

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston and John Saul, on Thursday, the 11th of the 3rd, '99, at the Hobart CIB. Also present, seated to my right, is Rod Stacey from the Hobart Marine Police Division. John, as I have mentioned to you earlier, prior to commencing the interview, I'll just, the time on my watch is now 1.27pm, and as I said just prior to conducting the interview, I mentioned a number of things, that I'm conducting records of interview in regards to the Sydney to Hobart Yacht Race of 1998, and the subsequent deaths that arose from the race. There's four deaths, and there's two still missing. And I understand that you participated in the race in your vessel, the Computerland. is that correct?

A Yes, we did, correct.

Q2 O.K. Just for the purposes of the record, could you please state your full name, date of birth and your address, please?

A John Douglas Saul. 11th of the 3rd, '60. My address is 160 Bayview Road, Lauderdale.

Q3 O.K. So we we'll do is, at present we'll by-pass the beginning of the race on Boxing Day of, of last year, and if you can take us now to an area where the weather that you experienced got quite rough, and your experiences from that?

A Yeah. It was, we were about 60 miles south-east of

Gabo. We'd just, we were sailing along quite comfortably in about 40 knots of breeze from slightly south-west. We had up a triple reef main and a storm jib and then it just came in with that little bit more ferocity. It was about 70 knots-plus. And that's just how it stayed for the next six to eight hours. We got down the storm jib and we were relatively comfortable for the wind strength, but within about half an hour, the sea state deteriorated considerably. Wave height approximately 30 feet, but, but with a very nasty 5 to 10 foot breaking section that'd be on the tops of the waves. This wouldn't happen all the time, but we had the break on the top of the waves probably, we'd probably get a bad break or, about every, every five to 10 minutes or thereabouts. And the boat was taking a fair bit of punishment as a result of that.

Q4 All right. And how many Sydney to Hobarts have you taken place in before?

A About six or seven.

Q5 O.K. So you've got a fairly extensive yachting experience - - -

A Yeah - - -

Q5 - - - and history.

A Mainly down the west coast really. We've done six or seven west coasters as well.

Q6 O.K. And have you ever experienced weather like that before?

A No, no. We did the '93 Hobart race and that, and it

was obviously pretty solid in that race. The southerly, or the sou'-west westerly change was a lot longer in that race, but I've never seen it blow steady 70, 75 before.

Q7 Did you attend the, the weather briefings at the CYC prior to the commencement of the race?

A No, we didn't.

Q8 O.K. And, for any particular reason?

A Stayed in Hobart with the family for Christmas.

Q9 O.K.

A Yeah.

Q10 So then, what, you flew up and then - - -

A Yes.

Q10 - - - joined the boat - - -

A Flew up on Boxing Day and joined the boat then.

Q11 Had someone of your crew attended the - - -

A Yeah, one - - -

Q11 - - - the weather briefing?

A - - - one of the crew attended the briefing.

Q12 O.K. And he then told you all about the weather conditions - - -

A Yeah.

Q12 - - - that you were going to experience?

A He relayed the information from the briefing, but we were sort of much more interested in the weather on Christmas night and Boxing Day morning. But the forecast was, just seemed totally, it was obviously totally wrong for what we got in Bass Strait. My

impression of the weather on Boxing Day morning was north-easterly start, relatively light west-sou'-west change, up to 30 knots that night or early the next morning, swinging round to the south-east and, and then anybody's guess from there. We did feel that things weren't quite right when, when we got reports from Port Lonsdale that it was blowing sort of a steady 60 knots on Boxing Day morning. Didn't seem right, but, but the weather forecast on Boxing Day morning was, of course, different.

Q13 So you, you actually were saying that you heard weather reports between 60 knots on Boxing Day morning?

A On Boxing Day morning, we heard it was blowing very hard at Port Lonsdale. One of the crew came from, came from Port Lonsdale and his wife reported that the weather was pretty savage there. The forecast just didn't seem, it seemed like it was going to be a difficult type of weather to predict with, there's a funny, my impression of it, I'm no meteorologist, but there was a funny low off, off the northern New South Wales coast. Well, you'd know all of this, Dave, and, but for it to be blowing hard at Port Lonsdale and for thunderstorms that night, you know, there's probably a bit of a recipe for an alarm bell to ring that something different might happen.

Q14 How did you get those weather reports from Port Lonsdale, from Port Lonsdale?

