

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Bruce Rowley at the Sydney Water Police on Saturday, the 16th of October, 1999. Also present seated directly in front of me is Senior Constable David Upston from New South Wales Water Police. The time on my watch now is 12.53pm. For the purpose of the record, Bruce, could you please state your full name?

A Bruce Stephen Rowley.

Q2 Your date of birth?

A 5th of the 12th, '44.

Q3 Your current address?

A Care of the Royal Exchange Hotel, Marrickville, 203 Marrickville Road, Marrickville.

Q4 And your occupation?

A Publican.

Q5 O.K. As I've already explained to you prior to the commencement of the interview, Senior Constable Upston and myself are making inquiries in relation to the 1998 Sydney to Hobart Yacht Race and what we intend to do is to speak to you about your role at the Cruising Yacht Club of Australia during that time and any input that you had in race organisation, the management of the 1998 Sydney to Hobart Yacht Race. Do you understand that?

A Yes.

Q6 O.K. If I could just start, what was your position at the Cruising Yacht Club?

A I was general manager of the Cruising Yacht Club of Australia.

Q7 And what was the role of the general manager?

A It's basically an administrative role to lead up the club and ensure that the operations in the club functioned properly and made a bottom line return.

Q8 O.K. And what date did you take up that position?

A It was in May, 1995. I left in April, the end of April, 1999, just under 4 years.

Q9 O.K. Now can you give me some background in relation to your sailing experience?

A Basically, I was never a dinghy sailor but got into social sailing through the C.Y.C. when I was a publican out at Watsons Bay. Some of the locals invited me to do some afternoon twilight sailing and then I progressed to do some deliveries on different boats and eventually did three Hobarts after doing some racing around the harbour. So not technically skilled in sailing as such, but a good hand, good all round hand.

Q10 O.K. Now how was it that you became a, a member of the 1998 Sydney to Hobart Race Committee?

A Basically, I was a member of the race committees of the race each year to participate in the general information flow of what happens in that committee to how it affects the rest of the club and our other

partners in, in Hobart and certainly requirements of that committee if it's, if it's a club requirement.

Q11 O.K. Now to actually get on that committee are you selected or volunteered or was it natural that the, the manager of the club automatically sits on that committee?

A Well, it's not natural that he automatically sits on it, it was, it was basically, my style of management is that I get involved in all aspects of the operation and I felt that I needed to be on it but I was informed that I was on it. So I was quite happy with that.

Q12 O.K. Now your role on that race committee is, is what exactly?

A Well, basically representing management on that committee as part of, just part of that committee.

Q13 Did you play any other active role on that committee other than sort of just sitting on that committee and, as a manager?

A No.

Q14 Were you involved in any, this is previous to the Sydney to Hobart, well, previous to the actual start of the race, were you involved in any decision making so far as that committee was concerned in entry forms, applications, the taking of fees and general administration, collecting that sort of thing?

A No. Basically the, all the decisions in respect to that were made by that committee or they were basically

in place years prior to me being there. It was just a continued policy.

Q15 Now so far as the, the other members on that race committee, are you able to tell us the various experiences and competencies they had so far as being on that committee?

A Yes. I feel that Howard Elliot, Phil Thompson have great expertise in race management and certainly the race itself. The director, Vice Commodore, Hans Sommer, was less experienced but he was certainly a, a good and capable sailor. And basically, you know, I felt confident in those people making the relevant decisions.

Q16 Because it's a committee which was made up of some six people from Sydney, was it the situation that or was it the situation that meetings were held with that committee on a regular basis?

A Meetings were basically held on a, on a demand basis. When it was necessary to hold a meeting that's basically when we appeared to have those meetings but mainly getting on towards the end of the year, towards the Hobart race.

Q17 And were you involved in any of those meetings prior to the Hobart race - - -

A Yes.

Q17 - - - of the race committee? And do you recall the, the type of reasons for those meetings?

A Yes. They were general administrative meetings discussing who had their safeties in and who didn't and the last meeting was, was the meeting discussed about the, the weather, was instruction in relation to the construction of course.

Q18 Right. And do you recall when that meeting was approximately, what month?

A That was the, the, the night before Boxing Day or Boxing Day morning, I'm not absolutely sure.

Q19 O.K.

A But very close, that was construction of course, once you got the prescribed winds and - - -

Q20 Right.

A - - - those sorts of things they decided to apply those forecasts to the course construction.

Q21 O.K. Was there any discussion about the possibility of bad weather at that stage?

A There was discussion about the race being a typical Hobart race, that there would be a blow on at some stage and they were predicting some sort of blow.

Q22 Right. And from your experience that wasn't unusual for them to discuss the southerly buster, so to speak?

A That happened every year as I can recall.

Q23 Right. O.K. I'll draw your attention to the report of the 1998 Sydney to Hobart Yacht Race Review Committee, May 1999. Have you seen this document?

A I've seen it but I haven't read it.

Q24 O.K. I'll just take you to page 57 and it's, it indicates the make up of the, of the race committee. You'd agree that Hans Sommer exists there, Howard Elliot, Robert Baddenack, David Boys, yourself, Mark Robinson and Phil Thompson.

A Yes.

Q25 In fact the chairman of the committee was in fact - -  
-

A Hans.

Q25 - - - Hans Sommer?

A Yes.

Q26 Are you able to tell me who the race director was for 1998?

A Race director, no, I can't recall that.

Q27 If I suggested to you that was Phil Thompson would, would that - - -

A Yeah.

Q28 O.K. I'll also draw you to a paragraph on the same page which says, In summary the chairman of the committee was unsure of the precise responsibilities of the committee as a result. Now we just mentioned the, the, Mr Sommer, would you just like to read that?

A Yeah.

Q29 Do you, how would you interpret that particular comment?

