

SENIOR CONSTABLE UPSTON

Q1 This is an electronic record of interview between Senior Constable David Upston and a Mr David Gotze on Thursday, the 15th of the 7th, '99 at the New South Wales Water Police. The time on my watch is now 1.25pm. David, prior to commencing the interview I explained to you that I'm conducting inquiries into the 1998 Sydney to Hobart Yacht Race.

A Right.

Q2 And in particular I'm here to talk to you about the yacht, Sword of Orion. Just prior to continuing, for the purpose of the interview and transcription, could you please state your full name?

A Cornelis Dietwin Gotze.

Q3 And - - -

A Known as David Gotze.

Q4 And, known as, known as David Gotze?

A Yeah.

Q5 And could you spell your Christian names and surname, please?

A Yeah. C-O-R-N-E-L-I-S, and then D-I-E-T-W-I-N.

Q6 And Gotze is - - -

A And G-O-T-Z-E.

Q7 O.K. And your date of birth?

A 21st of January, 1950.

Q8 And your address?

A 55 Asaling Street, Brighton, Victoria.

Q9 And your occupation?

A Managing director.

Q10 O.K. Now, as I just mentioned to you, I want to talk to you about the Sword of Orion.

A Yeah.

Q11 And I understand that you were the previous owner of Sword of Orion before the current owner, Mr Rob Kothe?

A That's correct, yeah.

Q12 O.K. And how long did you own the Sword of Orion?

A I can give you precise dates later, but I think that it was early 1995, that I purchased it, somewhere around March or April. And I would have owned it up to when I sold it to Rob Kothe, and I think that was about May or so in 1998.

Q13 O.K. And did you sail it extensively during the period of time that you - - -

A Yeah.

Q13 - - - you owned it?

A Yeah. Yeah.

Q14 O.K. Now, in regard to the harnesses and lanyards in particular, when you purchased the boat originally did it come with the harnesses and lanyards?

A Yeah. Correct. It had category, I think category 1 safety gear.

Q15 O.K.

A So, I would have purchased the boat with the safety gear. So, our job was to make sure that that stayed in good working order and was due to, up to, you know, it was subject to a safety inspection every year.

Q16 Right.

A And before every major race.

Q17 What category did you race in, or when you had the
- - -

A It was 1 or 2, boat racing was, you know -

Q18 Right.

A Yeah.

Q19 O.K.

A Yeah.

Q20 And how many lanyards and, and harnesses did you have
on the boat?

A (NO AUDIBLE REPLY)

Q21 Or do you remember -?

A I don't remember exactly, but I can provide you with
copies of the safety equipment status before the
commencement of each race that we did.

Q22 Right.

A Yeah. Where it was obligatory to, to safety
inspection. From memory there would have been 12,
yeah.

Q23 And they were all similar?

A To my knowledge they're all similar, yeah, yeah.

Q24 O.K.

A Yeah. Some, some people that we, we sailed with used
their own harnesses, but there were 12, you know,
normal standard safety harnesses on board, yeah.

Q25 Right.

A Yeah.

Q26 And were these harnesses and lanyards used often?

A Certainly whilst I owned it, we would have used them in the, I've got to cast my mind back now, to '96, Melbourne to Hobart and the '97 Sydney to Hobart.

Q27 So, that's only twice that you can recall that they were used?

A They might have been used on delivery trips because the boat was delivered to Sydney from Melbourne a few times and also from Sydney to Hayman and Hamilton, so, you know, there may have been, normally in ocean racing when the conditions are severe, we would put harnesses on and clip ourselves on every time.

Q28 Right.

A Yeah. So, I'd have to go back through the exact race history that we've done, but certainly they were the two major races, you know. And I was also on board in the '95 Melbourne to Hobart. And, and we would have certainly used it there. Normally during night time and, you know, when it gets a bit choppy and a bit windy.

Q29 O.K.

A We clip ourselves in for just as a precautionary measure.

Q30 All right.

A Yeah.

Q31 And for the time that you owned the boat, where did you stow the harnesses and lanyards?

A Well, that depends. When, when we were racing,

certainly offshore racing and any delivery trips, we would have them in, in lockers that were marked. When, marked on the safety plan, 'cause we had a little plan with a layout of the boat where all the safety equipment was. Normally, however, on bay racing we would take them off, you know, and the crew would stay that way.

Q32 So, that they could have been issued independently to the crews and they were taken away and looked after by themselves, is that what you're saying?

A Yeah. They used to, they used to be kept together as a lot - - -

Q33 M'mm.

A - - - and they would be either kept in a locker or be taken home, you know, and cared for there.

Q34 O.K.

A Yeah. And normally in my home actually in Brighton.

Q35 Right.

A Yeah.

Q36 O.K. And how were they stowed at your house?

A They would have been in a bag or, you know, in a container of some sort.

Q37 M'mm.

A Yeah. Because they were pretty, you know, they were pretty messy, you know.

Q38 Yeah. And when you used the harnesses what was the, the general arrangement after using the harness? What, what would you do?

A Well, normally the harnesses would be in active use for the three days, four days within a major ocean race, when we got into port they would be subject to cleaning like the rest of the boat, so, you know, hose it down with fresh water and, you know, and all the ropes as well, and, yeah.

Q39 O.K.

A All right.

