

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr David Boyes on Friday, the 24th of September, 1999 at the Hobart C.I.B. The time on my watch is now 11.45am. Also present seated to my right, is Senior Constable David Upston from the New South Wales Water Police. For the purpose of the record, Mr Boyes, could you please state your full name?

A David Alan Boyes.

Q2 And your date of birth?

A The 6th of March, 1936.

Q3 And your current address?

A 316 Sandy Bay Road.

Q4 Hobart?

A Hobart.

Q5 Right. And your occupation?

A Semi-retired.

Q6 Right. O.K. Prior to this interview I explained to you that Senior Constable Upston and myself were making inquiries in relation to the 1998 Sydney to Hobart Yacht Race and we have previously spoken to you about your role in the Royal Yacht Club, Tasmania during that race in 1998.

A Mmm.

Q7 Today what we'd like to do is ask you some questions in relation to your role as a committee member during that

race, and I'll ask you questions in relation to that matter. Do you understand that?

A Yes, I do.

Q8 O.K. Firstly, do you agree that we first spoke to you on the 13th of March, 1999 at 55 East Street, East Shelley Beach Road, Alford? I'll just show you a transcript of that interview which states the date.

A That'd be right.

Q9 Where is it?

A There, 13th of March.

Q10 That's it. And we, we conducted that interview at your residence, your holiday house?

A Correct.

Q11 O.K. Now if I could just start by taking you back to, prior to the race. If you could just give me a little bit of a background so far as the role that was played by yourself on the committee prior to the race. on that, that race.

A Yeah well we, I travelled to Sydney probably for the first time prior to the '98 race, in October to be present at the Telstra launch.

Q12 Right.

A And it's been customary over the years that, because we were all in Sydney, they do have a meeting, not all together with the race committee, but representatives of the C.Y.C, the Commodore, I believe was there, the General Manager, Bruce Roley was there, I think Howard Elliott was there and they discussed, really the Hobart

end of the finish of the race. And we've got the opportunity then to have any input into that side of it. As far as the, the entries, as far as the, the actual conduct of the race, the course down Sydney Harbour or anything like that, it's really, we've never ever had any input into that and I think I can speak for representatives of our club over the history of the race and I suppose I could say it's, that's all been left to the C.Y.C. because it basically is, is their race.

Q13 Yes.

A And in the last few years, or the last 2 years, I think it is, Stuart, the race control centre has been transferred immediately the gun is fired on Boxing Day, to Hobart.

Q14 Right.

A And then the race, members of the race committee and a representative from Rescue Operations, Sam Hughes, was there. They conduct the, the race from our premises at Marieville Esplanade.

Q15 O.K. So is it fair to say that basically the position of yourself and, and David Badmack is really a silent partner type situation to the other four members of the committee from the C.Y.C.A? Could you liken it to that?

A Well, yes, I, I would have to say that.

Q16 Yes.

A Because we really haven't had any, and I'm not saying this in any disrespect - - -

Q17 No.

A - - - at all.

Q18 No.

A It's just that we haven't approached it on that basis - - -

Q19 Right.

A - - - of, of any other way than what we do at the finish of the race.

Q20 In view of that, what you've just said, do you think a different view should be taken so far as the make up of the race committee with two people from your, from the Royal Yacht Club, Tasmania and four from the Sydney to Hobart, so far as responsibilities are concerned?

A Yes. Well of course, it's all very well to, or hindsight's a great thing, and - - -

Q21 Yes.

A - - - you know, now this tragedy has happened in the '98 race, I can certainly, and I'm only speaking as a person, you know, as an individual - - -

Q22 Yes.

A - - - not from the club's point of view.

Q23 Yeah.

A But having been through this, I can see, yes, that there could well be a, an opportunity to, to adjust that, that role and specify, maybe the responsibilities

of the race committee, or break the race committee down into two bits, if you like - - -

Q24 Yes.

A - - - in terms of their responsibilities, and of course Hobart would be responsible for the finish of the race, and that's basically what I've said before, and that's basically what it is really.

Q25 So would you agree then that there wouldn't necessarily, because of the role that you and Mr Badmack played on the race committee, would you agree then there really wouldn't, it wouldn't be necessary for you to be on the race committee per se?

A I don't - - -

Q26 You could still conduct the same job - - -

A Yes.

Q26 - - - by finishing the race as - - -

A Yes.

Q26 - - - representatives from a - - -

A Yeah.

Q26 - - - from your club?

A Yeah.

Q27 O.K.

