

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston, U-P-S-T-O-N, and Peter Williams, spelt W-I-L-L-I-A-M-S, at the New South Wales Water Police Sydney on Tuesday, the 9th of March, 1999, and the time on my watch is now 19 past 11.00. For the purposes of the record, Mr Williams, will you please state your name and date of birth?

A Peter Francis Williams, 23/12/48.

Q2 O.K. Peter, as we, as I mentioned to you earlier, prior to the Sydney, prior to starting the interview, I mentioned that I'm making inquiries into the 1998 Sydney to Hobart Yacht Race where unfortunately four people lost their lives and two are still missing. And you participated in the Sydney to Hobart Yacht Race on your yacht Adagio, spelt Alpha, Delta, Alpha, Golf, Indigo, Oscar. Would you just like to tell me about your history and your, your racing career?

A Yeah, I've always had boats since a kid, probably the first sailing boat was when I was 10, had dinghies up until about, I was about 23, 24, bought a 24 foot sail boat, I used to sail that in Bass Strait, out of Ulverstone and Devonport, subsequently bought a 28 foot in 1976, did Melbourne-Devonport in 1977, which was a particularly rough year, which was the year that there were a large number of retirements and it was equivalent or getting towards the equivalent storm to the one we had this year, but we were further west at

that time, we were through that O.K, we were, bare-  
poles and all the rest of it, traded that for a bigger  
boat the following year, a 32 foot, 33 footer, won the  
..... race that year and did very well in it,  
sailed it to Hobart, used to do a lot of offshore  
racing, my wife, just the two of us and the young  
children sailed it to Hobart and back two or three  
times, subsequently had a smaller boat, raced around  
the buoys, moved to Hobart, raced around the buoys  
there, had a ..... 33, it was an offshore boat,  
which we did the Sydney-Hobart in, in probably '92,  
before that we did the 1990 and the '91 ..... race  
which is a running-sailing race, which is probably the  
hardest of the races, in my view anyway, to do, given  
you're in and out of ports, bought, then sailed J24s  
for a few, two or three years, then I bought this boat,  
collected it in Melbourne, sailed to Hobart, .....  
circumnavigation, Sydney to Hobart in '96, brought it  
up to Sydney and, yeah, done that, sailed overseas to  
Ambon and, on another boat as sailing master and, yeah,  
so done, yeah, been mucking about boats, family's into  
it, same sort of thing, my brother's got a boat,  
another brother's a marine pilot - - -

Q3           Yep.

A           - - - my two boys have done, I think they've done more  
Sydney-Hobarts than I have - - -

Q4           Right.

A           - - - so, yeah, so that's the background.

Q5 Right. With the, with your, you're talking about your boys, were they sailed this year with you in the Sydney to Hobart?

A One was this year, yeah, the other, he sailed it, the other wasn't for the first time, he sailed on other boats, he sailed with us once.

Q6 O.K.

A But he's done about five, I think, but on other boats, .....

Q7 O.K. Your occupation, could you just tell me what your occupation is?

A I was an agricultural scientist I guess originally but I'm a public servant, director of the Department of Primary Industries and ..... water and environment now.

Q8 Yep. O.K. And could you just give me an idea of what boat you own at the moment, the length and the style of the boat.

A It's a, yeah, it's Spark and Stephens 36, it's a relatively old design, 10 years old, fairly conservative, Spark and Stephens, Americans, yeah, yeah, fairly heavy, relatively heavy displacement compared to a lot of the boats, it means it doesn't get up and plane easily and it's, yeah, it's fairly stable and it's also, it's not as, like it's got a shorter rig, it's got more of a cruising rig, single ..... back spreaders and pretty solid mast, whereas some of them have got double spreaders and a much taller rig.

It was, fairly heavy .....

Q9 So it's a fairly competitive yacht as far as this race is concerned?