A Well, I think that that would basically fit with Hans' typical sort of demeanour, he's, he's a lovely bloke but he doesn't get too involved in the technical side

of it and I would think that he probably didn't have a great working knowledge of the responsibilities of the race committee, nor would I.

Q30 Right. Now you mentioned just a minute ago that there was a meeting also held in relation to discussions about safety certificates and this sort of thing. Were you ever involved in a meeting like that?

A It was discussed from time to time, I can't remember a specific meeting where - - -

Q31 Right.

A - - - where we discussed it. I was obviously concerned from time to time about people getting their safeties in and I asked the question of the sailing office on a regular basis, like, twice or three times a day - - -

Q32 Yes.

A - - - to ensure that that was happening.

Q33 What type of responses did you get to those inquiries?

A Positive response, to say that basically as normal a lot of people are very slow in getting their information to the club and I said, Well, pursue it - - -

Q34 Right.

A - - - actively and heavily.

Q35 And why was it, why did you think it was important to pursue that type of follow up so far as certificates are concerned?

A Well, I think it's important or it's infinitely important that people have those safeties and all the

information required before they be permitted to race otherwise they'd be excluded from the race.

Q36 O.K. Now I don't know your experience so far as the technical side of things but are you aware that some of the requirements of documents prior to the race are in fact a safety inspection certificate, a crew list, next of kin list, a I.M.S. certificate with regards to stability? Are you aware of that?

A Aware of all of those things, yeah.

Q37 You're aware of all those things?

A Yeah.

Q38 So you as manager obviously placed a great deal of importance upon those documents being forwarded to the C.Y.C.A. and vetted, so to speak - - -

A Most definitely.

Q38 - - - and checked?

A Most definitely.

Q39 O.K. Were there any stages that you felt as general manager that that process wasn't being done?

A No. I was confident that the sailing office were doing all in their power to ensure that that information was being gathered and I continued to remind them that it wasn't those people, the relevant people without the information in would be excluded.

Q40 Now were you aware of where that documentation went upon its arrival at the C.Y.C.A?

A It was held by the, the sailing office.



Q41 O.K. Now you said before that it was important that this documentation was in, in order otherwise one would be excluded from the race. Can you explain to me a little bit broader than that so far as why that documentation is required for a race?

A Well, it's in part of your sailing instructions and certainly notice of race that you must have those documents in place or otherwise you're not allowed to race.

Q42 Do you think that those instructions are in place for reasons other than safety as well as safety being a major factor?

A Yes. I think it's important that the administration of the event through the International Sailing Rules, these, these events are covered because particularly certificates of I.M.S. rating and others are important for handicap reasons, safety reasons. Next of kin as I found out are extremely important.

Q43 Yes.

A As I found out, some of those numbers were incorrect - -

Q44 Right.

A - - - which is very sad in some ways.

Q45 O.K. Now after the race commenced on the 26th, actually prior to the race commencing, what type of, of set up was there at the C.Y.C.A. so far as media rooms and race control room and communications room and that sort of thing?

A Basically, we allocated a room upstairs to the media, Peter Campbell being in charge of that. We offer one of our staff to, in that, in that support thing and the race control basically moves from the C.Y.C. to Hobart because it's necessary that we base all our operations down there, that was just an operational decision made by the race committee and others that, and I ensured that the media room and other areas were covered because they used to move in en masse and this time, and I think the previous year we split the team so that some would remain behind for communication reasons and some would go on to Hobart and then finally they'd all be down there.

Q46 O.K.

A The thing would sort of be in full mode, like, you know, the next morning - - -

Q47 Right.

A - - - or the day after Boxing Day, the 27th.

Q48 Are you aware, was there any disaster management plans in place at the C.Y.C.A. prior to the 1998 Sydney to Hobart Yacht Race?

A There is a plan that's written somewhere, I haven't seen it, it's basically in, in the documents that are in the sailing office.

Q49 Right. O.K. Now back to the committee just for a second and the, the emphasis on the forms and you know, the forms that are required to enter a race. Would it surprise you if I informed you that a number of boats,

or boats sent certain certificates in, I'm talking I.M.S. certificates which had expired. What would be the response, do you think, as a member of the committee if somebody sent in a certificate which was expired, an I.M.S. certificate which has expired? What would be the usual action to be followed?

A Well, that person would be told to get it updated if they, if there was time allowed. If there wasn't time allowed I feel they should have been excluded from the race.

Q50 Right. And would that be done orally or in a written form, to ask someone to get their papers in order?

A It would be done both, I'd imagine.

Q51 Well - - -

A Ring them immediately and you know, they'd, if they couldn't get hold of them by phone I think that they should, I'm not sure whether they did or not - - -

Q52 Yeah.

A - - - I'm sure that they would have contacted them by fax and said, Look, you know, get this crew list or I.M.S. certificate or whatever, is outstanding, and that was also done at the briefing - - -

Q53 Right.

A - - - the day before and on Christmas Day, that if those people that weren't up to speed - - -

Q54 Yeah.

A - - - they'd be excluded from the race and those - - -

Q55 As far as documents are concerned?

A Yeah. And those boats were actually named.

Q56 O.K. At the briefing on race day or the day before?

A No, no, it's, it's either the 24th or the 25th.

Q57 Right.

A Just my mind's not - - -

Q58 Were you - - -

A My mind is very - - -

Q59 No, that's fine. Were you present last year at, at that briefing?

A Yes.

Q60 Do you recall any boats being mentioned - - -

A Yes.

Q60 - - - about insufficient documents?

A Yes.

Q61 Who raised that issue?

A It was either Phil Thompson or the Commodore.

Q62 Right. And do you recall the boats - - -

A No.

Q62 - - - in question?

A No. I basically leave that responsibility to - - -

Q63 Yeah. That's, that's fine. Would you find it surprising if a, if there were for example seven boats of the same hull, say for example, say a Dunckinson 35 boat - - -

A Yeah.