A I'd have to say, Yes, to that. I can only say, Yes. Others might, might disagree, but I think, yes, that's a logical thing to do.

Q28 Right. As you mentioned prior to the interview the process of, process which occurred, how you got on to the race committee. Would you like to just - - -

A Yes.

Q28 - - - sort of explain that to us?

A Well it's been customary that when you're elected vice commodore at our club that the, the first Sydney Hobart comes along at your, in your term as vice commodore, and I would suggest that the, the course vice commodore was primarily responsible for sailing events within their own club. It's a, I suppose a courtesy of the, because we finish the race, it's a courtesy that the C.Y.C. have extended to us, to be part of the team. And up until 1998 it's been very much appreciated - -

Q29 Yes.

A - - - to be very much a part of it. And of course that's how I, my name appeared there.

Q30 Yes.

A And, but I would suggest that in the early part of the race, you know, in the earlier years, over the last 30 years maybe, the reason that the name's been there, the two names have been there, the Vice Commodore, or the Commodore of our club, plus the, the Hobart Chairman of the, of our committee down here, he's, and they term him the Race Director in Hobart, I, we, I'd just suggest to you that we're there as part of the race committee to finish the race.

Q31 Yes. So the situation occurs where somebody might walk up to you and say, Well look, your name's been put

forward on the race committee. Is that a typical situation?

A Well yes, I suppose it is. You see the, the elections are held in July, so I was elected Vice Commodore in, it might have been '95.

Q32 Right.

A Then they started talking about the Sydney/Hobart race and, then all of a sudden you see the, the proof, my name's on it.

Q33 Yeah.

A And I just asked the question of Rohan, I said, Oh, you know, what's the story with this? He said, Oh, well it's been customary to - - -

Q34 Right.

A - - - that the Vice Commodore's name be on the, on the list, on the, on the committee. I said, Oh, well, that's fine, you know.

Q35 Yeah.

A But, but I must admit that it was, for some reason it was extended another 2 years while I was Commodore.

Q36 Yes.

A Did you know that?

Q37 No.

A So I've been on - - -

Q38 Well - - -

A So I've been on it 4 years. I, I - - -

Q39 Yeah.

A - - - should have only been on it two.

Q40 So what would the view be of members or boards in your yacht club, if you were to say, Well look, I don't want to hold that position. Would that be accepted?

A (NO AUDIBLE REPLY)

Q41 Find somebody else. Even if it's customary that the Vice Commodore fulfils that position?

A Oh, yes, I mean, certainly, I mean, what'd happen is that it would be, that'd be a management decision.

Q42 Right.

A It'd be ratified by the board, but I, I just think, yeah, I mean I've got to say to you, I just never, it, it's always been, it, now I can see things, the thing more clearly, about a bit of a grey area as to our responsibility on that race committee.

Q43 Yes.

A And I'm sure that if the, if it was important enough to sort of have that really clarified, of course the board would, with, would agree with a more cleanly cut definition of what we're all about.

Q44 Yes. And as far as you're aware, that hasn't occurred?

A No, it hasn't.

Q45 Right.

A It's, it's, it's in the last 6 months it's certainly exercised my mind.

Q46 Yes.

A I must admit to you.

Q47 Yeah.

A Unfortunately it takes an event like this to - - -

Q48 That's right.

A Yeah.

Q49 O.K. Now you mentioned that there was a meeting prior to the race last year with the committee?

A October.

Q50 Right. And, and the basis of that meeting was pre-race arrangements?

A No, it was, it was, it was the, what we were doing in Hobart to - - -

Q51 Right.

A - - - cater for the finish.

Q52 O.K. So basically you told them what you, what, you'd set up for the finish of the race?

A Yeah. We were gunna have, oh a cannon was, we'd arranged with the army to fire a cannon on the day. We'd arranged - - -

Q53 Yeah.

A - - - with, for fireworks, when the, you, first yacht enters the, the dock.

Q54 Right.

A We were gunna have a jazz band down there and lots of things like - - -

Q55 Yes.

A - - - that. We confirm that we've got the starting line, finishing line in, in position.

Q56 Right.

A We confirm that we've got our volunteers, are in place for the finish. We had a rostered, it's a finishing box.

Q57 Yeah.

A We got the information booths set up on the wharf. And that's all done really as well. You've probably spoken to these people as well with the Ports Corporation. Or you might not have, but, but, you know, they have the, Hobart Ports own that area, or they - - -

Q58 Yeah.

A - - - control that area and they're very much part of the finish, so we work very closely with them.

Q59 Yeah.