A Not competitive in terms of the ..... but the majority of the boats now ore more than most are going in the performance handicap where you get an arbitrary handicap based upon, you know, your performance around the buoys and what they think, how well they think they'll go, it's bit of a subjective judgement, you ..... on being out there and doing well, if we get a day or a race where there's a lot of wind ..... the boat will sail much faster than the handicapper expects, so, we're, you know, whilst we ..... we would, you know, that's what we would be looking forward to when do the Sydney-Hobart, to get, you know, four or five days ..... and the boat will surprise the handicapper.

Q10 .....

A So that's the, that's the game, it certainly won't surprise him downwind, 'cause it just doesn't get up and plane like other boats, you know, like more modern boats will.

Q11 Yep. Yep. O.K. Well, if I can now cast your mind back to the 1998 Sydney to Hobart Yacht Race and, and of course you made application to, to enter the race and all that was accepted and of course Boxing Day the 26th of December was the start of the race and, of course, the race commenced at 1.00pm and went right through and

then for a number of days until the completion of the race. Now, if we can jump a little bit of time here and go right through, perhaps until the time where you started to experience severe or, or, or experience heavier winds than probably expected.

A Yeah, just throw one ..... thing which is probably relevant, I'm not going to try, on the way up, when we did the delivery voyage up, it was a pretty windy old day when ..... with a sou'westerly and we elected to go round, the long way round rather than through the canal and going through between Tasman Island and the mainland, we, we got 60 knots of wind across the deck then and, you know, I don't, yeah, that's the most wind I've actually seen and with a wind gauge up, because ..... other boats haven't had wind gauges or the gauges used to blow up or whatever, so we saw 60 knots there, we just had the, we might've even had the number two up, we were running downwind and so, yeah, we were reasonably comfortable that our wind instruments ..... and it was 60 knots, the water was just, you know, usual sort of thing, when you get that much wind, the water's just lifting right off and ..... we were virtually dead running through the gap between Tasman and wherever, so, I'll just throw that in as a, well, for what it's worth.

Q12 Yeah.

A Yeah.

Q13           What do you mean by, "dead running"?

A             We were running downwind pretty much we had to jibe it, jibe to, yeah, so we were running with the wind and, you know, the boat was sort of touching 16 plus knots going down the, the face of the waves and, yeah, it was pretty hard, pretty, quite a fair bit of skill, and I'm actually - - -

Q14           Yeah.

A             Yeah, we took off, the guy that was steering ..... yeah, anyway, that's, so, yeah.

Q15           But just before we go on then, that, that wind, that up to 60 knots, what day was that actually before the race ..... can you recall?

A             Well, I can tell you from the diary.

Q16           Was it a number of days .....

A             ..... Yeah, it was way back in December, yeah, Sydney, Sunday the 6th it was .....

Q17           That was Sunday the -?

A             December 6th.

Q18           Right.

A             Yeah, yeah.

Q19           And was that, was that weather forecast - - -

A             No.

Q19           - - - .....

A             No, it wouldn't have been, no, they wouldn't have forecast that, that was just, yeah, I mean it was strong, it was strong - - -

Q20           Yeah.

A           - - - winds and we typically getting, you know - - -

Q21           Yeah.

A           - - - ..... but then, yeah, persistent for a while and there was a lot of 50s after it and that was particularly localised as you go through a, you know - - -

Q22           Yeah.

A           - - - near the gap there, but, no, there was just gusts going through.

Q23           Right.

A           - - - right up the coast for three or four hours actually - - -

Q24           Right.

A           - - - that evening.

Q25           So prior to your, your departure from, from Hobart towards Sydney you did your sail plan and you obviously got weather maps and forecasts but none of that was - - -

A           .....

Q25           - - - none of that was expected?

A           The forecast was strong sou'westerlies and if you're going to take a boat to Sydney that's what you want, if you leave it too long until the sou'westerly's gone, you're going to face nor'easterlies, so, we were quite happy to go in those sou'westerlies and they were forecasting, you know, strong winds, which is up to 30, 35, 40.

