

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stewart Gray and Mr Darren Senogles at the Sydney Water Police at Pyrmont in Sydney, on Wednesday, the 3rd of March, 1999. The time on my watch is now 12.27pm. Also present and seated opposite me is Senior Constable David Upston from the New South Wales Water Police. As we've explained to you, Darren, Senior Constable Upston and myself are making inquiries in relation to the Sydney to Hobart Yacht Race, 1998, and you recall that we spoke to you actually at these premises on the 7th of January, 1999. Do you recall that?

A That's right, yep.

Q2 Basically that was in relation to the event itself and what happened to Sword of Orion during the race and do you recall that day that you brought in a, a lanyard
- - -

A That's correct.

Q2 - - - off the Sword of Orion?

A That's right.

Q3 And if I could just describe that as being about one metre long, orange in colour - - -

A Yep.

Q3 - - - it had the "Sword of Orion" written on it.

A Yep.

Q4 And as I recall there was a number - - -

A Yeah.

Q4 - - - written on that lanyard, and I can't recall the number exactly at the present point, and at both ends, well, at one end, which was intact, it was folded over and there was some stitching - - -

A That's correct.

Q4 - - - probably about 8 to 12 inches of stitching - - -

A Folded over.

Q4 - - - approximately and on this particular lanyard there was on the other end it had been ripped off.

A That's right.

Q5 It was open.

A That's right.

Q6 And that was in fact the lanyard that was worn by Glyn Charles, as far as you're aware?

A That's right.

Q7 I'll just take you back to when you took possession of that lanyard, could you go through that series of events for me?

A We, when the boat first rolled over, I immediately looked for Glyn, his lanyard was over the side of the boat, I assumed he was on the end of that, so I went to that and Glyn wasn't there, he was back in the water as you know.

Q8 Yeah.

A Then that lanyard was left there, we did, what we did with Glyn, went through the whole procedure and one of the final things to come downstairs after cleaning the deck up, after we had sorted everything out was, was

Glyn's lanyard - - -

Q9 Right.

A - - - that was put downstairs, and as far as what happened to that after that and who brought it off the boat, I don't know.

Q10 Right.

A The next I had anything to do with that lanyard was, there was a pile of clothing and harnesses and lifejackets in the hospital and I put all my gear in a bag and I put the lanyard in my bag as well.

Q11 Right. So are you aware if there were any other lanyards on board which were in that state, as far as being ripped?

A None.

Q12 Right. O.K. Now, could you just tell me the position on the boat for yourself, what your role was on the boat?

A My job on the boat is to look after the boat, make sure everything's in working order.

Q13 Right.

A Working properly and everything's kept in good condition.

Q14 O.K. And so far, and that includes safety lanyards?

A That's correct.

Q15 O.K.

A And life jackets

Q16 And life jackets and that sort of thing?

A Yeah.

Q17 Now, can you tell me where on the boat that those lanyards are stored?

A They're stored in an aft bunk - - -

Q18 Right.

A - - - under the berth, which is not in the bilge, the bilge is lower than that.

Q19 Right.

A In a dry part of the boat.

Q20 O.K.

A There's a dehumidifier in the boat so there's no moisture in the boat.

Q21 Right.

A So, the boat's bone dry.

Q22 Now, so far as the care of those lanyards after a race - - -

A Mm.

Q22 - - - what do you go through?

A Usually get back to the marina after delivering the boat back to Sydney from wherever it'd been, the whole boat gets cleaned out, all the cushions get put on deck and washed and dried, the same with the lifejackets, they get washed in fresh water and dried in the sun for the day and same for harnesses. They get washed and dried.

Q23 O.K.

A And checked for nicks or anything like that.

Q24 Now when you say washed and dried, are the lanyards laid out and washed or are they held up and washed then

laid out to dry?

A Laid out, laid out on the deck and hosed or put it in a bucket and rinsed - - -

Q25 Right.

A - - - and then just hung out on the lifelines of the boat to dry.

Q26 O.K. Now so far as all those lanyards are concerned, was it a situation on Glyn Charles' lanyard there was a karabiner at each end, or were - - -

A There was a hook on each end.

