

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Laurence Rogers at the Launceston Police Station, CIB office, on Monday, the 15th of March, 1999. Also present, seated to my left, Senior Constable David Upston, of the New South Wales Water Police. Time by my watch is now 7 minutes to 7.00pm. Mr Rogers, also known as Jim, as I already explained to you prior to this interview, Senior Constable Upston and myself are making inquiries in relation, further inquiries in relation to the Sydney to Hobart Yacht Race of 1998, and you recall that I spoke to you actually at Eden, on the 28th of December, 1998?

A I did.

Q2 Basically we're, we're here today to speak to you about some things in relation to the Naiad stability, some things that may have been removed from the boat or any, any changes that were made to the boat prior to the race, anything further you wish to add in relation to what happened in the race. If I could first get you to, please, state your full name for the record?

A Laurence James Rogers.

Q3 Your date of birth?

A 1st of the 9th, 1949.

Q4 Your current address?

A 17 Tanner Drive, Legana, Tasmania.

Q5 And your occupation?

A Engineer and technical officer.

Q6 O.K. Now, you were a member of 1998 Sydney to Hobart Yacht Race on the boat Business Post Naiad, that's correct, is it?

A Correct.

Q7 Now what was your position on that boat?

A Basically I did lanyards and cockpit work.

Q8 O.K. Now how long have you been sailing on that boat for?

A It's about the fourth Christmas race I've been on it, so about three years and four Christmas races.

Q9 All right. So that's how many Hobarts?

A That was the first Sydney to Hobart

Q10 All right.

A I've been two Melbourne to Hobarts, about three Melbourne and a Melbourne to Devonport,

Q11 O.K.

A About 4,000 miles all up.

Q12 All right. Now are you aware of the stability requirements for a Sydney to Hobart Yacht Race?

A Not the specific requirements, no.

Q13 O.K. You're aware there is a category of races, as far as ocean races are concerned. The Sydney to Hobart is a category 1 race, are you aware of that?

A Yeah.

Q14 If I were to tell you that in actual fact the limit, well, the stability index required four Sydney to Hobart category 1 race, is in fact 115 degrees. O.K,

does that number ring a bell to you or -?

A It doesn't, no.

Q15 O.K. That's fine. Can you tell me if you are aware of any work that was done on the boat prior to the race last year?

A As regards stability?

Q16 As regards stability or anything else that may have occurred?

A I did hear that Bruce had taken some lead out that was fibreglassed in, down near the keel.

Q17 All right. How much he took out and exactly when he took it out, I don't know, but it was then remeasured.

Q18 All right.

A Apart from that, that's about the only thing I know that affects, affects stability, but I did hear that when he first got the boat there was another lead in it that he took out earlier, earlier on before I started sailing with him.

Q19 All right.

A That was a long time ago.

Q20 So last year, as far as you're aware, an amount of lead was taken out and the boat was remeasured. Is that correct?

A That's correct.

Q21 O.K. And, are you aware who measured the boat?

A Mr Fisher did.

Q22 All right.

A Yeah.

Q23 O.K, then. Now, from your experience in yachting, are you able to give me some, some background as so far as stability is concerned, that sort of thing, in a yacht?

A That'd be the first yacht that I've sailed on that's actually had internal ballast in it every other boat that I've sailed on just had lead ballast keel.

Q24 All right.

A So, you know, I, I really, sort of, wasn't aware of many boats that have got internal ballast.

Q25 All right.

A I guess that's a fairly light boat.

Q26 Would you say a light boat after that lead had been removed or -?

A No, I mean, the construction of the boat was fairly light, it's foam, foam and Kevlar, so I guess it was fairly old.

Q27 All right.

A So, to get it down to the desired, you know, design rating, or, you know - - -

Q28 Yeah.

A - - - displacement that they actually added lead to it, and not just in the keel.

Q29 So what would be the idea of removing lead?

A I guess some owners do that to still stay within the limits of their, their IMS rating, but to, to make the boat lighter, and maybe to make it accelerate a bit more, but -

Q30 All right.

A I don't think I'd personally do it.

Q31 What do, do you have fears about that, I mean, that you have a phobia about weight being removed from the boat, is there a reason for it?

A I'd say that the fellow who designed that boat, Bruce Farr, was probably the best designer in the world, and I, I wouldn't fiddle about with anything any boat designer did - - -

Q32 Mm.

A - - - not unless you had the specific approval of the designer to do it.

Q33 Yeah, yeah. O.K. Now, did you ever hear discussions between Bruce Guy and Steve Walker in relation to anything else that may have been done to the boat?