Q26            Yeah.

A              That was going to be O.K, given that we can sneak up the coast, ..... coast is pretty good once you get strong winds, you don't get the big sea and so, yeah, I mean, we knew what the forecast was and but we still, yeah, we still went.

Q27            But clearly 60 knots was - - -

A              ..... yeah, that was unexpected.

Q28            Yeah.

A              Yeah. Yeah ..... yeah, although, you know, unexpected, well, it wasn't forecast, this weather wasn't forecast, but when it was 60 knots, we thought, yeah, well this sort of shit happens and it's and it will probably get a bit better once we get, you know  
- - -

Q29            Yeah.

A              - - - a few miles around the, you know, up the coast and it did ..... there were a few squalls still going through.

Q30            So you could fairly say that those sort of breezes are quite common in that region?

A              This was off, yeah, you do get a lot, yeah, you do that sort of breeze in, in Hobart, yeah, yeah. Particularly around those points around that ..... Island, Tasman Island, where you get those geographic ..... affect youse, yeah.

Q31            And would it be fair to say where you experience those strong breezes, the strong winds up to 60 knots, was

close or in the same sort of region as what were experienced going south, which we'll touch on shortly?

A No, quite different because they were relatively short duration, so there was no chance of the sea to build up, and they only lasted a short sort of period, so that's the, I mean, yes, so long as your mast ..... it wasn't, you know, it wasn't so bad, they were more  
- - -

Q32 Yeah.

A - - - they were more sort of 10 minute, 10, 15 minute, sort of things that we were going through, ..... yeah.

Q33 O.K. All right. Well, that's good, well, if you can now - - -

A Yeah, O.K. We were heading south, yeah, it was good, yeah, the, we kept on a reasonable amount of sail and we noticed a few other boats had backed right off onto their trysails and stuff and we were, we were going, going pretty well, we were very comfortable, we kept well out to sea, our previous two Sydney-Hobarts, we got to close to the coast and, you know, we found, you know, then you had to sort of try and ..... out so we tended to stay further out than some of the fleet, not excessively so, but tended to keep off the coast, it was a strong, you know, a strongly current, which everybody would've documented and, yeah, we were, you know, a couple ..... on the way to Hobart after the first 24 hours, so we were, you know,

we were pretty delighted with how it was going and we listened to the forecast and we were comfortable to continue with the forecast as it was, you know, the forecast said 40, 45 and we'd seen a bit of that, so we weren't, we weren't too worried, we were down to our number 4 and three reefs and the boat was handling it very well, the occasional wave would come over and, you know, wash crew off the, wash crew back a bit .....  
..... but, you know, it was no drama, it went back.

Q34           Yeah.

A            Back into his position, so we anticipated .....  
and it was only when we heard, Sword of Orion, I think it was that said that the conditions that were experience were at odds with the forecast, was more or less how they put it - - -

Q35           Yeah.

A            - - - and they said to Lew would this be appropriate that they advise in this, 'cause there's a convention in sailing, in sailing laws that you don't give weather forecasts when you report your position, you aren't permitted to say what the weather's doing because it can provide assistance to competitors, you're not allowed to broadcast the weather and when they ..... 70s we had a bit of a think about it, our initial reaction was that we took all the sails down and we just ..... we believed that it was coming up the coast, that it was a southerly from,

coming through, like we've experienced before  
..... the coast and the fact that they had 70  
knots there and we had 40 and it was meant to be  
building, we made that assumption and we thought we try  
..... and we did that and the boat was  
comfortable but half an hour we did a position before  
and after and we figured we'd only be about, you know,  
100 miles offshore by morning, 'cause we were drifting  
sort of east, east, south-east, yeah, more east, a lot  
more east than what you'd expect.

Q36 Right.