A So we confirm all of that and, so then what happens is that it's been customary for, for us to go up there say about the 22nd of December.

Q60 Yeah.

A 21st, 22nd, be there for, for the briefing, which I was on the morning of the 24th at the C.Y.C. and then I flew home on the 27th, yeah.

Q61 Right.

A I think about the 1.30 flight, I think.

Q62 Right. And that would be the Sunday, Sunday the 27th?

A Yes, on Qantas. We were on Qantas.

Q63 O.K.

A And, yes, anyway, go on.

Q64 So when you flew back from Sydney, who did you fly with?

A Qantas.

Q65 O.K. And what members of the committee were on that aircraft?

A I was trying to think about that. I, I think I was the only one, 'cause I stayed a day later.

Q66 Right.

A Biddy wasn't there because he, he was home, you know, before Christmas. He came home on the night of the 24th, I think.

Q67 Right.

A No, I was on my own.

Q68 O.K.

A Yeah, Mary was with me, but no, none of the committee.

Q69 O.K. Now at any stage in your flight did the captain mention to the passengers that he would lower his altitude to view - - -

A Yeah, yes, he did.

Q70 O.K. And as a result of that did he give you an altitude?

A No.

Q71 O.K.

A No.

Q72 Did you - - -

A Well, well he - - -

Q73 Sorry - - -

A Well he probably did, Stuart - - -

Q74 Right. But you can't recall?

A But I can't - - -

Q75 That's fine. That's fine.

A I can't remember.

Q76 O.K.

A I can clearly remember him throttling back and going,
you know, gliding - - -

Q77 Yeah.

A - - - down and then going up again, but I can't - - -

Q78 And what did you observe when that occurred so far as
the front yachts were concerned or any yachts that you
saw? Did you see any yachts or - - -

A Well yes, I, but you see they were not down, it was on,
I don't know it, quite down to Gabo at that stage.

Q79 Yes.

A It really is hard to me, hard for me to recall that,
because, I can't answer that. I - - -

Q80 That's all right.

A - - - it, yeah, it's the same situation, had we known
at that stage - - -

Q81 Yes.

A - - - it's hindsight again, had we known that there was
gunna be a problem, well I'd have - - -

Q82 Yeah.

A - - - had my weather eye out.

Q83 Yeah.

A But of course the yachts are down there and we're up
here.

Q84 Yeah.

A We want to get home because - - -

Q85 Yeah.

A Yeah.

Q86 That's fine. So far as the visibility, when you looked out the aircraft, what, what was that like?

A Well I've got an idea, I, and I, I really can't be absolutely clear about this, but I've got an idea that it was clear - - -

Q87 Right.

A - - - but I'm, I'm, I'm quite sure that, yes, that we did see the weather ahead of us, you know, and it was either when we got to Gabo it might have clouded over - - -

Q88 Right.

A - - - and all that other rubbish was underneath us that they were heading in for, but I - - -

Q89 Yeah.

A But that was about the 1.00, 1.30 flight out of Sydney, I think.

Q90 O.K.

A I think it was. Do they have 1.30 flights? They probably do. I - - -

Q91 Probably.

A - - - think it is, yeah.

Q92 O.K. So when you arrived at Hobart, what did you do then so far as going to the yacht club and speaking to yachtsmen, you know, the committee or other members of the yacht club?

A Oh - - -

Q93 Did you play an active role in anything - - -

A No.

Q93 - - - when you arrived back?

A No, not, not immediately.

Q94 Right.

A Biddy was already home and as I said, as soon as the race starts they transfer the race control to Hobart.

Q95 Yeah.

A And, so that we knew all that was sort of in place and there was not a problem and the yachts were still 2 days away, 3 days away, so that's, then the next day - - -

Q96 Which would be Monday, the 28th.

A Yeah, I'm not sure. No, no, no, no. That's, I'm not right about that, no.

Q97 Right.

A I'm not sure. I just don't know which day the C.Y.C. guys arrived. Oh, they were there, they were there, of course they were, they were there either the night of the 26th or the morning of the 27th, 'cause they were there, yeah. So they were there, yeah, and, and Sam Hughes from, from Canberra.

Q98 Right.

A Yeah, they were, he was there.

Q99 O.K. Were there any conversations, did you spend your, I, I'll take that back, did you spent your time during the race with the race committee people or were you doing other things and - - -

A I was doing other things, but on the morning of the 28th, morning of the 28th - - -

Q100 Which would be Monday.

