

DETECTIVE SENIOR CONSTABLE MOSTARD

Q1 - - - Richard Winning, a competitor in the Sydney to Melbourne, Sydney to Hobart Yacht Race. The statement is conducted at Mallacoota Police Station, on the 29th of December, 1998, and the time now is 9.39am. Richard, could you just say who you are, your, your address and occupation, please?

A Yes, I'm Richard Harcourt Winning of 73 Victoria Road, Bellevue Hill. I'm a company director by occupation.

Q2 Now can you read the statement that you're making the statement under your own volition?

A Yes. "This statement made by me accurately sets out the evidence which I will be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I've wilfully stated anything which I know to be false or do not believe to be true."

Q3 O.K. And your age is?

A Forty eight.

Q4 And, and the situation has been explained to you how this statement is being taken?

A Yes, it has.

Q5 Thank you, Richard. Could you explain to me the circumstances surrounding the race and your

involvement with the vessel, the Winston Churchill?

A Firstly, this was the second race that, second Hobart race that I done whilst owning Winston Churchill. I'd acquired the boat in 1996 and proceeded to give it a full overhaul and refurbishment with a view to doing last year's Hobart race, which went very well and this year we decided to go again. We were aware of the weather forecast pertaining to the low pressure system, we'd been given full information about that. We were handling the conditions prior to the knock-down very well, in my opinion, the, the boat was rigged with a storm jib only. Two men on watch at that stage, taking half hour treks at the helm. We had a mean wind speed prior to losing the vessel of about 55 knots, the highest reading I saw was 60, and I would have thought the mean was around 55 knots. The boat was doing very well, proceeding approximately 180 we were steering, and doing about five and a half, six knots, the boat was handling it well, in my opinion, everything was quite satisfactory, I was quite happy the way the boat was going. We then came, we were more or less quartering the, the seas I suppose at this stage, some were larger than others but none, none particularly frightening, until we got this one that was breaking just in the wrong spot. I was

on the wheel at the time, John Dean was on watch with me, we were both strapped on with harnesses, the rest of the crew were below. This particular wave broke green water over the, over the deck and and completely knocked the vessel down, both John Dean and myself were swept overboard and saved by our harnesses. When the boat righted itself, we found ourselves entangled up in the rigging on, suspended by our, our harnesses. John Stanley came up from below and disentangled us, and at that stage I thought that was, that was it, we'd recovered, got knocked down and recovered and we were back aboard. It then became apparent that the knock-down had done a fair bit of damage to the leeseide of the vessel, the leeward bulk the leeward bulwarks in the vicinity of the chain plates had been carried away. There was an opening in the hull, I believe, in that area, which was not enough to sink the boat, being above the water line in, that's ..... latitude. The windows in the navigation cabin had been completely stoved in on the leeseide. Electronics at that stage had been totally lost, as had the paper charts we were keeping. It then became apparent that the vessel had also sustained some sort of, of underwater damage because she started to make water very quickly, whether it was a, a sprung plank or maybe the mast pushed the bottom

of the boat or what the nature of that damage was, I, I didn't know. All I knew is by the time we realised what the situation was the boat was flooding pretty quickly. We then attempted to get the motor going, to use the power pump. The motor wouldn't start, a loss of electrics, I believe the cause there. At that stage, it looked that the, the manual pumps, the electric pumps weren't going to hold, so John Stanley and I gave serious consideration then to abandoning ship, it was decided to do that, and I put out a May, Mayday call on the VHF radio, I couldn't get the HF radio to work at all but I did put out a Mayday, with an approximate position, I think I told them I was 20 or 25 miles south-east of, of, what's that place there, Twofold Bay, but that Mayday was, was acknowledged. After that I couldn't get any further response out of the radio, so I, there was more than one Mayday call made but only one was acknowledged. So we proceeded then to, to abandon the vessel, both life rafts were gotten on deck and put in their position for launching. The crew was put in their, their, well they were all in their wet weather gear anyway, they just put on their life, life jackets on the basis that, that you should stay with the vessel until it is absolutely certain it's going to founder. We waited till the, the vessel was basically awash,