Q63 - - - would you find it and for example, six of the seven Dunckinson 35's in the race all had I.M.S. certificates indicating their stability index and the

seventh boat sent an application to the race committee asking to be accepted in the race on the basis of the stability of the other six boats, and that alone? Would you find that surprising?

A No. Because that's something, as long as that boat hadn't had any changes in its construction or keel or any other aspect of its weight - - -

Q64 Yeah.

A - - - it would have somewhere consideration to accept it as long as it was proven that that boat was, was certainly not changed in any format.

Q65 And how was that proved?

A Because that's a designer's standard.

Q66 Certainly.

A It's like a motor car, you know.

Q67 That's right.

A If a car's not changed, technically it should be the same.

Q68 Yeah. Who would, would that be the responsibility of the skipper to provide a stat dec or similar or just on, on, on one's word?

A I think that'd be a stat dec, I'm not absolutely sure on that.

Q69 Right.

A It's not an area that I - - -

Q70 No, certainly, that's all right. Now I've been informed that on the afternoon of the 26th forecasters from the Bureau of Meteorology, or in fact a storm

warning was issued at 2.14pm on the, on the day of the race, on the 26th of December. Following that as a result of the forecasters, making a decision together in discussion, forwarded a fax to the C.Y.C.A. which went to a pre-determined fax number and was subsequently followed up by a phone call, to whom that phone call was, was made to we don't know. Would you be able to take me through what would be the chain of command or the routine if say, that fax ended up in the media room, for example, or race control. What would be the usual chain of command for those sort of notices from the Bureau?

A Well, the, the, the fax should have gone basically to the club, which would have been the club's fax or the sailing office fax and someone within that office and there would have been someone there at the time, should have forwarded that to Phil Thompson, Howard Elliot or perhaps Hans Sommer, either in Sydney if they could find them which was the afternoon where most of us were still out on the water, or made us aware when we came back from the race start of what was going on. If it went to the media room Peter Campbell is a very, very responsible journalist and he's very much associated with ocean racing and I would think that he would certainly get that to Phil or Howard or someone that, that should take note of that.

Q71 O.K. Now if that had arrived, say, in the hands of Phil Thompson or Hans Sommer or Howard Elliot would

they have convened a meeting in relation to that to discuss it? What would be the usual procedure?

A I would think most definitely they would either convene a meeting of the race committee or certainly contact the Commodore and others, the Commodore was racing so it would have been hard for them to contact the Commodore. So it would have been back in our or the committee's hands to - - -

Q72 Right.

A - - - certainly convene a meeting.

Q73 And are you aware was there such a meeting convened just after the start of the race?

A No.

Q74 And typically you would have been invited to that meeting ordinarily?

A Certainly I would have expected to be, yeah.

Q75 If you weren't there you most certainly would have been informed?

A Mmm.

Q76 O.K. Now you said - - -

A .....

Q76 - - - that prior to the interview you and the race, certain members of the race committee flew to Hobart on the 27th?

A Yes.

Q77 O.K. Can you tell me who you flew to Hobart with?

A Basically I flew to Hobart with Hans Sommer on about an 11 o'clock flight on the 27th. The other members of

the committee, Phil and, Phil Thompson and Howard Elliot, Mark Robinson and some of the media people went early, some went late on Boxing Day and some went early on the morning of the 27th.

Q78 Was David Boys on your flight, are you aware? You know David Boys?

A Yeah. I know David, I can't recollect.

Q79 O.K. On your trip down to, to Hobart did the aircraft at any stage or did the skipper of the aircraft at any stage drop altitude so that people could see the race, are you, that you can recall?

A No. He didn't, I can't confirm, no, we, I, the, the usual direction is basically straight, straight over Cooma and down through, down that way, I think we went via Melbourne - - -

Q80 Right.

A - - - which is - - -

Q81 O.K.

A - - - a pain in the backside.

Q82 Now upon your arrival in Hobart, so you and Hans Sommer would have been the first two of the committee that actually arrived in Hobart?

A No, Phil Thompson and, and the others would have, were already there.

Q83 Oh, on the 26th they left - - -

A They went down - - -

Q83 - - - presumably?



A - - - late on the 26th or early on the 27th, I'm not sure - - -

Q84 O.K.

A - - - who went where but it was split so that someone was here - - -

Q85 Yeah.

A - - - until others arrived, they took computers, they took other stuff so that a rollover of the committee went from Sydney to Hobart.

Q86 Right. Now upon, upon your arrival to, to Hobart were you aware of any problems that had been picked up during the race?

A Basically there were some noises being made about weather and early in the piece it was discussed in the committee that Peter Bush was going to make himself available and he would be the spokesperson on behalf of the club based at Sydney until the Commodore or others, particularly the Commodore got to Hobart and then things would sort of progress from that basis.

Q87 So when you say, there were noises made about the weather, whereabouts were those noises made?

A Discussion from Phil and others that, that had become aware of obviously the position that was developing.

Q88 Were they concerned about that in your - - -

A Yeah. There was concern, there's always concern about bad weather.

Q89 And were there any, was it, you know, was it discussed or bandied around whether or what action they could take or what they should do about it?

A Well, basically it was discussed at great length that, that Lou Carter should be informed and those warnings should go out to all the, all the skippers.

Q90 O.K. Are you able to tell me who sent the message to Lou Carter to pass on the particular rule in relation to skippers' responsibilities?

A Oh, we discussed, we spoke to Lou regularly - - -

Q91 Yeah.

A - - - and it would have been Howard Elliot or Phil Thompson or Mark Robinson.

Q92 Right.

A Either of those three - - -

Q93 Yeah.

A - - - would have discussed things with, with Lou, they were the only three that were in charge of discussions with, with him.

Q94 Right. Now at the time down at the Royal Yacht Club, Tasmania I believe Sam Hughes from AusSAR - - -

A Yeah.