A No, when Bruce first got the boat it was fairly stripped out.

Q34 Yeah.

A There, there was no fittings in it at all, so he'd actually fitted it out and put bulkheads in it and sort of, you know, toilet area and hand basins and things like that, so he actually some weight to the boat in that regard.

Q35 All right.

A Apart from, apart from that, no, it's fairly standard.

Q36 And the stuff that he's added to the boat, that was part of the measurement done last year as far as you're aware, that was in the boat?

A Yeah, it was in the boat, he'd done that earlier, it was, he'd done the fitting out before last year, it's been done for a fair while, since I've been sailing on it.

Q37 Were you present when the IMS measurer the boat?

A No, no I wasn't present when any lead was taken out or, or when it was measured.

Q38 And what would be the usual thing that Mr Guy would do, so far as sails are, would he leave sails in the boat, if it was going to be measured?

A I don't know - - -

Q39 Mm.

A - - - whatever, whatever the, you know - - -

Q40 Requirements say.

A - - - the measurer said to do.

Q41 All right.

A I've only been present once when a boat was measured and that's a long, long time ago.

Q42 All right, that that particular boat was measured?

A When the boat that I was present at was measured is a long time ago.

Q43 Was that the Naiad or -?

A No.

Q44 All right. O.K. Is it usual practice to leave sails, stowed in the boat, when it's docked?

A Yeah.

Q45 O.K. Where would they normally be left?

A In Bruce case, well, he kept all his sails down the

back, behind the motor, under the cockpit.

Q46 All right. And were they kept in an enclosure of some description, or just sort of -?

A No, they were opposite the motor, there's a navigation station just under the cockpit floor - - -

Q47 Yeah.

A - - - and then a, six berths two, two berths, top and bottom and then another two further right back, and those two are very rarely used and all the sails are stowed right back there, he'd heard, you know, that most, that those particular designer boats went better with the, with the weight kept aft.

Q48 All right.

A If it was correct or not but -

Q49 Yeah.

A I reckon it would be better in the middle myself.

Q50 What would be the, the approximate weight of those sails, would you have any idea?

A I wouldn't really know,, sailmaker, Steve Walker, would have a very good idea of that.

Q51 Yeah, yeah. And how many sails do you think were kept on the boat at that particular time?

A There was a mainsail which was on the boat, fitted, and then we had a number 1 heavy headsail, and a number 1 light headsail, and then a number 3 headsail, a number 4 headsail, and then the storm sails, and then the half spinnaker, which I don't know if he had in that Sydney, Hobart, and a three quarter spinnaker and

a one and half spinnaker.

Q52 So there was a number of sails?

A Yeah, quite a few.

Q53 And that would account to a fair bit of weight, manhandling the sails yourself?

A Yeah.

Q54 With other, with others?

A yeah.

Q55 They'd be quite heavy wouldn't they?

A mast was a bit heavy, yeah.

Q56 Yeah.

A Yeah, even the mainsail was sort of, taking the whole mainsail off, it's about a three man job to carry it.

Q57 Are you aware what the stability index of the Naiad was?

A No.

Q58 Were there any discussions between Bruce and the rest of the crew that, that you were privy to in relation to the stability rating of the boat?

A No, not that I was privy to.

Q59 O.K. Now I believe you, you brought in a report today which is a summary of your, your experience and you also got a couple of pages here in relation to some response to the questionnaire which was sent to you in the survey. Is that correct?

A Correct.

Q60 And I take you to the stability requirements, which is down here. You've said, "In my opinion for a storm of

this intensity the minimum stability requirement of the international measurement system proved inadequate in our case". Could you explain that to me?

A Well - - -

Q61 What particular - - -

A I, I just realised that some lead had been taken out and that our rating, stability rating was probably going towards the minimum required by the IMS certificate. Exactly what it was I don't know, but I know it was going towards the minimum, and obviously it was fine, I mean, we'd sailed across Bass Strait in 60 knots, and it hadn't really worried us, the boat still felt safe.

Q62 Mm.

A Obviously when you get into a storm of that sort of intensity and, and those breaking waves and high wind - - -

Q63 Mm.

A - - - every little bit helps and - - -

Q64 Yeah.

A Yeah, I don't think it was, don't think it was adequate.

Q65 Mm.

A And I think it needs looking at.

Q66 You said before that with, with lead taken out it certainly it heeled more. Is that what you said?