launched both life rafts. One was a six-man life raft, the other a four-man. We had one EPIRB, the, the plan was to rope both life rafts together and for us to stay together was, well, hopefully, for, for the duration. Both rafts were launched successfully, there was no drama in that. Five in one, four in another. At this stage we both had drougths out on the, on the life rafts. Not long after that they became separated, the, the rope got, either the ropes or, or, or, or the anchor points for the ropes weren't good enough for the seas, they became separated, which wasn't at the time a particular concern, they seemed to be going all right but after that happened we, I was in the four-man raft, very, very high seas and, and breaking seas, and the first experience of being capsized in, in a life raft. We were capsized twice that night, and it was necessary for me to get out of the life raft, swim out of it, get up and pull on the heaving line to, to right, to right the life raft while the, the three other guys were still inside. I did that twice, got back in the, in, in the raft. The last thing I, I, I saw prior to darkness falling was the other life raft, not very far away from us. There was no sign of them of course during the morning. We, we'd lost our drough by this stage, so we were just surfing anywhere and doing quite a bit of

speed so I didn't, that accounts for why we were picked up so far away from the, our original position. Apart from the capsizing we were in pretty good shape in the, in the life raft. We did have a problem with a, a damaged floor that, that was leaking, the, the bottom chain of the life raft was also leaking, so we were constantly baling and, and pumping that. What happened then?

And that was pretty well it, till, well, we, we also had damaged the, the EPIRB, which, we had, that broke its aerial, I didn't think it was working after that, but we, we still kept hold of it. I believe that the rescue, the rescue people did in fact pick up the EPIRB signal, that's how they located us. We, on the, on, on the morning of the next day we actually lost the EPIRB, we had it lashed in with this polypropylene rope, which was very difficult to tie knots in - - -

Q6 Mm.

A - - - and, and it got away from us, and we actually saw it go, I, I, I saw it go, I said, "Gees, we'd better get that back", but, yeah, there was just no hope of, because we were drifting much faster than it was, there, there was no hope of paddling, paddling back to get it, that would have been about midday yesterday - - -

Q7 All right.

A - - - I, I would think that happened. And then

later that afternoon, we sighted a fixed-wing aircraft, they were looking for us. We fired one flare, which I believe he didn't see, so we were pretty disappointed at that, then he came back again, we fired another flare and then we were pretty confident at that stage that he had seen us. He came back a few times, was circling around us and also an area a little bit to the north of us I would have thought, and the next thing we know the helicopter arrived, we were winched up and brought back to Mallacoota.

Q8           Excellent, Richard, thanks for that. Just, I'll just introduce myself at this point of time, that I'm Sergeant Richard Mostard from the Gippsland Water Police and also present in the room is Senior Constable Tony Bean, also from the Gippsland Water Police. Just a couple of questions, Richard. Can you describe the Winston Churchill to me, the size and the type of rigging it's got on board?

A            Yes, it's a wooden vessel, built in 1942 in Hobart. 51 foot long and the cutter rigged.

Q9           Thank you. And just to clarify, the, the date of the event was the 26th of December, this year, in Sydney?

A            Yes, that's right.

Q10          And being 1998?

A            .....

Q11 The crew on board of the vessel, could you just name the people on board the vessel?

A Yes, nine persons. Myself, John Stanley, Bruce Gould, Jim Lawler, Paul Lumtin, Mike Bannister and John Dean and also John Gibson. Michael Rynan was the other member.

Q12 Thank you, Richard. And who were, who was actually in your life raft with you?

A In my raft was Paul Lumtin, young Michael and Bruce Gould.

Q13 Thank you. The sea conditions at the time of the start, what were they like?

A At the start of the race?