Q94 - - - was present?

A Yeah. We request him in particular to come each year because he's, he's familiar with ocean racing and I think it was a, a good proactive move to have someone like him present.

Q95 O.K. Are you also aware if a gentleman by the name of Brian Wiley was there as well, a person from AusSAR?

A No.

Q96 O.K. You're not aware of any discussions held or, sorry, I could tell you that a person by the name of Brian Wiley was with Sam Hughes, just for your information that's all.

A Sorry?

Q97 I can tell you that there was a person named Brian Wiley - - -

A Yeah.

Q97 - - - there with Sam Hughes who was from AusSAR?

A In Hobart?

Q98 Yeah. That doesn't mean you knew that, I'm, I'm just, I'm telling you there was. Are you aware of any conversations that this particular person had with Sam Hughes in relation to discussing the weather situation with the race committee?

A No.

Q99 O.K. That's fine. What was your personal feeling on the weather situation?

A Well, I'd done '92, '93, '94 Hobart and, you know, the comments were, It looks like another '93.

Q100 Yeah.

A I've been out there in Bass Strait and it's a, obviously concern, obviously, you know, to ensure that those guys sort of made it - - -

Q101 Yeah.

A - - - make them aware.

Q102 O.K. Now so far as your position at the C.Y.C.A, you don't have to answer this question obviously, are you able to tell me what the circumstances surrounding you leaving the Cruising Yacht Club?

A Well, basically I put a management plan to the club to, for me to stay there til 2001, I always advocated that I was staying til 2001 and I felt that the building construction at the club should proceed after 2001. The board and committee decided that they wanted to build it before then and I just said, you know, I just think that you're wrong.

Q103 Yeah.

A I said I'd find it difficult to continue to work in those circumstances if I'm suggesting you go on this path and you guys want to borrow all this money to rebuild this clubhouse, I just think you're wrong 'cause I'd sort of taken it on my, you know, previous experience and history that I'm a successful administrator and we'd put enough money in the club to build that new marina and I was happy and pleased with those results 'cause the club had lost 350,000 in their 50th year and I just steadily, steadily turned it around and just increased the profits and then all of a sudden Hugo and Hans walked in and said, you know, we're parting ways. And I said, It's a bit of a surprise to me, I said, What's the reason? He said, Oh, we've lost confidence in you. So, fine, O.K. I

said, Are you aware of the circumstances that Middle Harbour Yacht Club sacked their general manager? I said, You know, I'll have to consider my position on such. And they said, Oh, no, we'll offer you a nice package and that's it. And I said, O.K. fine. So we negotiated and I accepted the package and left.

Q104        Yeah.

A            So my feeling of the matter was basically it was just an argument about, you know, the rebuilding of the club and borrowing the \$5 million concerned. I mean I'm just, think that they, I still think that, as a member of the club, that they've made the wrong decision to have the club out of action for 12 months leading up to the Olympics. I felt that we should have worked for another 2 years, used the club extensively within, you know, the relevant control authorities, the council and licensing laws and other things and take it through to 2001. You would have got a cheaper deal to rebuild the club, you would have been through all that busy period with people trashing your club and I just said, What happens if there's bad weather or a glitch or something between now and the Olympics, you know, you won't have the club. So I was deeply concerned that they were building a clubhouse, paying a premium to have it built and building it at the wrong time.

Q105        Yeah.

A            So I was fairly vocal about that and - - -

Q106        How was, sorry?

A That's all I can assume is, is you know, the reason for my departure.

Q107 Right. How as your relationship with the Commodore, Hugo Von Kretsumar prior to that?

A Oh, Hugo and I got on fairly well, we agreed to disagree on matters. I mean I'm fairly outspoken on things that I know about.

Q108 Mmm.

A And he's probably the same way.

Q109 Yeah. And the situation, relationship with Peter Bush?

A Oh, Peter's, Peter and I got on extremely well, he was the Commodore before Hugo and Peter was a very technical person, my management skills are probably with people and they're probably not so theoretical as some would like, but hey, you can't do everything, right. So I got on well with Bushy, Bushy would remind me that you know, to make sure that a lot of documentation and stuff were followed up with audits and stuff like that.

Q110 Yeah.

A And I was working on all that.

Q111 So as the C.E.O. or the manager of the club you would report to the board. Is that correct?

A Yeah.

Q112 And sort of you were responsible to them and them only  
- - -

A Yeah.

Q112 - - - so far as decisions and - - -

A           Yeah.    I'd attend board meetings and they'd make decisions at board meetings, they'd be minuted, the different, different, like, the house, the race committee of the race, not the race committee, the sailing committee and other committees would report to the board, the board would deliberate on what was happening, that'd be minuted and then I would take those minutes and act on those and make sure that what was minuted would, would be completed because they'd review that next month and they'd say, Well, has this been done, has this been done, has this been done? And I'd say, Yes, yes, no, whatever.    And that's how basically management was run.

Q113       O.K.    And we'll just take you back to Hobart when the discussions were conducted in relation to the weather.    Were you aware that the services of Mr Greg Halls were requested to travel to Eden to monitor the situation down there?

A           Basically, yes, I was aware that Peter Bush had been contacted by Greg and I think it was basically his decision or someone's decision at the club in Sydney to send Greg down to monitor.    I guess looking back to the '93 race when we ended up in Eden there were, you know, 100 odd boats down there and it, it'd be nice to have a C.Y.C. representative talking to the local community and looking after the needs of any sailors that might possibly get into Eden or be forced into Eden.

Q114 Right. At any stage after the Sydney to Hobart Yacht Race last year was any suggestions made to you or any coercion applied to you not to cooperate with the coroner's investigation team?

A Absolutely none.

Q115 O.K.

A And I would have objected strongly - - -

Q116 Right.