A And we figured we didn't really want to be that far out  
and then we talked about, yeah, that we'd look a bit  
stupid if we kept sailing into it and I felt that if we  
did and we got into trouble, 'cause there was a number  
of boats in trouble at that stage, that it wouldn't  
look, it wouldn't look very smart, but, you're in a bit  
of a cleft stick, because with the way the current was  
running there, even when we turned and I think  
..... I think we had the storm jib up .....  
..... and we turned and started to run back up  
the coast, where we were only making, you know, .....  
..... a couple of knots, because, you know,  
the current was running at three and a half, fours, and  
we were doing five and a half, sixes, and, you know,  
you're virtually like, you know, you were stuck.

Q37 Yeah.

A You were stuck there and, you know, when you were doing

the GPS was telling you how long it was going to take us to get to Bermagui, we couldn't ..... Eden, you know, it was bloody hours, it was 24 hours or something ridiculous.

Q38        Yeah.

A            But, yeah, after a while we cranked a bit more sail on and, yeah, we sort of gradually worked our way in towards the coast and the current had eased off a bit and we got there during the night, probably the, the waves got worse in the early hours of the, of the morning, which would've been the Monday morning, the 28th, wouldn't it, yeah, yeah, and the boat, yeah, the boat went over a couple of times and my own son was steering at the time, he had a ..... caught in the waves and came sort of steering down, down the ..... putting off and running down and ..... down and all that, and, a couple of waves were just breaking and they just got the boat and turned around ..... and it all went dark, you know, below and stuff went everywhere and, you know, you got out of your bunk and went to make sure they were still, still on deck.

Q39        Mm.

A            But that happened a couple of times, but, but otherwise we didn't have any, any trouble, no, no injuries, our little ..... we got a little ..... stay on the mast, it's a, it's a .....

Q40        Yes.

A            And it's more to, it doesn't actually hold the mast up

but it stops the mast pumping, you know, shaking, you know, vibrating and whatever and that, that snapped, that snapped off just before we retired or ..... we just came back but it got a sheet hooked around it and just gave it a twitch, but that was easily just, we had another, there was another point there and we just tied it on but it didn't, you know, the mast wasn't at risk, it was just a bit of an inconvenience having to go on the deck and try and do it but otherwise we, you know, everything was functioning when we got to, got back and the most we, we saw would've been, there might've been gusts of 50, but nothing, nothing more than that and, I guess - - -

Q41 So you were saying that your, the greatest wind you experienced was about 50 knots?

A .....

Q42 And where did you get that information from, was that - ?

A Our wind - - -

Q43 From the - - -

A Our instruments, yeah.

Q44 Yep.

A Yeah.

Q45 Was that, did you keep that recorded anywhere?

A No.

Q46 No.

A No, no, no, I mean you just, it's something you just keep an eye on and, you know, .....

yeah.

Q47 Right.

A It's not - - -

Q48 All right.

A And they don't really, yeah, the peaks aren't what you sort your sails for, you're more interested in ..... that's steady and, you know, at that stage it was more steady around the 35 and, you know, and our boat with a number four and three reefs, you know, we'll sail, she'll sail to windward quite nicely at 35 knots.

Q49 Yeah.

A You know, good conditions.

Q50 Yeah. And what sort of wave heights did you experience in that area?

A There's a fair bit of debate about that, we, you know, some, you know, very, it is very hard to be accurate, I mean, some of the, you know, some of the crew reckoned they were, you know, they were 10 metres, and whatever but they were nothing, I don't, I don't think they were that, ..... as much as they were very short and they were breaking and they were being pushed up by the current, I mean, that was the, I think that was the worst thing that there was a very strong south going current was pushing the waves up and a number of them were, you know, they had sort of the breaking rather than just the tops breaking, there was whole swag of it, and water was breaking, I think that was the, that was the thing, but we were

more comfortable as a boat, we were, we were sailing better with less risk, I guess, of capsize, sailing into it, than when we turned and went back.