Q14 Yes.

A Ideal conditions, a, a good, a good nor-east breeze, a, a terrific run down the coast.

Q15 Excellent. And was there a, obviously a change in weather at what location, ..... when that hit?

A It would have been just south of, yeah, just south of Jervis Bay.

Q16 .....

A Yes, yes, it went sort of, sort of west-south-west at that stage. We knew there was more to come from looking at the weather map. The vessel was, was fitted with weatherfax and we knew from the pre race briefings that there was something more to come. That was on the morning of the second



day, it started to pipe in more from the south-west. We progressively reduced sail through the day. After lunch it really came in hard, the sea started to build up quite considerably. At that stage we reduced, reduced down to storm jib only, the headsails were gotten off the boat and taken below and the main taken, taken completely down at this stage and, and lashed.

Q17 All right. Did you consider at any time to abandon the race and go into Eden or another safe port?

A No, it didn't really turn up as a possibility. Prior to the knockdown the vessel was handling the conditions really well.

Q18 All right. And how many times has that boat actually done the Sydney to Hobart?

A This would have been its 18th race.

Q19 And I'm led to believe it was also in the initial Sydney to Hobart Yacht Race?

A It was, it was, appeared in 1945 and the boat's done two circumnavigations under previous owners, so, there's no real doubt about its seaworthiness, I wouldn't think.

Q20 O.K. Do you remember the time that you actually gave the Mayday out?

A It would have been around 3.30.

Q21 3.30, and that's on the 20 - - -

A That was on the, a VHF channel 16.

Q22 O.K. And what date, the -?

A That would have been the 27th.

Q23 27th, all right, that's what I thought. O.K.  
Injuries. Was there any injuries to anyone in  
your life raft or on board the boat at, at that  
particular time?

A John Gibson, I believe had some facial cuts, he  
had a bit of blood on his face, apart from that  
there was only the, the minor scrapes and bruises,  
so, when, when the vessel was knocked those down  
below got knocked around, there were a few bruises  
out of that incident but nothing serious.

Q24 So it would be right to say that all those in the  
life rafts were fit and well at that point of  
time?

A Yes, that, that'd be correct.

Q25 O.K. O.K. The winching-in process, how did that  
go? Was there - - -

A On the helicopter?

Q26 Yes.

A Terrific.

Q27 Terrific.

A I mean, a wonderful job done by these fellows.  
The first fellow came down on, on the line with  
his wet suit and fins and just took it up, took us  
up one at a time.

Q28 All right. Can you describe the weather at that  
particular time?

A It had moderated by then, there was a still a little bit of a sea running but nothing, nothing serious. The, the breeze had moderated, it would have been lucky to have been 10 or 12 knots at that stage.

Q29 Yeah. When the Winston Charles, was, Churchill, sorry, was knocked down, did it do a 360, did it go all the way over?

A No.

Q30 Just knocked down flat?

A No, just flat.

Q31 O.K. O.K. Now the Mayday was on channel 16?

A It was.

Q32 O.K. You had the two life rafts, a six and a four?

A M'mm.

Q33 And you mentioned there was only EPIRB between the two of you?

A That's right.

Q34 Is that standard practice for ocean-going boats to only have the one EPIRB or -?

A Well, you're required to have one. I, I don't believe there's any regulation requiring one per, per raft, although it's certainly good practice.

Q35 So, yeah, so was, was there one on the vessel as well as the raft?

A No, the, the, there was only one on the boat.

Q36 One on the whole boat.

A Which was, you know, taken from its position and put on to the raft.

Q37 And you say it had a malfunction, was that as a result of damage sustained during the incident?

A Yes, well, the aerial had been broken, the, the top two-thirds of the aerial were broken off that first night, in one of those knock-downs in, in the raft.

Q38 All right. And you wouldn't know when it was last serviced, the, the ..... battery changed or anything?

A It was in service with its battery, it wasn't due for a battery change I don't think till November next year.