A Well, well, any, any boat would, the lead was right down at the keel, you take it out, the boat's going to heel more, you put more lead down there, it's not going

to heel as much.

Q67 All right.

A Just -

Q68 Yeah. Is that a situation you felt actually in the race when, when the storm happened?

A Well, I've never been in 90 knots before and - - -

Q69 O.K.

A - - - big breaking waves like that but I, I felt quite comfortable until we actually took the storm jib off, while we were sailing, I wasn't really concerned.

Q70 Yeah.

A 'Cause before realised, those boats in that Fastnet race, kept sailing her, O.K, once that came off, and it wasn't long and we flipped.

Q71 Yeah. Were you privy to any conversation between a, a number of your colleagues on the yachts, in, in any yacht race where a conversation took place where they felt that the vessel would have sailed better with more weight added onto it?

A Yes, I was talking to Steve Walker, you know, after I found out that this lead had come out of it, and he said it was really sort of six of one and half a dozen of the other, 'cause if you take weight out of the boat, it might accelerate a bit quicker in the but displacement, the speed's determined by the water line length, so if you've got more water in them, actually, you know, sitting lower in the water, you got a longer water line length and actually go faster, so

it's sort of six of one and half a dozen of the other whether, whether taking it out actually improves the performance of the boat.

Q72 Would, did any conversation go along the lines that it may have been a mistake to take the weight out?

A Not that I can recall, no.

Q73 But however, you felt that if more weight was added that the yacht would have performed a bit better?

A It would have been safer in stronger winds, yeah.

Q74 Mm.

A Sure.

Q75 Mm.

A But it never felt unsafe to me, even how it was, but, and if I thought it was, I wouldn't have been on it.

Q76 Mm. Now you mentioned to me that you felt that it might have been a better option to have actually had a storm jib up rather than go bare poles. Can you explain that to us, what you mean by that?

A Well, again, just comes back to that book I read, Fastnet Force 10, which was about 79 Fastnet race, and the Australian team did particularly well in that race and they all kept sailing and they, they found sort of, to a limit, you know, the faster they went the, the safer they actually were, 'cause the fellow I'd actually sailed with before, called Chris Posider, was a helmsman, helmsman on one of those boats and he said the only time they really got into trouble was when he, he wasn't concentrating at all and turned around to

talk to somebody else.

Q77 Mm.

A And again, if you read that book, a lot of the boats got into trouble as soon as they went bare pole, they were in trouble, there was one, there was a boat there that was going along, along quite fine, again, he just had a storm jib up, and his storm jib ripped right down, once that'd had gone, then he was bare poled, not long after that he flipped over too, and that's pretty common.

Q78 Mm.

A If you don't have steerage and you don't have any power to force your way up over the waves.

Q79 Yeah.

A

Q80 Have you anything else you'd like to say or anything you'd like to mention in relation to, anything you've thought of since we spoke to you last basically?

A One thing I didn't say last time, which I told you after the interview that, it might have appeared a bit callous, but when Bruce has his seizure, Steve Walker felt, and, and he didn't have any pulse, so, we were fairly sure he was absolutely dead, we didn't just, not do anything, but at that stage the boat was rocking around, there was water going everywhere and, and it was all we could do just to hold him above water, let alone try and do any CPR at that stage - - -

Q81 Mm.

A - - - so it was very, very difficult, and we thought the boat's about to go down, 'cause it's very low in the water, the water was nearly running in the cockpit and thought we've got to get in a liferaft and get off, otherwise, it'd have been another seven that was gone, so -

Q82 Yeah.

A Yeah.

Q83 Actually there was, probably a couple of things I forgot to ask you probably last time for a number of reasons. Did you or any of the crew attend a, a safety demonstration at the CYCA, on flares and liferafts?

A No, we didn't get up to CYCA until not long before Christmas Day.

Q84 All right. Are you aware of anybody on the, on the Naiad who has, in fact, discharged flares before?

A Yeah, Shayne Hansen has, he did a course.

Q85 All right.

A Yeah, at the Australian Maritime College, and I'd done a Australian Yacht Master course as well.

Q86 All right.

A Yeah.

Q87 Now has anybody ever deployed a liferaft before off the Naiad?

A Not off the Naiad, no.

Q88 I mean, sorry, I'll rephrase that. Have any crew members ever deployed a liferaft?

A I personally haven't but I think Shayne Hansen probably

has.

Q89 All right.

A I can't, I don't know about the rest.

Q90 O.K. Were you aware of any liferaft or flare demonstrations at the Royal Hobart Yacht Club - - -

A No - - -

Q90 - - - prior to the race?