A Which would be Monday, yeah. Probably I was yeah, morning of the 28th, I went over there, and that's when it was really on, you know.

Q101 Right.

A They really had problems.

Q102 Right.

A So really at that stage I was really a, there was the race, you know, the, Bruce Roley - - -

Q103 Yeah.

A There was Phil, Sam Hughes and Elliott. Hans was there, Hans I think they were there, or I think he was there. And they were doing the best they could, you know, with a lot of - - -

Q104 Right.

A - - - information they had.

Q105 Yeah.

A The communications that they had with yachts and Canberra, and everywhere. And the Young Endeavour and, well Biddy and, really once again I say, Biddy and myself, because of our position, I suppose, once again with the finish, we didn't really like to interfere too much - - -

Q106 Yeah.

A Particularly because Sam Hughes was there.

Q107 Yeah.

A You can get yourself into a bit of a situation. I mean there was not panic either which was good, and if too

many people, I believe that sort of said too much - -
-

Q108 Yeah.

A - - - and tried to put the pressure on, it could have deteriorated, but the, the race control centre was really, it was, it was, oh, you know what I mean, there was, they were doing the best they possibly could - -
-

Q109 Right.

A - - - for everyone.

Q110 Are you aware of any conversations that were held between a rep, who would be Sam Hughes, from AusSAR and any race committee member so far as the weather situation and possible abandonment of the race, abandonment of the race?

A I, I'll say, Stuart, I'll say, no, to that. I, because I, that I believe it, although I say, no - - -

Q111 Yeah.

A - - - I'm sure it would have been discussed.

Q112 Right.

A But the overriding factor - - -

Q113 Right.

A And I can say this to you, the overriding factor with that, I'll say it, is that all the yachtsmen that are out there and all the skippers that are out there, they, they're there because they want to be there and there's a rule in the book that says, it's the total

responsibility of the skipper to make decisions as to -
- -

Q114 Yeah.

A - - - what to do and so on. And I think that was the
main thrust of the - - -

Q115 Yeah.

A And what they were trying to achieve was give the
utmost support and help and so on.

Q116 Mmm.

A It would be very hard to, this is only my opinion, but
- - -

Q117 Yes.

A - - - it'd be damned hard to cancel a race. You know,
if you, there's been a lot, a lot's been said about, if
it had been cancelled the, the situation may have been
worse, because, as I understand it, and I'm only going
on hearsay now - - -

Q118 Yeah.

A - - - but, but a lot of the, most of the boats
had a problem when they turned round. Had that been
sent out over the Young Endeavour you never know if
they'd - - -

Q119 Yeah.

A - - - abandoned the race it could have been worse.

Q120 Yeah.

A But we don't know that.

Q121 Yeah. And apart from the, the rules in the book and the notice of race so far as the skipper's responsibility - - -

A Yeah.

Q121 - - - to decide whether to race or, continue the race or stop racing, there is also an option there available for a race committee to abandon the race, change the course and do a number of other things. Are you aware of that rule?

A I have to say, no. I didn't - - -

Q122 Mmm.

A - - - I was not aware of that. I, because, is that in the race, is that in the notice of race that the committee may abandon the race?

Q123 I'd have to check. It's certainly in the A.Y.F - - -

A Under ocean racing?

Q124 Yeah.

A yeah.

Q125 Now in view of - - -

A I would, I, I, I would, I would say to you that maybe, I'd have to look at the definition of that, but there's two ways of, of interpreting that. One would be that they can abandon the race before it started - - -

Q126 Yeah.

A - - - but after the race has started, whether they can abandon it or not, I'll have to check that out.

Q127 O.K. We'll have a look at that - - -

A Yeah.

Q128 I'll, I'll grab the documents in a second.

A Yeah.

SENIOR CONSTABLE UPSTON

Q129 When, David, when you were in the, in the race control centre - - -

A Mmm.

Q129 - - - and when the difficulties were occurring, was the rule discussed in depth about the yachtsmen being, having their own responsibilities whilst they're racing? Was that discussed with the race committee?

A Yes, it, not with the race committee, but in, in general, you know, that, that was actually, that was actually mentioned from time to time, yeah.

Q130 And what was the general conversation around that, that rule, do you recall? And who was the main instigator, or can you recall who was the main instigator of bringing that rule to your attention?