A McAraney's wife. A terribly rough way of saying it,

but his, just before the start, we gave the mobile phones a bit of a flogging, ringing the families and, and Andrew McMillan's wife said it was just blowing hard at Port Lonsdale and, and, which didn't seem to fit with the, the predictions that were coming.

Q15 So, did you make any other arrangements as a result of those, those conditions that you were getting?

A Not really. It seemed, it seemed to fit, make a bit more sense when, when we went into the thunderstorms on the night of the 26th that, that if it was still blowing hard at Port Lonsdale, that, that the storm warning that then came out on that night would make a bit more sense. But there again, we were thinking storm warning 50 to 60 knots with occasional gusts over that, as per the Beaufort scale for a storm warning.

Q16 Mm.

A We thought we'd be able to sneak through that with, with a bit of prudence and a bit - - -

Q17 Right.

A Yeah.

Q18 So you were quite comfortable in that situation - - -

A Yeah, we were comfortable going into 50, 50 to 60 knots with the occasional gust of more. It's just like so many, we were caught out when it came in as a sustained 70, 75.

Q19 Yeah. Well, what happened after you were receiving those, those strong gusts, and were they recorded anywhere on your boat?

A They were recorded on the, our anometer, our - - -
Q20 Yeah.
A - - - goes up to 80. We had pretty steady 70, 75.
Q21 Right.
A Yeah.
Q22 And what happened at that time?
A It wasn't so bad while the, before the seas built. We were able to still hold a fairly south, slightly west to south course. But then, then we had about three knock-downs in the space of an hour. The boat was laid flat. We had a bit of a, while I was steering, it sort of became pretty obvious that we were going to have to peel the boat away and just head in a south-easterly direction for a while, which is what we did after, after three knock-downs.
Q23 As a result of those knock-downs, did you sustain any damage or was there any injury to any crew?
A A few blokes got shaken around. I fell from one side to the other, but nothing you wouldn't get in the front row of a rugby scrum. No. So - - -
Q24 There was no serious injury to anyone?
A No, no, no. Plenty of bruising, but nothing serious.
Q25 Right. Prior to the commencement of the race, a number of things that you had to comply to was in fact sending to the club an IMS certificate, or similar rating. Did you do that?
A We sent, yeah, we sent stability, proof of stability to the club, which was an old IOR certificate, slightly

different stability calculation to IMS.

Q26 Yeah. And under that IOR certificate of stability, do you recall what the index of that was?

A It's not measured in terms of index, it's measured in terms of specific gravity.

Q27 Right.

A And I can't remember the exact figure.

Q28 O.K. But can that be later related back to a stability index at all?

A It can be.

Q29 O.K.

A And also our type of boat, it's an Inglis 47, similar design to other boats that have been rated under IMS, so.

Q30 So, in front of me, and I show you this document, there's a document here with a stability index from the vessel Advantage which is a vessel similar to yours. Is that correct?

A Yes, yes. Sister ship in hull design. There might be slightly different keel weights, but our index of stability should be fairly similar.

Q31 So, as you can see on this document, the stability index is 124.1 degrees and the calculated limit of positive stability is 125 decimal 8. Would you agree that that could be similar to your vessel?

A Could be, but similar boats to ours, that's a later design. I, I wouldn't be thinking that our limit of stability would be as good as that, yeah.

Q32 But it would be around that sort of figure, you believe, being the same sort of - - -

A No, I - - -

Q32 - - - hull?

A - - - think we'd come in at 115, thereabouts.

Q33 O.K.

A Yeah. We haven't formally raced under IMS. The boat -
- -

Q34 Yeah.

A - - - doesn't rate well under that rule, so - - -

Q35 Yeah.

A - - - so we just weren't interested in racing under, paying 800 bucks for a certificate that would - - -

Q36 Yeah.

A - - - leave us coming at the bottom of the fleet.

Q37 So you're quite happy with the IOR rating and, and it's - - -

A Yeah.

Q37 - - - the vessel's general stability as it stands?

A General stability, yeah.

Q38 Yeah.

A Yeah.

Q39 O.K. I also have a document here, it's from the Yachting Association of New South Wales, Safety Equipment Compliance Form, which I show you and it's got the name of your vessel on board, on the top of the form. Were you present when that document was filled out?

