was no comms from, between the yacht and a search aircraft that they could at least identify it specifically by the number. You asked earlier whether a better description of each yacht would have helped and no doubt that would have but in the conditions that they were operating in even a good description can sometimes be lost in the froth and the wind and the spray and everything like that so that the idea was to

have numbers which are easily identifiable from the air. That, apparently that's turned out to be a difficult thing to do with all the other things they have on the upper deck and paint types and to make it stick. So that was one. Another one was that distress beacons in normal instances when a yacht loses a mast and they're, they want to tell us they're in trouble they do that, but if they're still afloat they're not really in distress and they don't need immediate assistance. We asked them to talk to yachts, yacht crews and that about switching on beacons during the race because in, in the case of the Sydney to Hobart there were so many beacons going at once but not all of those people actually needed immediate assistance, they'd lost a mast, they were feeling uncomfortable but they weren't sinking they weren't in dire distress so that confused the picture. So we gave a lot of feedback like that. I guess an off the cuff one would be it would be nice in any future race when there was a real disaster like that to have the race control close to us or in the same room rather than elsewhere. I think that would be the only thing that could improve things as far as a response from our organisation.

Q56 Mmm. So you're talking about a representative from the C.Y.C. be with you or race control actually being - -
-

A I reckon race control with us would be much better, I don't know if that's actually been expressed by anyone

else but your questioning has made me think how things would work better and I believe - - -

Q57 Yes.

A - - - having it in the same operations room, obviously they have it down in Hobart because that's where the race is going to finish. Actually it's in Sydney when they start the race but then they move to Hobart.

Q58 Yes.

A That's where the race is going to finish and they want to be together and it's not normally geared up for search and rescue response, it's geared up to handle the media and, and the race rules and all the other things.

Q59 Mmm.

A But in a SAR situation the emphasis changes and I guess having them all in a tightknit group with us would be better.

Q60 I'm sure that that could be achieved though if an instant happens again and, and hopefully that it doesn't.

A Mmm.

Q61 That the situation can be said in plans and operational orders that, that the race control come directly to you.

A Mmm.

Q62 And you feel that that could be achieved quite easily?

A I think it would take some setting up, they'd have to obviously have their, divert all their comms links

that's INMAR set and the radio and telephone numbers. They'd have to have people ready to move into it quickly but there's nothing technically impossible about setting it up.

Q63 O.K. All right then, Brian, nothing else you'd like to add to that?

A No, I don't think so.

Q64 O.K. Thanks very much. The, the time on my watch is now 11.32am. This interview is now concluded.

INTERVIEW CONCLUDED