A Well we all knew that. We all knew the race, or the, we all knew that rule, certainly, but I suppose when that, when that rescue was on and when it, when it, you know, when it all started to, to flare up, you know, you start, your mind starts exercising then and you think, heavens, you know, well, can they, then you start thinking to yourself, well it's a clear rule that it's the skipper and crew's responsibility. But that's all that was said, you know what I mean? There wasn't any sort of, there wasn't any suggestion that, well we can sort of just carry on as, as usual, it's the

skipper's problem. There's no suggestion about that, but, at all, but it's, it's one of those areas that, that - - -

Q131 But in, in saying that, if it's the, if, if you, if the, if it was a general consensus that it's the, the, it's the skipper's problem what they're, what they're, the conditions that they're going through - - -

A Mmm.

Q131 - - - do you feel that perhaps the race control centre could have, in lieu of the situation, could have got together and, and, to offer further assistance to the skippers to aid them in their plight?

A Well, David, I hear what you're saying, and something that I could say that might be of help to you, is that this all happened so quickly that it just happened so quickly, you know, the boats were going down the coast at great speed, and I might add was one of the problems because they got there too early, and it all happened in moments to, to a certain extent, and, and then when you have people over, in the water and all that sort of thing you, you might, you, your sort of efforts are directed to saving lives, and that's the, that was really the main thing that was on everyone's mind really. And that's where Sam Hughes was coordinating the, the search and rescue and, and that's what they were more, more concerned about than anything else at that stage. You know, bear in mind that, they had

yachts what, 40 knots, 40 miles south east of Gabo, a long way out, and a lot of them.

Q132 Mmm.

DETECTIVE SENIOR CONSTABLE GRAY

Q133 O.K. You may not be able to answer this, but are you aware whether the race committee were constantly monitoring the weather during the race, themselves?

A I don't know that, Stuart.

Q134 Right.

A No, I don't know that.

Q135 O.K.

A I don't know that.

Q136 From your experience at 11.00am from that particular race on the 27th, which is the day after, it's less than 24 hours after the race started - - -

A Yeah.

Q136 - - - where do you think that the lead yachts would be? From your experience? I, I don't know whether you know their positions, where would the majority of the fleet be?

A Well the big, the, you know, the maxis would have been well down there - - -

Q137 Right.

A - - - there's no problem about that, but, you know, the, the other 40 footers and the - - -

Q138 Yeah.

A - - - smaller yachts - - -

Q139 Would be bunched basically?

A Yeah, sort of I, I would've been, I would have anticipated that they might have been down at Gabo a day and a half or something like that, you know what I mean.

Q140 Right. So most certainly that bunch, you would think the 40 footers, would be not quite at, at Gabo, less than 24 hours after the start of the race?

A Well I wouldn't have, well they, yes, but a lot of them were this year.

Q141 Right. O.K.

A And that's where the problem - - -

Q142 Yeah, it's where - - -

A That's where the problem was, is, or that's where it -
- -

Q143 O.K.

A - - - all happened. If they'd have been sort of average speed, but to have this great north easter, and it took the whole fleet - - -

Q144 Yeah

A - - - all together, really.

Q145 Yeah.

A You know.

Q146 O.K. Are you aware if at 1100 hours on the 27th, that there was warnings, cyclonic wind warnings issued?

A What, what, just mention the time again?

Q147 11.00am on the 27th. Some 21 hours after the start of the race.

A No. See I, we, we were in the aeroplane.

Q148 Right.

A Yeah.

Q149 O.K. Back to what David asked you a minute ago, certainly less than, we, you know, I'm just sort of supposing here. From, from your experience - - -

A Mmm, mmm.

Q149 - - - what do you think your responsibility would be if you were the race chairman, race committee chairman, or, or what would you do as an individual in that position, if some 21 hours after the start of the race there were cyclonic weather conditions forecast, or, or warnings issued?

A Yeah.

Q150 So far as a race committee organiser.

A Yeah, well that was confirmed was it, at, at - - -

Q151 Yeah.

A - - - 11 o'clock that - - -

Q152 Those are the - - -

A And it was, there wasn't any if's or but's that it was gunna go - - -

Q153 Those were the - - -

A - - - through.

Q153 - - - warnings that were issued by the Bureau of Meteorology, issued by the Victorian Regional Office.

A Sort of it's a bit, it's a bit unfair for me to say I think - - -

Q154 Certainly.

A - - - because I'm operating on hindsight here, Stuart.

Q155 Yeah, certainly. Well what would you do? I mean, what would you, as David Boyes - - -

A Right.

Q155 - - - as David Boyes in that position?

A Well - - -

Q156 I'm just trying to sort of get an idea of what you think - - -

A All right. Well look - - -

Q156 - - - you would do as an organising committee.