A Yes, yeah. I filled it out in conjunction with Alistair Douglas in Hobart, the local safety inspector.

Q40 O.K. On the bottom right-hand side of the columns, it says there "Safety harnesses, Australian standard 2227m or equivalent", and in that column it's mentioned you've got 12 on board.

A Yeah.

Q41 With the safety harnesses, how old would your safety harnesses be?

A They vary in age. Probably up to about six or eight years old.

Q42 O.K. And could you tell me what brand they are?

A They'd be a mixture of different brands, and I must confess I, I used to..... Stormy Seas inflatable vest which had a harness built into it.

Q43 Right.

A It's just one of the quick-release, pull-toggle - - -

Q44 Right.

A - - - which, and I had, I used one of the safety lines off, off those harnesses. I, I found that I was, I would always use a safety harness line that I could get off with one hand - - -

Q45 M'mm.

A - - - which was usually the older style clip, rather than one of the ones with the extra, extra, extra flicking piece that would hold the harness on.

Q46 Right.

A I just felt more comfortable if the boat was laid flat,

if I found myself underwater. If I found myself tangled, I could get myself undone just with one hand.

Q47 And did those harnesses and safety lines have a compliance label on them that you can recall?

A Not that I can recall. Some, some I can recall had, had a white, a white piece of cloth sewn on to them with writing on it.

Q48 Yes.

A I would assume that would be the - - -

Q49 And for all intentional purposes that could be, but, but you're not sure, a, a compliance with the Australian standard?

A I would assume it was.

Q50 Yeah.

A The harnesses themselves there, Hobart, we only have a couple of marine shops that stock the harnesses. The harnesses we've used have come off recognised ocean races - - -

Q51 Right.

A - - - and from friends who have, who have usually probably only bought from the one store down here, one or two stores down here.

Q52 Right. During the race, did you have any particular problems with any of the harnesses as far as your crew, you know, - - -

A No.

Q52 - - - using the harnesses?

A With the exception that a good harness is hard to put

on - - -

Q53 O.K.

A - - - 'cause it's got to be a tight fit.

Q54 O.K.

A But when it was really bad we just made sure everyone was kitted up and kept their harnesses on.

Q55 M'mm.

A 'Cause there's no point in, in someone not having a harness on when it's bad like that.

Q56 M'mm.

A As far as I'm concerned, everyone just stayed geared up and slept in their gear with their harnesses on.

Q57 Right. And the general care and maintenance of the harness, you are fully aware of how the manufacturer is requesting you to do those maintenance programmes?

A No. I must confess I'm not. We just check every harness for stitching - - -

Q58 Yeah.

A - - - before the start of the season.

Q59 Yeah. But generally, you would wash the harness out, I suppose, after every race?

A Not after every race.

Q60 Right.

A No.

Q61 Right.

A No.

Q62 And then you stow the harness?

A Yeah. Obviously if that, the harnesses are stowed

- - -

- Q63 Yeah.
- A - - - stowed within direct view, they're stowed out of the, out of the sunlight, they're just in the middle of the boat.
- Q64 Yeah.
- A Off to one side of the companionway as you go down.
- Q65 M'mm.
- A It's not as if we stow them under a bunk, never to be seen, soaking in water.
- Q66 Yeah.
- A They hang up and they're dried after every race.
- Q67 O.K. All right, then. Well, that's very good. We'll just quickly go back now to, at the time of the race and then you've received the, you're getting belted around I suppose, for want of better words, in the heavy seas and strong winds, and then what happened?
- A We had an intense discussion on the structural integrity of the boat and, can I swear on this tape, O.K?
- Q68 It's up to you.
- A Yeah.
- Q69 It's up to you.
- A We, we decided that the jolly thing was going to jolly "s" itself if we kept doing what we were doing, and trying to get to Hobart, taking the seas beam-on wasn't an option, trying to get back to Eden taking the seas beam-on wasn't an option. It was either we go to the

south island of New Zealand or Vanuatu really and just, just wait till it blows over.

Q70 M'mm.

A And south island of New Zealand is closer to Hobart, so that's where we headed.

Q71 So you headed east?

A South-east.

Q72 South-east.

A Taking the seas on the starboard quarter.

Q73 Right. And how far out were you when you decided to change tack then?

A Well, after, after about six hours it, the wind dropped down to about 60 knots, the sea stabilised, and we, we didn't have the force of wind to keep, keep speed and stability, so we put up a storm jib again and just slowly started pointing it back up towards the south, sou'-west again.