Q39 O.K. No problem. Do you know what, what direction you actually drifted in?

A Well, not really, no, I, I should have thought it, it was blowing sort of, sort of south-west, west-south-west, something like that, so I suppose we were drifting in a north-east, north-easterly direction.

Q40 And a difficult question, would you know the approximate distance you were drifting?

A Well, I'm told we drifted, we were found some 80 miles off the shore, and I would, I, I thought we were about 20 miles off the shore when it happened, so -

Q41 So it looks like 60-odd - - -

A Like, 60 miles east.

Q42 Which is a long way, isn't it?

A Amazing.

Q43 It is.

A Yeah.

Q44 Yeah. And you said you let two flares off. How many flares did you carry in total?

A On the?

Q45 On the raft.

A On the raft there were two hand-helds and two rocket flares.

Q46 All right. All reds?

A No, the hand-helds were purple, the, the rockets were red.

Q47 All right. O.K. So no smoke .....?

A No.

Q48 O.K. How long, how long do you think you spent in the life raft?

A About 25 hours, I believe.

Q49 Twenty five hours. And, and you've owned the boat since 1996?

A Yes.

Q50 Do you have to carry out much structural or major works on it?

A Yes. When I acquired it in 1996, it had been neglected for many years and I spent a good deal of money on bringing it up to top condition. It was totally re-rigged, new sails, the hull was

refastened where required, a lot of work was done on it.

Q51 In relation to surviving in the raft, did you have any food or refreshments or any -?

A We had the standard ration kit - - -

Q52 All right.

A - - - included in the rafts. Those ration biscuits and sachets of water.

Q53 And did you find that sufficient?

A Yes, fine.

Q54 All right. Did you have much left after the rescue?

A Yes, we had enough water to, to go for at least for another, well, probably up to five or six days.

Q55 O.K.

A We could have got by with water.

Q56 All right. And on that raft issue, what, did you encounter any problems other than the roll-overs, did you encounter any problems with the life raft?

A We did, we had several problems. I think I mentioned earlier the, the anchoring points aren't up to much for towing another raft or, or even remaining roped to another raft. The, I, we, I believe that the bottom skin of this life raft, which was only a, a single thickness rubber material, was punctured by the, the nitrogen canister which inflates it.

Q57 M'mm.

A It was either that or perhaps the, the broken aerial on the EPIRB, EPIRB could have punctured it, that was a, a, a complete nuisance that, we had to bale all the time because - - -

Q58 Mm.

A - - - we were, we were anxious to keep ourselves as dry as possible, and I was awake to the fact that hypothermia is the biggest problem in these sort of situations, although the gear we were wearing, we weren't particularly cold, but sitting in water for that length of time.

Q59 Yeah.

A We made it a priority to, to, to bale regularly, which sort of gave us something to do as well as keeping us relatively dry, I mean we were, we were still sitting in water but at least it wasn't covering our chests. The other problem with the life raft, somehow the, the bottom chambers, it had two, two flotation chambers in it, and the bottom chamber was also punctured somehow, I don't know whether internally or externally, or how that happened, but that happened, we, we noticed that early on, on the, on the morning after, but that was deflating all the time, so we had a constant job pumping that out.

Q60 O.K. Could you tell me the make of the raft?

A RFD. Both rafts were RFDs.

Q61 RFD, O.K. And what was morale like in the raft?

A Excellent. I, I mean, the blokes got a bit despondent from time to time but, you know, when you really sort of dispassionately looked at it, we were in good shape, especially after the second morning. I was very concerned the first night about this getting rolled in the raft - - -

Q62 Mm.

A - - - because it had happened twice and we were just sitting there, just panicking, and when is it going to happen again, you could hear the seas rushing up behind you, is this where I'm going to break, you know.

Q63 Mm.

A So that was very, that was frightening that first night and the morale wasn't too good then because you, we were just so concerned about getting, well, one of the rolls we lost a bit of the gear that was lying around - - -

Q64 M'mm.