A - - - if anyone under any circumstances would have come forward to that and I'd think they'd know my feelings on that anyway.

Q117 Right. Now are you, as I introduced that report to you, the C.Y.C.A. Race Review Committee report and you know about it but you haven't read it. Are you aware of the situation with the Business Post Naiad so far as its stability?

A I was aware of it after the event, there was some discussion over a period of time, not with anyone specific but it was just the general knowledge that basically the boat, there were some problems in the stability rating.

Q118 And that was indicated on the certificate, were you aware of that?

A I wasn't even, I wasn't aware of the certificate - - -

Q119 O.K.

A - - - but I was aware that the thing had some problems. I, I was, I know the boat, in the '93 race it rolled ahead of me, I was on a boat and we were the first



there, they put a flare up and there was a connection, you know, that was the old New Zealand boat, what was its name?

Q120 Swazzle Buzzle?

A Yeah. Swazzle Buzzle IV.

Q121 So that same boat in '93 rolled?

A Yeah.

Q122 Are you aware of who was the skipper of that boat or -  
- -

A No.

Q123 And that was in front of you?

A In the race in '93, yeah.

Q124 What vessel were you on at the time?

A In the boat called Elusive.

Q125 Right.

A Which is owned by a fellow from Wollongong, Jeff Lomis.

Q126 What sort of conditions were there in that particular race when that boat rolled over, are you aware?

A Fairly horrific.

Q127 Right.

A It was blowin' 50 or 60 knots.

Q128 Yeah.

A Seas were about 50 foot.

Q129 Did you have any thoughts, did you connect sort of the two things together when you heard about the Naiad so far as the stability?

A I didn't until well after the event when someone somehow said it was the same boat but renamed, then I thought, Oh, you know - - -

Q130 Mmm.

A - - - maybe there's some, some connection there.

Q131 Did you ever hear a whisper that early on in the piece when this became known to the club about the stability problem were you aware that club utilised the services of Mr David Lyons, a naval architect, to specifically look at the Business Post Naiad?

A No. I wasn't aware of that.

Q132 Did you ever receive or hear any information about that as far as the club was concerned the police were not to find out about this?

A No. I wasn't aware of that.

Q133 O.K. Do you find it surprising when that, the systems were in place, administrative vetting systems were in place to check the documents we've just previously spoken about were in fact missed or omitted or overlooked by the committee?

A I do find it very surprising and I was, would have been aware of it I would have made certain that something would have been done about it because that's just something that, you know, in my management role - - -

Q134 Right.

A - - - that I would have objected to.

Q135 Do you think that that should have been brought to your attention - - -

A .....

Q135 - - - not only as manager but as a member of the committee?

A Yeah, most definitely.

Q136 Now were there at any stage prior to the race or just as the race started any, any discussions in relation to postponing the race for some, some hours or, or a day or so?

A No. There was, the information that, that I received or we'd received was, you know, the race was into full swing and to postpone the race would mean that those out in Bass Strait would have to come back through part of the storm. So it was well into the race we're talking about.

Q137 O.K.

A And the responsibility was left to individual skippers as it always has been. So - - -

Q138 Could, sorry?

A - - - it wasn't specific with me, it was just - - -

Q139 Yeah.

A - - - a generalisation.

Q140 Does a situation exist where the Sydney to Hobart which has, which traditionally starts on the 26th of December, could there ever be a situation where the committee or the club would exercise its, its power to in fact postpone the race?

A Most definitely, they discussed, the committee discussed it, I'm not sure whether it was, this was

probably in Hobart, that if they would have had the information that they would have postponed it to let that front go through and then proceed with restarting the race.

Q141 So how much time earlier would that have been sufficient to make that sort of decision or have that discussion?

A Oh, I don't know the logistics - - -

Q142 You don't?

A - - - of how, of how, how they could postpone it but I'd imagine if they had the information on the morning of Boxing Day that they would certainly do something if it was, you know, aware that, that basically the information was severe, the information I was receiving is that, you know, there was a severe front but it was nothing to the extent that actually - - -

Q143 Happened.

A - - - actually happened.

Q144 Can you imagine the ramifications of making a decision to postpone or cancel the race?

A Yeah, I can, but you know, if it's people's lives and other things that are happening, it's got to happen.

Q145 We might, we might stop the interview for a change of tape. The time on my watch is now 1.31pm. This interview is suspended for change of tape.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q146 The interview between Detective Senior Constable Gray and Mr Bruce Rowley is continued. The time on my watch is 1.40pm. I think prior to the suspension of the interview we were discussing the ramifications of cancelling or postponing the race and you mentioned that if the information had been received early enough that is something which would be discussed.

A Certainly, yeah.

Q147 And I think you also mentioned that in fact it was discussed and the agreement was that the information about the weather hadn't come in early enough. Is that  
- - -

A That's my understanding.

Q148 That's your understanding?

A Yeah.

Q149 O.K. If I could just show you a document now which is a copy of the fax which was sent to the pre-formatted number from the Bureau of Meteorology to the Cruising Yacht Club at 14.49 on the 26th of December, '98. I'll show you these documents, that's the transmission report to say in fact that the, the fax was successful and these are the accompanying faxes, were forwarded to that area.

A Yeah.

Q150 Did you see those documents?

A No.

Q151 Are you aware of anybody else who saw those documents and brought it to your attention?

A Yes. I was aware of basically these forecasts, the numbers.

Q152 O.K. And in particular a storm warning?

A Not in, not the storm warning, basically the 20 to 25 knots up to 35 and, and the size of seas.

Q153 Right.

A It's 1 to 2 metres rising to 3, I was, I was aware of that particular forecast, yeah.

Q154 O.K. Now looking at a copy of these faxes now and seeing what's written on them, had you have received notice of that personally what actions or steps would you have taken so far as that was concerned, anything?

A Oh, basically, I've been out in, in weather far more severe than that and - - -

Q155 Yeah.