Q74 M'mm.

A Yeah. We were about 150 nautical miles off the run line, halfway across Bass Strait.

Q75 O.K, right. And then what happened?

A Then it just slowly moderated overnight.

Q76 M'mm.

A By the night of the third night. 6 o'clock on the third night, we had a five-knot sou'-wester.

Q77 And, and then you just continued on to Hobart?

A Yeah.

Q78 O.K. Detective Stacey, is there anything you wish to

add to this?

DETECTIVE STACEY

Q79 No. Along the way with the weather reports, did you find that they were reasonably accurate as far as the conditions that you were encountering at the time?

A Not really. The, I mean, the storm warning and my experience would be 50 to 60 knots with gusts of maybe 10, 15 knots more. But to get sustained conditions of 70-plus for six hours, yeah, that just didn't gel.

Q80 Did you see any flare sightings at all, or did - - -

A No.

Q80 - - - you report any flare sightings?

A No, no. I didn't see any flares, didn't, yeah.

Q81 And you were in constant contact with the radio relay vessel, the Young Endeavour?

A Yes, yeah. We kept our radio traffic to the minimum of course, there was plenty of other, plenty of other talk required with the emergencies that were going on.

Q82 And when there wasn't the required sked, is it practice or general practice on your vessel that you'd either turn the radios off to conserve battery power, for instance?

A No, no, we leave the radios going all the time.

Q83 M'mm.

A Especially given the conditions and given the, the, the, the sea state and the level of emergencies hanging around, we had someone monitoring the radio at all times.

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Q84 Right. Just as a matter of interest sake, what type of batteries do you have? Do you have the normal acid batteries or are they a dry gel acid battery?

A No, just straight, straight normal track batteries.

Q85 O.K. O.K. Just one more question on the, on the stability of the vessel, we'll just quickly hash over that. At any time do you ever discuss with your crew, prior to the race, the general integrity of a vessel and its seaworthiness prior to going anywhere?

A No. No. I'd have to say no. We've, we've got a boat that's, we've got a pretty, pretty stock standard crew, we - - -

Q86 Yeah.

A - - - we all know each other pretty well. We're all involved working on the boat.

Q87 M'mm.

A Yeah. All the funds we got are spent on making the boat go faster - - -

Q88 Yeah.

A - - - and safer.

Q89 Yeah.

A Anything we, we can do ourselves, we do. So, we're a sort of pretty closely involved boat.

Q90 O.K.

A No real need to sit down and discuss.

Q91 They all basically know its a very well-founded vessel and they race on, you know, regularly at, at sea?

A Yeah, yeah.

Q92 So they're all very comfortable with it, including yourself?

A Yes.

Q93 O.K.

A Although I must confess, who can be comfortable when it's blowing 70, 75 knots?

Q94 Yeah, yeah.

A Yeah. I don't want to sound foolhardy - - -

Q95 No.

A - - - with respect to a six-tonne light displacement racing boat, but - - -

Q96 But basically, just, you know, due to your seamanship and the experience of the crew, you are quite comfortable with making decisions that was going to get the boat back, I suppose, in one piece?

A Yes, yeah.

Q97 Yeah.

A Yeah. I think, I think just given the way the conditions unfolded, though, we just had to, had to do the most comfortable thing we could, and that was stop racing, take it easy and try and reduce our risks.

Q98 O.K. All right, then, John. Is there anything else you'd like to add to this, to this interview? You're more than welcome to say whatever you'd like to about the race, the way the race was run.

A Yeah. I suppose, you mentioned harnesses in the discussion previously there. I do feel much more

comfortable with a harness I can get off one-handed.

Q99 M'mm

A Yeah. If I, if I got stuck somewhere and I, I needed to support my body weight with one hand, if I can get the harness off with one, relatively easy with the other hand - - -

Q100 M'mm.

A - - - I feel more comfortable with those. And the older-style harnesses were much easier to, to get on and off. I suppose they're much easier to get, to open, so whether there're alternative safety views on how easy it is to open them, I'm not sure, but they're, the newer harnesses which required twisting your fingers around the, a latch, I, I didn't like as much as the older ones.

Q101 Right.

A I think we were one of the 20 boats to have a Satcom unit on board, I feel quite comfortable with the fact that we were being monitored by, via the internet throughout the race.