A Well I won't talk about it as an organising committee - - -

Q157 No, just, oh, O.K.

A I'll, I'll answer it at a different way, because I have thought about this.

Q158 Right.

A I'm not sure whether all the yachts have got weatherproof, whether they've got barometers on board.

Q159 Yeah.

A Now, you're gonna get a westerly, fresh westerly coming through - - -

Q160 Yeah.

A - - - I must say to you that if I was the skipper, if I'd been the skipper of any of those boats, I wouldn't have been 40 miles out to sea, I'd have had my departure at Gabo Island.

Q161 Yeah.

A O.K. Now, and I believe that you, you'd sort of be in a, in a windward position, you know, like, to windward

rather than 40 miles, at least, although the, although the, the run line course is, is the shortest course - -
-

Q162 Yeah.

A - - - if I'd have looked at the barometer and gone, it was on the way down, you know, 990 or whatever it might, 995, 990, I don't think I'd have been out there, I'd have been either up under Gabo with two options, either go for it or just wait. Now that's, that's the answer to that question.

Q163 O.K.

A Now you, but you, you say the chairman of the race committee, well you're not out there, so you don't know.

Q164 I realise that. I guess what I'm trying to say to you is this, is that certainly there is a onus on the skipper for responsibility - - -

A Yeah.

Q165 Do you feel that there is also an onus on the organising authority to supply sufficient information so the skipper can make a more informed decision, although he may not be in that position?

A Right. Yeah, well I think - - -

Q166 Do you know what I'm saying to you?

A Yeah, I do. And I think you, I can answer that this way, that since this race - - -

Q167 Yeah.

A - - - you know, that's, that has become obvious - - -

Q168 Right.

A - - - that there should be more information given to the yachts, if it's available.

Q169 Yeah.

A There's no doubt about that. And yeah, I'd, I'd, I'd have to say, yes, to that. But that's in the light of what we know.

Q170 Yes, it's exactly right.

A You know, 54 years, 55 years - - -

Q171 Yeah.

A - - - we haven't had a problem and - - -

Q172 That's right.

A - - - everyone's been saying we're gonna cop it and we - - -

Q173 Yeah.

A - - - '98 was the year.

Q174 Yes. Would you think in hindsight it's, it, it, it is reasonable for an organising authority to ensure that the race track, so to speak - - -

A Yeah.

Q174 - - - is clear?

A You know, there's, I - - -

Q175 What I'm saying to you is, do you think it is reasonable to ensure that if bad things are ahead, that not only is it the responsibility of those actually in the water, but it the responsibility of the organising authority to continually monitor and make decisions in, and, and pass those decisions on to participants?

A Yes, I do. I, I think that, you know, one, one thing is that I, I honestly believe you shouldn't take the adventure out of the race.

Q176 Yes.

A You shouldn't take the, oh, there's another word and I can't think of it, but the competitiveness.

Q177 Yeah.

A That sort of, you shouldn't take that out of the race, but I believe that, again in hindsight, that if more information can be passed on - - -

Q178 Yeah.

A - - - to the yachts, and thereby it's giving the, this rule that it's the - - -

Q179 The skipper's - - -

A - - - skipper's responsibility - - -

Q180 More options?

A It's giving him more options - - -

Q181 O.K.

A - - - too, so - - -

Q182 Yeah.

A - - - you know.

SENIOR CONSTABLE UPSTON

Q183 In, in saying that too, David, don't you think that, and I, I don't wish to, to harp on anything, but with that, with the cyclonic warnings, and I'm, I'm aware that you're not aware of that, that, that cyclonic weather warning being issued - - -

A Yeah.

Q183 - - - wouldn't you think that it would be an extremely pertinent thing to do, to make the, the, the participants aware of a cyclonic condition and being familiar with cyclones, as we are here in Australia, that even as far down south as, as, Bass Strait - - -

A Yeah.

Q183 - - - it's, it would be very pertinent to warn those people about those conditions?

A Yes. You see, see up until, up, I think this is right, I, I'm not sure about this, but I've had the feeling that there has been a school of thought or, that yachts, you might like to check this out yourself because I'm, I'm not sure, but really they're not supposed to get outside assistance. That's was one, I think, have you - - -

DETECTIVE SENIOR CONSTABLE GRAY

Q184 Yeah, we know about that.

A You know all about that?

SENIOR CONSTABLE UPSTON

Yes.

DETECTIVE SENIOR CONSTABLE GRAY

Q185 Yeah.

A But I think outside assistance means that they can get on the telephone now and sort of ring up Hobart and say, What's it doing down there?