A - - - I would understand that there'd be concern about this but certainly if there was a forecast saying that it's going to be up to 90 knots of breeze, etc. etc. which is what some boats experienced - - -

Q156 Yeah.

A - - - that's totally different from that, that forecast there.

Q157 O.K. Now you, you've probably heard in recent times, you've probably heard in recent times that the Weather Bureau has put out a formula in relation to 40 per cent

addition to wind strengths which are given and 87 per cent increase in wave heights as, as predicted?

A Yes. I've heard that the variation is considerable but I, I don't remember the specifics.

Q158 Well, if I tell you that in fact it was 40 per cent that they said on, on winds and 87 per cent on waves, so if the gale warning was at 25 to 30 knots and one added 40 per cent, I'm not very good at figures. If one put 40 per cent onto the 30 knots, you being an accountant might be able to sort of give me a rough idea as to what that would be?

A It'd be about 50, 52 knots.

Q159 O.K. Does that have any bearing on or that, did you consider that or did anybody else that you're aware of consider, consider that formula?

A Well, as I explained early in the interview I'm not technically orientated to - - -

Q160 .....

A - - - towards the higher and lower levels of what the wind strengths would be acceptable to, or whatever, but basically when you receive a forecast it's very rare that people add that 40 per cent and say, That's what it's likely to get to.

Q161 Yeah.

A That's just me personally - - -

Q162 Yeah.

A - - - that's not, that's not within the club or anything so that decision to accept those wind

strengths and basically make a decision on the race would, would totally be in the hands of the technical people, Phil Thompson, Howard Elliot and Mark Robinson and I guess the board eventually.

Q163 Right. O.K. Are you aware if there was any continual checking or monitoring of the race track, so to speak, Sydney to Hobart, by the committee, members of the committee during the race so far as weather was concerned?

A There's always a, a constant discussion with Young Endeavour at sea and we're always getting feedback from them, basically what the conditions are so even outside of scheds there is some discussion about weather. So there is a constant monitoring of the weather out at sea rather than through the forecasters and others, we've got someone physically on the race track and certainly different skippers who are experienced do come in with some of their scheds and we listen to the scheds specifically and they do nominate what their conditions are like.

Q164 O.K. Are you able to tell me what the attitude was from the club so far as the loss of six men during the race, other than sadness?

A Well, the attitude of the club was horrific, I mean we were all devastated by what happened and certainly the club, this is talk generally - - -

Q165 Yes.



A - - - and myself involved would proceed to do whatever possible we could to improve the whole organisational structure of the race moving forward to try and avoid anything happening of a similar nature in future. However making that comment, it's, you know, understanding that the Fast Net race was a disaster and other events were disasters and just to be at the wrong place at the wrong time seemed to be what happened to the poor unfortunates in the middle.

Q166 O.K. At any stage after the, the race and the setting up of the race review committee were you approached to be or were you interviewed by that committee as your, in regards to your position in the club?

A No.

Q167 Your position on the race committee?

A No.

Q168 Are you aware of any other members of the race committee who were interviewed by the club?

A Yes.

Q169 Are you able to tell me who they were?

A Phil Thompson and Howard Elliot but he was part of that committee.

Q170 Right. So it would be fair to suggest that because you weren't sort of a technical person on that committee there was really no need to, to interview you?

A That's what I assumed.

Q171 That's what you assumed?

A Yeah.

Q172 Did you think it would have been prudent to interview the whole of the committee as a race review committee?

A As an outside observation I would say yes.

Q173 O.K. Now I believe after the, the deaths in the race and the trauma that was associated with those deaths and people who were in the race organisation and the race control rooms, a crisis counselling was organised for those individuals. Are you aware of that?

A Yes.

Q174 Who, who was the manager in charge of that side of things?

A Basically, we were contacted by Launceston and then by someone in Hobart that psychologists were available to come and talk to us.

Q175 Right. O.K.

A We accepted that advice and organised to speak to some of those people that actually came to the Royal Yacht Club, Tasmania and spoke with us generally about anyone needing - - -

Q176 Right.

A - - - that sort of help.

Q177 Now from your position as the manager of the club are you able to tell us your views so far as responsibility of the club with that type of thing?

A Well, my personal views and certainly the ones that I acted upon was that all the families, staff and other members of, race committee and anyone affected by this would have that facility available, it was made

available to our staff in Sydney not through any action of mine but through Peter Bush' movement up at that end and I made contact with other people in Launceston to speak to the two women involved in, in, in Launceston through, it was just a Government based organisation and on my return to Sydney I extended the brief of the psychologist that was working with the club onto family members and anyone else that felt that they needed that basic support as an individual decision and it was later confirmed by the, the board that what I'd done was totally acceptable and very much being proactive in  
- - -

Q178        Yeah.

A            - - - getting on with it because that's the time when people needed it.

Q179        Yeah. So did you bring that to the board's attention or was it brought to their attention by, by others about what you were doing for the organisation so far as that was concerned?

A            I spoke to Hugo about what I was doing.

Q180        Right.

A            He's the Commodore and said that I'd organised that basically to be extended, and he said, Fine.

Q181        So do you feel then that, that it is an organisational responsibility in this situation that the club pursue that and continue with that type of care?

A            Most definitely I think it's the club's responsibility.

Q182 O.K. Now so far as race organisation and, and entrants and organisation are concerned, do you from your experience believe that a lawful contract is formed between the race organisers and the entrant, so far as the exchanging of money and offer and acceptance?

A I'm not a lawyer but I really can't comment on that.

Q183 O.K. Are you able to comment on whether the club has a duty of care to the entrants in their race?

A Well, certainly any organisation running any event has a duty of care to protect its competitors and to ensure that the information that may be out there is given to them in a responsible manner from time to time.

Q184 O.K. Are you aware that a trust fund was set up after the race?