A - - - but after, after the second morning, the seas were still high but they, they were starting to moderate and the, the likelihood of rolling then was, was reduced and really when you look at it, we were in pretty good shape, there, there were no injuries. We knew it was, we had the EPIRB, whether it was working or not, my opinion was that it wasn't.



Q65 Mm.

A It was flashing its light, and even if we weren't, I said to the boys, even if we weren't, excuse me, rescued the way the prevailing weather, the weather, the weather would have been, eventually we would have been washed up somewhere so -

Q66 All right.

A We had, as I say, water for another week, I would think, you could have eked it out.

Q67 All right.

A So, really when you looked at it, I, I think we were in pretty good shape.

Q68 All right. Can you describe the actual sea conditions as in the height of the waves and swell, et cetera on that particular night?

A Well, I'm not a particularly good judge of wave heights - - -

Q69 Mm.

A - - - but I would say, some of them would have been 10 metres.

Q70 All right. Is that the swell or is that the wave height?

A That was the wave height.

Q71 All right.

A Maybe more.

Q72 All right. And did you ever see any worse than that, have you experienced worse in your own .....

A On a motor boat once, I saw conditions almost as bad but not as bad.

Q73 All right.

A In that, in that case we weren't in the ..... we decided to, to seek shelter on that occasion.

Q74 O.K. After you, your raft, you're tied together and you became parted - - -

A Mm.

Q74 - - - the two rafts. How long did you stay in close proximity?

A Until, until nightfall. I, I looked out just before darkness and I could see the other raft not far away at all, it would have been 50 metres or, well, 50, 100 metres away, and that was the case, I suppose that would have been, quarter to 9.00, 9 o'clock, that night.

Q75 Did you at any stage see that other life raft roll?

A No, no.

Q76 Life jackets and buoyancy aids, were you wearing those or did -?

A Yes, yes, everyone was told to put those on before they went into the rafts.

Q77 All right. And the other life raft also?

A As far as I know they all -

Q78 So as far as you know every person had, had a life jacket on.

A Yeah.

Q79 Were they standard coastal life jackets or were they buoyancy vests or what?

A Well, those ones, what they call them PFDs, I think, isn't it?

Q80 Right, yeah. So the bulbous type - - -

A Yeah.

Q80 - - - collar in front?

A Yeah, that's right, with the, a panel in front and rear, large one at the front - - -

Q81 All right.

A - - - and you tape that all together.

Q82 All right. So everybody had the same sort?

A Yes.

Q83 O.K. And how did find those?

A Fine.

Q84 Yeah.

A Fine.

Q85 Comfort-wise?

A They're, I mean in the water they're terrific but cramped up in the life rafts, you wish you didn't have them on but - - -

Q86 Mm.

A - - - you wore them anyway.

Q87 Yeah, I don't blame you. O.K. Is there any issues that you want to raise, safety issues or recommendations in relation to (a), the running of race, and (b), the, the way you survived in a life raft?

A I don't think there's anything to fault with the way the race was run. I mean, number one rule of yacht racing is, it's the responsibility of every boat that is starting to continue - - -

Q88 Mm.

A - - - but in this case it's not like it was anything sudden about this, it was very well foretold, anyone who can read a weather map could see that there was something going to come.

Q89 Mm.

A I don't think the organisers or the, the mechanism of the race can be criticised, no.

Q90 O.K. And the way the life raft was set up?

A There, there was, in terms of the, the robustness of the life raft, I think that needs to be looked at. The damage we suffered was, you know, need not have happened, you know, having to bale and, and pump all the time, it's just something you don't, you don't need under those circumstances. There are other minor points regarding the lashing system of the canopy, that leaves a fair bit to be desired in my opinion.

Q91 O.K. What, it gave way, did it?

A Yes, it's, you've got two, you've got little tapes that are secured to the canopy by means of little suction pads with contact cement.