Q27 O.K.

A If you want to call it a karabiner, yeah, a spring-loaded karabiner, yeah.

Q28 O.K. And was that the case with all of the lanyards - - -

A Correct.

Q28 - - - on board? And how many lanyards were on board?

A 10.

Q29 O.K. Now, is it the case that part of your duties so far as cleaning lanyards is to check for damage?

A To the harness?

Q30 To the lanyards?

A Pretty much, yeah.

Q31 O.K. And what would be your response to anything that you noticed on the lanyard?

A I'd report it to Rob.

Q32 O.K. And what would be the usual response to that?

A If it's damaged it gets replaced.

Q33 Right. O.K. Now are you aware of the brand of those lanyards?

A Not off the top of my head, no.

Q34 If I was to suggest to you that they were a brand name Tuff, T-U-F-F, would that be - - -

A They could be, yeah.

Q35 O.K. Now, as far as you're aware or have you ever checked that the little piece of - - -

A Material.

Q35 - - - material which is attached to the lanyard, which I think's a little white piece of - - -

A Tag.

Q35 - - - material, yeah, a little tag, which explains the brand or says that, says that it meets the Australian Safety Standards. Have you ever seen that?

A I have.

Q36 And as far as you're aware those lanyards do meet the Australian Safety Standards?

A As far as I was concerned if they were stamped with the stamp, yes they were.

Q37 Right. O.K. Now, do you, or are you aware of any acid, oil or other contaminants that may have been on the lanyards prior to the race?

A Prior to the race, no, but during the event of the race, it could have, could've come into contact with that.

Q38 But you're not aware of any lanyards that did in fact come into contact with oil or -?

A Not before the race but during the race, possibly yeah.

Q39 Are you aware of any that did, for sure?

A No, not for certain, no.

Q40 O.K. So it's possible that it did happen during the race?

A Yep.

Q41 But you're not able to say whether in fact it did happen?

A No.

Q42 Right. Now, the lanyard that you supplied us on the 7th of January, has subsequently been checked by the road, RTA crash unit in Sydney here.

A Mm.

Q43 And the minimum requirements to comply is a thing called 12 Newton metres.

A Right.

Q44 That's the minimum breaking strain. This particular lanyard was tested and failed at approximately 6.8 Newton metres, which is significantly lower than the 12, as I've just explained to you.

A Mm.

Q45 From your experience and background would you have any comment on that?

A I can't comment on that.

Q46 O.K. Well, how, how do you feel about that as a, as a yachtsman, as far as

A pretty poor actually.

Q47 O.K. Now, the lanyards which were on the boat were

they on the boat when Mr Kothe purchased the boat as far as you were aware?

A That's right, as far as I'm aware, yes.

SENIOR CONSTABLE UPSTON

Q48 O.K. The harness actually that Mr Glyn Charles was wearing, can you describe that. The actual harness, not the lanyard.

A O.K. The actual harness was the same material as the lanyard, the orange 2 inch strap, which went over the shoulders and around the waist with a ring in the middle which the harness clipped onto, with the appropriate webbing, stitching, in the right places.

Q49 So it'd be fair to say that the, the harness and the lanyard accompanied each other?

A They came as a unit.

Q50 They came as a unit.

A unit.

Q51 O.K. And was there also a safety standard label or instructions also stitched in some place on those harnesses?

A From memory I can't be sure that there was actually on the harness because it's on the lanyard, which is always one unit. Now they can be unclipped, yeah, but it comes as that unit, so whether they, I'm don't, not quite sure whether it is on both.

Q52 But it's fair to say it could've been on there somewhere?

A It could've been, yeah, I don't remember.

Q53 Is it possible that we could have the opportunity to have a look at another harness and lanyard that may still be the property of Mr Kothe?

A Yeah

Q54 O.K.

A I'm pretty sure - - -

Q55 And you'll make that available for us will you?

A I could do that.

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Q56 As far as you're aware the harness was still on Glyn?

A Yes.

Q57 Right. O.K. That's fine. Anything else you'd like to say

A That's all.

Q58 O.K. The time is now 12.36pm. This interview is now concluded.

INTERVIEW CONCLUDED