A Yes, very much so.

Q185 You had some input in, in regards to that?

A Yes.

Q186 Can you tell me what the money was going to be used for from that trust fund?

A It was basically going to be used to support the families and others associated with the event that had, that were in a situation of need. It was also going to go forward and do some research into safety at sea.

Q187 Right. Are you aware if, if, if any of those funds actually reached Mrs Guy and Mrs Skeggs in Tasmania?

A I wasn't aware that they had received any funds, but I certainly made a lot of noise that they should receive some funds, particularly Mrs Skeggs because I knew her

financial position and had recommended that certain funds were made available to her and those, the board members that were in control of that fund accepted that and said that that's a distinct possibility.

Q188 If I was to inform you that up to the 10th month of this year, some 10 months after the event neither Mrs Skeggs or Mrs Guy have received any funds from that trust fund, would that surprise you?

A It would surprise me because I feel that those funds should have been made available particularly to Mrs Skeggs, Mrs Guy I spoke to as well and she informed Mrs Skeggs' position plus the psychiatrist from Launceston felt that, you know, she was handling it from a financial position but it would have been appropriate to make a recommendation to give her some funds at some stage and I pursued that with, with members of the board.

Q189 Right. In relation to the financial situation between the Royal Yacht Club, Tasmania and the C.Y.C.A. so far as the yacht race is concerned, are there funds forwarded to the, to the Royal Yacht Club, Tasmania to assist in the running of the race or the completion of the race, finishing the race, so to speak?

A Yes, there are, there's a formula based on a percentage of the number of entries and there's also a percentage of the sponsorship fee that we receive.

Q190 Right.

A So if we receive no sponsorship they, they don't get any funds but if we do they get, I think it's, 11 or 12 per cent or something of that nature.

Q191 Right. Now were you aware last year about the installation of a number of iridium phones on 10 vessels, selected vessels?

A I was aware of some iridium phones but I, I wasn't, there weren't 20, there were two, as I understand it.

Q192 O.K. Well, I've been informed there were 20 vessels equipped.

A There were vessels with Satcom C's and, and certainly a facility for email and other things but iridium phones, I understand there were only two.

Q193 O.K.

A That's how, that's, that's my - - -

Q194 Yeah. Certainly. Are, are you aware, we've been informed that in fact those phones weren't connected prior to the race.

A I was aware after the event that that was the case.

Q195 Are you able to expand on that as to why that was the case?

A Well, Telstra were our major sponsor and in the good will of their sponsorship they offered those phones to the different competitors the same as Satcom C and others and basically we felt it was their technical responsibility to have them connected.

Q196 O.K.

A It wasn't a safety issue, it wasn't anything - - -

Q197 Right.

A - - - other than - - -

Q198 Certainly.

A - - - than Telstra offering these things to certain competitors.

Q199 Right. Do you know, so the iridium phones, so there weren't just iridium phones sponsored by Telstra, they were Comsat - - -

A Satcom C's - - -

Q200 Satcom's.

A - - - and other technical information there - - -

Q201 Right.

A - - - other technical hardware.

Q202 Right. And is it the case that none of that was activated?

A No, no, it all worked - - -

Q203 Right.

A - - - except for the iridium phones - - -

Q204 Except for the iridium phones.

A - - - as I understand it.

Q205 Are you able to recall which boats were affected so far as the - - -

A I recall basically that Martin James complained that his iridium phone didn't work when he really need it and he was on Team Jaguar and that's, that's all, that was basically as much as I knew.

Q206 O.K. Now if I can just take you back to the funds that, solace funds, I think it's called. I mentioned

to you that in fact no funds have been released to the widows in Tasmania, I can also expand on that to say that there's been no funds released to the, to the widows in Sydney. Would that surprise you as well?

A Well, it wouldn't surprise me but I think basically the funds were going to be allocated at some stage when they'd made a decision to do so. I was urgently pursuing Mrs Skeggs in particular because I knew her financial position was difficult but the, the reason why the people in Sydney weren't a great priority of mine was that they received some funds from their insurance policy which was something that I felt I had something to do with, with the Y.A. of New South Wales

- - -

Q207 Yeah.

A - - - the fact that there was a, they all received \$100,000.00 and - - -

Q208 Mmm.

A - - - the Tasmanian Yachting Association didn't have that policy in place and therefore those two particular women in Hobart suffered more than the three families up here.

Q209 Yes.

A So that, and Mrs Guy assured me that her financial position was O.K. She didn't expand on that but she said Mrs Skeggs wasn't a wealthy person nor was their family well off, he was a, I think he was a locksmith or something and it'd be a great gesture to have some



funds moving forward so that was the emphasis that I focussed on, was trying to help her.

Q210 O.K. Now when the, the C.Y.C.A. reported that they were going to set up their own independent inquiry were you aware of any or did anybody approach you about the, the way in which that inquiry would be set up and the seriousness of the way in which it would be conducted?

A No, there was no discussion with me over it.

Q211 Well, did anybody ever approach you in relation to the recommendations on which Mr Peter Bush chaired a similar inquiry in 1994 in which a number of recommendations came out of and were never introduced?

A No, I was, I was never aware of that until obviously 3 or 4 months after the race there were some overtones heard internally in the club through staff that there were some recommendations that weren't implemented.

Q212 From the '94 inquiry?

A Yeah.

Q213 Did that, did that come from members or just staff? Members picked up, so staff picked up on various conversations?

A Yeah. It was more an internal thing - - -

Q214 Right.

A - - - from the staff side of things, yeah.

Q215 O.K. Before I hand you onto David, who may have some, some questions, no, I'll, I'll hand you right on now. Dave?

SENIOR CONSTABLE UPSTON

Q216 Bruce, we mentioned earlier that the, the committee's, the sailing committee's or the race committee's overview was to make sure that, that safety certificates and I.M.S. certificates were all checked and, and to make sure that everyone was eligible and that's basically what you said. Is that correct?