Q186 Yeah.

A That sort of thing. Now, but what you're talking about is, is totally different in that if the forecasts are

given out and the guy chooses to have his radio turned off, well that's his problem, but at least it covers the backside of the race committee.

Q187 Yeah.

A Is that, was that your question?

SENIOR CONSTABLE UPSTON

Q188 Yeah, I understand what you're saying, but wouldn't you think that if, if, information was at hand in regards to cyclonic conditions approaching, that that should be broadcast and has in fact no relationship to giving outside assistance as far as the hazards - - -

A Yeah.

Q188 - - - and the, the, the dangerous conditions - - -

A Yeah.

Q188 - - - of a cyclone - - -

A Yeah.

Q188 - - - approaching?

A Yeah. Well I suppose, you know, really Dave, I'd have to say, yes, to that. But - - -

Q189 Mmm.

A - - - but look, I mean - - -

Q190 Yeah.

A - - - and I say, yes, in, in, including this way, that it's in the knowledge of what we know now.

Q191 Mmm.

A And - - -

DETECTIVE SENIOR CONSTABLE GRAY

Q192 But that's exactly right. That's what we're saying.

SENIOR CONSTABLE UPSTON

Q193 Yes.

DETECTIVE SENIOR CONSTABLE GRAY

Q194 Yeah, hindsight.

A Yeah. But I'll also say, is that it'd be interesting to know, have you checked, I'll ask youse a question, have you checked it out, have many of the yachts got barometers on board?

Q195 Some have.

A Yeah. And I, and I really think that's something that ought to be - - -

Q196 Yeah.

A - - - and you should have people on the boats that understand.

Q197 Mmm. Further to what Dave said, just sort of narrowing that down slightly, do you think it would be reasonable on what David said, so far as say the cyclonic conditions, do you think it would, would be reasonable for a committee to meet and discuss that?

A Well - - -

Q198 An organising authority?

A Again, in hindsight, yes.

Q199 Yes, and, in hindsight, certainly.

A Yes.

Q200 O.K. Now, we're getting through this slowly.

A You're right. Just as well I made that phone call.

Q201 Yes. Now at any stage during the race did you discuss with the committee, or, or other members of the committee, the weather, the prognosis of the weather?

A No.

Q202 O.K.

A No.

Q203 What could - - -

A No, 'cause, 'cause I got back, as I said - - -

Q204 Yeah.

A - - - on the, on that afternoon and, and there was real problems on.

Q205 Yes.

A And it wasn't a question of precautionary measures, it, it was a question of dealing with what we had.

Q206 Yes.

A You know, or what they had - - -

Q207 O.K.

A - - - at the time.

Q208 Were you aware of a separate weather package that was put together by Roger Badham?

A No.

Q209 O.K.

A Only, I read that in the press afterwards.

Q210 O.K.

A Yeah. No, I wasn't.

Q211 Are you aware whether the race committee had such a package?

A No, I don't, no.

Q212 O.K. Now, did any - - -

A But I, I'll - - -

Q213 Sorry.

A I'll say about, I attended the briefing up there and -
- -

Q214 Yeah.

A - - - I have to say to you that the briefing was, it
was a, it was not really any different to the years
before.

Q215 Yes.

A I suppose I went to, the first briefing I'd ever been
to in 1958, and it was the same then. The weather man
comes down and they do this and they do that - - -

Q216 Yeah.

A - - - and, and in, and in fact it was north east - - -

Q217 Yeah.

A - - - turning southerly, 40 knots, or whatever it was,
and a standard sort of race.

Q218 Yeah.

A That's when they went, and that's why they went away
and started the race - - -

Q219 Yeah.

A - - - and that was it, that was that.

Q220 O.K. Now I'll put to you a hypothetical question here.
The Sydney to Hobart Yacht Race started on the 26th of
December, and they started to progress south along the
coast, and a massive iceberg was off Gabo, O.K? A
massive iceberg, if the race organisers became aware of

that, what do you think their responsibility would be to the fleet?

A Well - - -

Q221 This is a simple analogy.

A I, yes, well Canberra put out messages like that.

Q222 All right.

A Um - - -

Q223 Do you think the, the committee could exercise their judgement so far as certain things they could do?

A Yeah, you see, the way you put the question, yes, I'd have to say, yes.

Q224 Yeah. I know we weren't, we weren't faced with an iceberg last year, but - - -

A No.

Q224 - - - I, I'm just trying to sort of ask you whether - - -

A In other words to prevent the yacht running into it?