Q92 Mm.

A They, they give way real easily.

Q93 All right. O.K. In relation to search aircraft, did you, you say you let off two flares. Did you see more aircraft in the area?

A No, we only saw the fixed-wing.

Q94 All right.

A That little ..... twin, and that was the only aircraft we saw apart from the helicopter that actually picked us up.

Q95 All right, so you saw none of the other action at all.

A No, we thought we saw a ship the first night, as a matter of fact.

Q96 The first night, did you.

A The first night I thought I saw a ship, but you do see things and I, I, I let off a, a hand-held flare just in, in case there was one there but you do see things under those circumstances - - -

Q97 Yeah.

A - - - and it may not have been there.

Q98 Yeah. O.K. And your marine qualifications, how do they -?

A Well, I've been, I have a coxswain, I have a coxswain certificate. I've been, done a lot of ocean racing, mainly in the, in the 70s and the 80s, I haven't done that many Hobart races but I've done a lot of other types of, of ocean racing in yachts. I've also spent a great, a good deal, in fact I've got more extensive experience in

motor boats, I've got more miles in motor boats.

Q99 And the crew? How, what's their qualifications?

A Very, very highly qualified. I don't know how many Hobarts there would have been on the boat but, ..... there would have been about 60 Hobart races on the boat, I suppose.

Q100 All right. So, had all the crew done one before?

A All except for young Michael, that was his first, his first race, everyone else had, well, I think, John, yeah, yeah, it might have been John Dickson's first race, I'm not sure about that.

Q101 O.K. So, have you sailed with them all before?

A No, not all of them. The, Johnny Stanley, John Dean, Paul Lumtin all raced with me last year. Bruce Gould I hadn't sailed with before. I'd sailed with Mike Bannister before, not in this vessel but in, in other yachts, and the others I haven't sailed with before.

Q102 All right. Was there any stage through, before you were flattened that the crew showed concerns, like, was there any morale problems or -?

A No, no, I mean, that's, that's the thing, we were handling the conditions very well prior to the knockout.

Q103 Mm.

A I was really thrilled with the way she was going, we were doing five, five, six knots in the right direction. She was snug down well. We didn't

have a problem there, there was certainly no consideration of, gee, we're in trouble here, nothing of that sort, at that stage.

Q104 M'mm.

A We weren't in trouble, we were going well.

Q105 All right. There was some talk, and I may have misconstrued this, that you were going to rendezvous with the radio vessel, the Young Endeavour?

A What, as part of the scheduled radio reports?

Q106 No, as part of you having a problem before the Mayday. That may ..... - - -

A No.

Q106 - - - I've just heard.

A No, that's right.

Q107 It's incorrect is it?

A Yeah.

Q108 O.K. Just something I heard. All right. Is there anything else you wish to say at all, Richard, in relation to the matter?

A No, I think that covers it all pretty well, apart from, apart from saying what a wonderful job the rescue people and support people have done.

Q109 Yes, I totally agree. Just a few, any questions from you Senior Constable Bean?

SENIOR CONSTABLE BEAN

No.

DETECTIVE SENIOR CONSTABLE MOSTARD

Q110 O.K. Just a few formalities, just ..... Do you wish to make, make a handwritten, written statement about the matter at all?

A Well, there's no need - - -

Q111 O.K.

A - - - ..... tape, is there?

Q112 O.K. And just to clarify a few things. You've answered all these questions in the interview of your own free will?

A Yes, I did.

Q113 No threats or promises or inducements have been held out to you to give the answers in this statement?

A None whatsoever.

Q114 O.K. Well, we, we'll stop the statement there, thanks, Richard, and if you wish to make a statement later on you're quite willing to do so.

A I understand.

Q115 Thank you. Statement concluded at 10.06am, at the Mallacoota Police Station, on the 29th of December, 1998.

INTERVIEW CONCLUDED