A Yeah.

Q217 At any time did the race director bring to the committee's attention that the Business Post Naiad's I.M.S. certificate would be checked as it didn't comply?

A No.

Q218 Was it ever brought to the committee's notice that a number of safety certificates were returned as a result of the ineligibility of these certificates?

A It wasn't brought to the notice of the safety committee, it was brought to my notice through my inquiries at the sailing office, regularly I'd be in there once or twice a day just checking up on procedural things to ensure that all these documents were up to speed - - -

Q219 Right.

A - - - putting pressure on those staff members to make sure that, you know, by the cut off date everything was, was complete.

Q220 Are you aware of any vessels failing to meet the safety requirements on the day of the race?

A No.

Q221 If I mentioned the vessel Terra Firma that sailed in the 1998 Sydney to Hobart Yacht Race failed its certificate, its safety certificate inspection on the day of the race prior to the race and that it was rejected until certain things took place and then it still sailed as a result of the certificate not complying, what are your thoughts on that?

A Well, if I would have known about that I would have certainly taken a lot further action on that.

Q222 In the sailing office whose ultimate responsibility is it for checking these documents and bringing it to the attention of the sailing committee?

A Phil Thompson's.

Q223 Anyone else in that office?

A He's the ultimate person responsible for it, Andrea Holt and Mark Robinson work under him and they would have been involved in certainly the processing of those documents from time to time but Phil's, ultimate responsibility, is his, rests with him.

Q224 If we show you some documents where the signatures appear on them, on these, on these documents with the word, Gus, what can you tell me about that?

A Well, Gus is Andrea Holt - - -

Q225 O.K. Now - - -

A - - - who's a staff member in the sailing office.

Q226 O.K. Was at any time Phil Thompson away from the, the sailing office for various reasons either through

illness or on leave that Andrea took over the role of Phil Thompson?

A Well, she never took over the role of Phil Thompson but it's possible that she would have been involved in the collation of basically putting these things together, yeah, that's Phil Thompson's initials up the top, I'm not sure who the second ones are.

Q227 Right. We're looking at a document at the moment which is an application for entry form and it is in fact the Business Post Naiad's, previously Swazzle Bubble VI. And it has a stamp, received, obviously is this stamp from the sailing office, and it's dated the 29th of September, 1998?

A That stamp I think is from the, the club itself and then the mail would have gone on to the sailing office, certainly, yeah. I mean that's a general stamp, I'm not sure whether that's C.Y.C. or not, but I'd assume that all documents have got that stamp on them.

Q228 And on the top right hand corner can you, you see there's two initials? Could you just explain what you think they may be?

A Well, the top one is certainly Phil Thompson's initials because I recognise those, the other one I don't.

Q229 O.K. And just, and I know you may not be familiar with the functions of, of the application forms and, and the criteria of the race entrant but I bring to your attention a section where it says, I wish to enter a various, a category of the race - - -

A            Yeah.

Q229        - - - and there's a tick next to the I.M.S. What, what would you glean from that?

A            Well, he wanted to enter the I.M.S. section of the race.

Q230        And that would indicate to you that he must comply with the sailing directions of the I.M.S. division. Is that correct?

A            Yes.

Q231        Which would indicate to you that the requirement for that, unless there's a grandfathering effect, that it, that, that the stability index of the vessel would be either 115 degrees or greater?

A            Oh, I'm not aware of the 115 degrees or greater, that's a technical thing.

Q232        Yeah.

A            But I'm aware of the fact that, that yes, it would have to comply and have to be a current, the certificate.

Q233        O.K. Are you aware of the term grandfathering??

A            Yes.

Q234        Well, what, what are your, what are your, what are your thoughts on the, on the terminology grandfather?

A            Well, basically if a, if a boat had raced in the previous events of the Sydney-Hobart race that some consideration was given to letting them enter again.

Q235        So you're saying that if, if the vessel under a grandfathering clause was, didn't meet the requirements of, of the 115 degrees, I, I put it to you that under

the grandfathering clause that the vessel, if it was over 110 degrees, that, and previously sailed that it could in fact be eligible for a race. Are you aware of that?

A No. I'm not aware of the technicality of that, I'm aware of the statement, grandfathering, that previous boats had raced in the Hobart had been accepted prior to this particular race, consideration was given that they race again, that's all I'm able to answer.

Q236 Yeah.

A I can't answer any of the technicalities of the different levels of degrees of stability and other things.

Q237 O.K. That's fine.

DETECTIVE SENIOR CONSTABLE GRAY

Q238 So far as the Naiad's concerned, Bruce, sorry to bring you back to this. Who actually informed you about the problem with the Naiad?

A I can't recollect but it was February, March - - -

Q239 Yeah.

A - - - after the event, it was, it came from somewhere, I'm not sure whether it was a fellow sailor or, or someone on the staff, more likely a fellow sailor but I can't recollect.

Q240 Do you recall if at the time there was any discussions about, we need to generally sort of cover our arse about this - - -

A No. There was never - - -

Q240 - - - damage control?

A There was never any discussion about that.

Q241 All right.

A Not with me.

Q242 That's all, that's all right. Did you hear of anything like that?

A No.

Q243 O.K. Look, is there anything further that you would like to mention to us that you think may assist us with this inquiry or anything additional that you'd like to place on record now, any views that you have or ideas about race organisation, certainly the administrative set up of vetting of vessels is one which is, needs to be addressed?

A No, I think the interview's been comprehensive and covered most of my concerns basically.

Q244 O.K. Dave?

SENIOR CONSTABLE UPSTON

(NO AUDIBLE REPLY)

DETECTIVE SENIOR CONSTABLE GRAY

Q245 The time on my watch now is 2.09pm. This interview is concluded.

INTERVIEW CONCLUDED