Q40 So - - -

A And then stowed away in the, in the, in their pre-determined lockers, where they belonged, where they, where they had to be.

Q41 And how often was that done, would that have been done after every, every race they were used?

A Only after the major races, yeah. Only after them, because, you know, in, in normal conditions, for example, if we did a bay race say from Williamstown to Geelong or something, you don't use them. You would really only get in a situation where they'd expose to salt water and what have you, during a major ocean races, yeah.

Q42 Mm. So, what you're saying is that, and correct me if I'm wrong, after, after each race, long voyage and they were - - -

A Mm.

Q42 - - - they were used - - -

A Or delivery.

Q43 Or delivery, and they were used, then you would then

wash them down and, and what, would you dry them or did you just - - -

A They would normally be dried. What, what we usually do when we get into port is we, you know, we clean the boat down, wash everything in fresh water, then hang them over boom for drying, you know, and then we stow them away after a day or two.

Q44 All right.

A That's the general sort of, and don't ask me whether we did that in 1995 or '96, but that's generally how we did it. We had a crew of, of 11 normally, 10 or 11, and they were all actively engaged in helping keeping the boat clean and what have you.

Q45 All right.

A And the last year we actually had a professional boat carer, if you like, take care of these things here in Sydney.

Q46 Right.

A Mm.

Q47 And he would ensure that they were all kept in, in the locker and - - -

A Yeah. Yeah.

Q47 - - - and in good order?

A Yeah. That was Performance Boating in Bayview, in Gibson Marina and they went over the boat very thoroughly before the last Sydney to Hobart that we did, which was in 1997.

Q48 O.K.

A Mm.

Q49 And from your recollection were any of the harnesses subject to any type of stress at all?

A They could have been, I mean, the boat, the boat, I mean, we, we got the harnesses with the boat and the boat has certainly been in some stressful conditions, there's no doubt. There was the '80, it did the '93 Hobart under the previous owner, previous to me - - -

Q50 M'mm.

A - - - and certainly it would have been, yeah, it would have been under stress.

Q51 Yeah.

A So, yeah.

Q52 So, they could have at any time been under some sort of load at all or, or what - - -

A harness - - -

Q52 - - - just say normal wearing conditions, you mean?

A Typically people would, typically people would, you know, use them only when they have to - - -

Q53 Mm.

A - - - and, and under those conditions it's likely they would have been under stress - - -

Q54 Mm.

A Yeah.

Q55 O.K. And who did you buy or did you purchase the Sword of Orion from?

A Peter, Peter Sajet, S-A-J-E-T.

Q56 And where is Peter now?

A Peter died, yeah.

Q57 O.K.

A Yeah.

Q58 Does he have relatives, or could you tell me where
- - -

A There's one - - -

Q58 - - - Peter lived?

A Yes. In Canadian Bay Road in Mount Eliza in Victoria.

Q59 That's Canadian Bay Road - - -

A Yeah. Canadian, I think it's Canadian Bay Road, Mount
Eliza, in Victoria.

Q60 O.K.

A Yeah.

Q61 All right.

A To my knowledge the boat was built in either '93 or
'94.

Q62 Right.

A Yeah. He had it for two years and then I bought it off
him.

Q63 O.K. Well, that's just about covers everything that I
need to know.

A Yeah.

Q64 It's - - -

A We've got safety inspection sheets which would have
included all the safety gear that were inspected at
regular intervals. Certainly before every major race
by an independent safety assessor, if you like, yeah.

Q65 And you can make those available to me?

A Certainly, yeah.

Q66 All right. Well, thank you very much. There's nothing else that I have to - - -

A

Q66 - - - to add. Is there anything that you would like to add that you feel might be able to assist me with my inquiries into the Sydney to Hobart Yacht Race?

A Yeah. Not, not really, all, all I can say is that Rob didn't have it for very long before this mishap, or this disaster really. The boat was extremely well cared for and with the involvement of Performance Boating here it was very professionally managed, so, you know, I mean, yeah, gear can fail.

Q67 Mm.

A We've had failures on, on previous boats, I mean the gear fails, masts go down and, you know, so, but in terms of the preparedness of the boat, it was, it was a very competitive boat and it was very well cared for.

Q68 Right.

A You know, and, and a lot of, a lot of gear was has been replaced or had been replaced several times.

Q69 M'mm.

A During that period that I had it and, and to my knowledge when Rob took it. So, you know, in terms of the gear on the boat and the clip points and what have you, you know, they were subject to regular maintenance.

Q70 Right. Had, at any time, that you owned the boat, just one more thing, had at any time that you owned the boat, had any of the lanyards or harnesses failed?

A No. No. No. No.

Q71 So, as far as you were aware when you sold the boat to Mr Kothe, all the lanyards and harnesses were in good order?

A Would have been in good order, yeah, yeah. Because they would have been subject to several safety inspections and what have you.

Q72 Yeah.

A Prior to the sale there was a full inventory, and of course he campaigned it after it took it over, before the Sydney/Hobart as well in Hayman and Hamilton, so, and to my knowledge some of those races require an inspection as well, so, plenty of checks and balances, but certainly there's been no safety gear that failed during, during my ownership of the boat.

Q73 Right. O.K. Well, thank you very much for that. The time on my watch is now 1.37pm. This interview is now concluded.

INTERVIEW CONCLUDED