A No.

Q91 If they, if they would have been, or if you would have been notified, would you have made an effort to attend those?

A Quite probably, yes, yeah.

Q92 Do you feel there would be benefit in, in those sorts of things happening?.

A Yeah, certainly, yeah, 'cause, when, when you have to do those things, it's, it's all in a panic. In our case, actually we didn't have any trouble - - -

Q93 Mm.

A - - - setting them off, there was no, no drama there, and we got our liferaft in O.K, but, after it was in, we sort of had second thoughts and decided that staying the boat was the best option, which I'm pretty sure it was.

Q94 Yeah. Just on another issue, your safety harness, and safety line. Now was that your own or was it supplied by the boat?

A No, it was supplied by the boat.

Q95 O.K. You've been on the boat for four years, or

approximately four year, close to that time?

A Yeah.

Q96 Have you seen how those safety harnesses are stowed or the procedure that's carried out after the safety harness has been used during and after a race?

A Those particular safety harnesses were owned by Steve Walker and he used to take them home, 'cause he used to use them on his own boat and then bring them back, when we had a long race on, some of the fellows had inbuilt ones, I think, Bruce might have had an inbuilt one, those particular ones are owned by Steve Walker.

Q97 O.K.

A He rinsed them and took them home.

Q98 All right. So, but you're familiar with, with the safety harness - - -

A Yeah.

Q98 - - - as a whole?

A Yeah.

Q99 And are you familiar with any labelling that, that might be on the, on the safety harnesses?

A Not specifically, but I guess it said it complied with Australian Standard, whatever, or -

Q100 Mm.

A I know they complied with, with AYF safety requirements for the boat, yeah, and I certainly didn't have a problem with - - -

Q101 Yeah.

A - - -

Q102 O.K.

A Thankfully.

Q103 Were you aware of any, any work done on the mast - - -

A Yes.

Q103 - - - prior to the race last year?

A Yeah. A fair few of the crew went down, they pulled the mast out, and it was all taken into Allmasts here in Launceston, where a professional fellow there went right through it and replaced any bits that he found suspect in the way of rigging. The year before we'd actually found a couple of slight cracks in the mast when we did the Melbourne to Devenport race, and he, he resleeved that and re-riveted it and, and repainted it all, and put it back in, and then we found we didn't weight it, so we pulled it all back out again and weighed it and put it all back in again. That was certainly done by a professional.

Q104 By resleeving it, would that add weight to the mast?

A A fraction, I don't know that the sleeve was all that long, probably, not sure how long it was, 3 or 4 feet, it was just around the area where it started to get a couple of hairline cracks.

Q105 Was it a very heavy or a light section of, of mast?

A Well - - -

Q106 Compared to other yachts, perhaps of the same type?

A You'd have to ask a, a, a mast person that - - -

Q107 Mm.

A - - - Nick at Allmasts would be able to tell you

that, but when I was speaking to him he said, masts these days, the current masts would be a lot lighter than that one.

Q108 Mm.

A Probably, it was a fairly small section in, in actual physical size, probably fairly heavy so - - -

Q109 M'mm.

A - - - newer ones have probably actually got a little bigger physically.

Q110 Mm.

A The size

Q111 You made mention in relation to a, the wind speeds of 92 knots, and the radio, radio vessel at 2.00pm, on the 27th, should have given a warning that 80, 90 knot winds could be expected, from, from the Wilson Promontory early that morning. Would you like to expand on that for us?

A I was just seeing that 4 Corners program, which was on just recently that, that front that actually hit us, formed out off Wilson Promontory, fairly early in the morning, they'd actually had 92 knots there - - -

Q112 Yeah.

A - - - and quite obviously they knew where the thing was going to go and so they should have been better informed on the radio relay vessel that, that we were virtually going to get big winds like that.

Q113 You were never informed about that wind speed?

A Not to my knowledge, no. The last we heard,

officially, was sort of 40 to 50 knots still, 45 to 55.

Q114 Mm.

A Obviously if we knew we were going to get 80 or 90 knots, nobody in their right mind would sail into that. I mean, we'd sailed in 60 knots before and 60 knots wouldn't have overly concerned us.

Q115 Mm.

A Again that was in Bass Strait and seas weren't that, they were lumpy little seas in Bass Strait but not big huge seas like that, with big breaking tops.

Q116 Mm. O.K. Anything else? No. O.K. The time by my watch is now 7.12pm. This interview is now concluded.

INTERVIEW CONCLUDED