Q102 M'mm.

A Or via satellites throughout the race. I felt quite comfortable that we had a, an emergency button on board the Satcom that we could have pressed if, if required.

Q103 M'mm.

A It would have been good to know what weather boat 50, 50 miles in front and 50 miles back had.

Q104 M'mm.

A Certainly in emergency situation, if, if, if the race committee could've said for emergency or for, "For safety reasons, Sayonara, what's your current weather at the moment?". Yeah. Or, "Brindabella, what's your current weather?". I don't know whether anybody else has raised that issue.

Q105 Well, just on that, are you aware of a, a rule that's in the racing instructions in regards to giving local weather reports that might influence other vessels in the way that they're travelling, though?

A There's, it depends on how you want to interpret that rule. If it was for the safety of the fleet, I think all of us would want, want information to be shared.

Q106 But wasn't it the case where, that the radio operator on the Young Endeavour did in fact warn people of the winds that other yachts were experiencing, and in fact, as two yachts did?

A Yes, yeah, I heard people warning, but it would have been nice to know from, from the lead boats that the weather was settling 60 miles, 80 miles in front of us.

Q107 Yeah.

A Yeah. No, there was, there was certainly some common sense advice starting to come out, but, but it would have been, would have been interesting to know exactly what the weather was - - -

Q108 Mm.

A - - - around our boat.

Q109 Yeah. And in fact I think as part of that broadcast,

a ruling was also pointed out where yachts could retire and then regain, re-enter the race with a, with working out time penalties?

A Yes, yeah, I was aware of that.

Q110 O.K.

A But for us, where we were, it just wasn't an option to try and, well, I suppose, we essentially retired. For, for, for that six hours when it was rough, we stopped racing.

Q111 M'mm.

A Yeah.

Q112 But you didn't, you didn't actually call that you were retiring?

A We didn't formally retire, no.

Q113 No.

A No. Our priorities completely changed when it was, when it was very, when the wind strength and wave conditions were, dictated it.

Q114 Right. All right, then. Is there anything else you'd like to add?

A I enjoyed having the Stormy Seas inflatable life jacket on at all times.

Q115 Right.

A Yeah. Yeah. It was nice to know that if I went for a swim, I could pull the toggle and, and float.

Q116 Right.

A Yeah.

Q117 Have you ever been and seen those things operated at

all?

A Yes, yes. I've, we've, we've fiddled around with them on board. I've had a swim.

Q118 M'mm.

A Pulled the toggle.

Q119 M'mm.

A Yeah.

Q120 I understand that there was a life raft demonstration here in Hobart prior to the commencement of the race, some weeks before, apparently. Were you privy to that?

A No, no I was not.

Q121 Did you know that it was, that it was being held?

A I'm, yeah, there's, there's quite, throughout the Royal, Royal Yacht Club, Alistair Douglas and Bruce Anderson at the DSS conduct regular safety and sail training exercises, yeah.

Q122 Have you been to any of those?

A I haven't been to any of those, no.

Q123 Do you think that you might go to them in future to

- - -

A I would certainly want to be more focussed on life raft safety.

Q124 Mm.

A Life raft protocol, righting, righting life rafts after they've turned.

Q125 Yeah.

A Yeah. And the next life raft demonstration, I want to go to it.

Q126 Just on the issue, with flares, you're familiar with the various types of flares that you're supposed to have on board as a category 1 racer?

A Yes.

Q127 And of course, there's the parachute flares, there's red hand-held and orange smoke flares.

A Yeah.

Q128 White hand-held flares.

A Yeah.

Q129 And are you familiar with their use?

A I've set off the hand-held ones. I've never let go rockets.

Q130 O.K. So you'd feel comfortable, you know, I suppose.

A Yeah.

Q131 And is it in fact your position where you carry out regular safety checks with the crew on various race days and all that sort of thing, to make them au fait with the safety equipment?

A We've got, we've got four or five very experienced blokes on board who have done over 10 Sydney-Hobarts, so the, the, the lesser experienced crewmen on board the boat know exactly where, where the, or, know where the safety gear is. There's usually an experienced bloke on board who'd set off flares in the vicinity if it was needed.

Q132 O.K. That's very good. O.K. Then, the time on my watch is now 1.52. This record of interview is now concluded.

INTERVIEW CONCLUDED