Q225 Exactly right.

A Or turn your radars on - - -

Q226 Exactly right.

A - - - or that sort of thing, right.

Q227 Exactly right.

A Yeah. O.K.

Q228 Now so far as the weather's concerned, do you feel from your experience there should be a specific yacht race weather presented to the yachtsmen as opposed to a general - - -

A They do. As far as I know they do.

Q229 Yeah. O.K.

A Well I think, I mean, at the briefing, well you've been
 through all that anyway, haven't - - -

Q230 Yeah.

A - - - you, with Ken I, you know - - -

Q231 I haven't interviewed Ken, but we will be.

A Yeah, up on the screen - - -

Q232 Yeah.

A And he's got a large scale map and the prognosis - - -

Q233 Yeah.

A - - - and that sort of thing.

Q234 O.K. You may recall in the press after the yacht race,
 that Lew Carter, who was on board the radio relay
 vessel, did in fact send out a warning to skippers
 about their responsibilities.

A Yeah.

Q235 Are you aware if he was prompted to do that by the race
 committee, or was it a decision he made on his own?

A Look, I don't really know, but I, I - - -

Q236 That's all right.

A - - - knew if, I, I knew it was done, but I, I would
 suggest to you that it was, it was prompted - - -

Q237 From Hobart?

A - - - from Hobart, yeah, I'd say so. But I don't know,
 I, but I don't - - -

Q238 That, that's fine, that's fine.

Q239 Because, see I, Lew, see Lew's brief, have you
 interviewed, oh, well I shouldn't ask - - -

Q240 Yeah.

A - - - you. Lew's brief is, yes, I mean Lew's brief was to run radio skits and - - -

Q241 Yeah.

A - - - whatever he says in addition - (Tape Beeping) - to that, I suppose - (Tape Beeping) - I, I mean, I don't - (Tape Beeping) - I, I, I would - (Tape Beeping) - think - (Tape Beeping) - he would have to have had - (Tape Beeping) - instructions - (Tape Beeping) - to do that - - -

Q242 Yes.

A - - - you know.

Q243 O.K. Now, have you been spoken to as a member of the committee by the race review committee?

A Race review committee.

Q244 The people who put the report out for the - - -

A Um - - -

Q244 - - - C.Y.C.A?

A Yes, in, we went up to Sydney in March, I think it was - - -

Q245 Right.

A - - - and they just let, they told us what progress they'd made with the review.

Q246 Right.

A And it would have been, would be finished in June or - - -

Q247 Yeah.

A - - - May or June. But that's all that was said really.

Q248 O.K. Did they inform you that the police may come to speak to you - - -

A Yes, they did.

Q248 - - - at some stage? Was anything said in relation to that?

A No. No, they I, you know, I said, that's, that's fine. I mean, it - - -

Q249 All right.

A Yeah.

Q250 That's fine. Dave?

SENIOR CONSTABLE UPSTON

Nothing at the moment.

DETECTIVE SENIOR CONSTABLE GRAY

Q251 Is there anything further you'd like to, to add, David, in relation to what we've discussed today?

A No, I don't think so. I, no, I think you've covered it quite, well, you've covered it quite well today. You know, you know, I've had a bit more of a chance to think about a few things - - -

Q252 Yeah, certainly.

A - - - and, you know, if I can be any, of any further assistance, I mean, you know, I mean, I'm only too happy to - - -

Q253 Yeah. We appreciate your time.

A Mmm.

SENIOR CONSTABLE UPSTON

Q254 David, in your capacities, sorry, just a final thing, just to wrap it up. In your capacity as a, as a race committee member, were you ever approached at any time to give input into the race from its start right up through to where the, where the problems occurred, apart from the finish?

A No. No, see on the, normally what happens is that we're invited to go and be on the start boat, we're just there and we just watch the start.

Q255 Yeah.

A We, and that's the end of that day, and then we come ashore.

Q256 Yeah.

A We don't really see the C.Y.C again until they get down here.

Q257 Yeah.

A 1.30 flight from Sydney on the 27th, and you know, that was it. But as far as any meeting of the race committee of that, for that 24 hours, well they were all sort of busy getting down here - - -

Q258 Yeah.

A - - - you know, including myself. But, so really the answer to that, you know - - -

Q259 Mmm.

A - - - that, that is, no.

DETECTIVE SENIOR CONSTABLE GRAY

Q260 O.K. There's nothing further. The time is now
12.27pm. This interview is concluded.

INTERVIEW CONCLUDED