Q51        Yeah.

A            But if we there were going to be 70 knots you obviously would go back.

Q52        Yeah.

A            But to me, you know, we sort of analysed it as good sense and even though ..... thing - - -

Q53        Yeah.

A            - - - and, I mean, we didn't, if we'd known that it was a sort of like cyclone that was subsequently moving or hovering, whatever you call it, was subsequently south-east, that would've changed our, you know, our attitude we would've just kept quietly going where we were and rather than try to run but ..... there was a mass of cloud coming up - - -

Q54        Yeah.

A            - - - a southerly, a normal southerly front but I think that was the, I mean I don't know whether that was the weather ..... was saying but that's my perception, that it was quite a different, you know, that was a storm that was squalling around - - -

Q55        Yeah.

A            - - - and moving down this way - - -

Q56        Yeah.

A            - - - as opposed to - - -

Q57        Moving up.

A            Yeah.

Q58          Were you, were you at present at the weather briefings  
              at the .....

A            ..... went.

Q59          Did they?

A            I didn't go, but I got all the ..... the  
              next morning - - -

Q60          Yeah.

A            - - - next morning I went and got a complete update  
              actually - - -

Q61          Right.

A            - - - 'cause we were sort of a bit ..... so I got  
              maps - - -

Q62          Yeah.

A            - - - and faxes and all that stuff the next morning, so  
              I had the latest stuff from them, you know, .....  
              went to the meeting the night before - - -

Q63          Right.

A            - - - the evening before I think it was, yeah.

Q64          And do you have the ability on your vessel, Adagio, to  
              receive letter faxes?

A            No.

Q65          No, you don't.

A            No, nor the ability to interpret them really - - -

Q66          Right. O.K.

A            - - - ..... you tend to rely on the, on the  
              forecast and, yeah, but I wouldn't, I mean I certainly  
              wouldn't criticise the - - -

Q67            Yeah.

A            - - - the forecasters, it's not an exact science - - -

Q68            No.

A            - - - and it's great to sort of a get a satellite photo afterwards, yeah, that's what ..... makes sense, but we were on this, we were out on this 151 - - -

Q69            Yep.

A            - - - and I hadn't plotted it or but I think, you know, you can plot ..... from the skeds which you've got there and only if I ..... in this quadrant here - - -

Q70            Yeah.

A            - - - which is quite different to the conditions being experienced by boats - - -

Q71            Down there in the lower quadrant.

A            Yeah, and, you know, the weather forecasters can no doubt make some sense of that - - -

Q72            Yeah.

A            - - - as to why it was, was so different but -

Q73            When, when you said you experienced a couple of knockdowns, was, did you at any time become completely inverted or - - -

A            No, no, no.

Q74            So at the 90 degrees - - -

A            Yeah, it'd be about 90 degrees.

Q75            Yeah.

A            ..... 90 degrees.

Q76            Yeah.

A            You know, given the ..... stuff moved from one side, you know, a bit stuff came out of the side lockers and that which doesn't normally come out.

Q77            Yeah.

A            Yeah, the boat would've, yeah, I reckon it was 90 degrees running down the waves.

Q78            Yeah.

A            Yeah.

Q79            O.K. And you mentioned a minute ago about the weather ruling in the racing rules and instructions - - -

A            Yeah.

Q79            - - - you're quite familiar with that and that is the case and it has been the case over the years - - -

A            Yeah.

Q79            - - - that weather forecasts should not be broadcast.

A            No, weather forecasts are broadcast, yeah - - -

Q80            Not weather forecasts but local weather.

A            Yeah, you don't report local weather, no.

Q81            Yeah.

A            No, no, no. But I mean in this case for safety, I mean safety can override everything else so I mean I guess that was fine and - - -

Q82            Yeah.

A            - - - you know, maybe a clarification of responsibility that if the conditions are at variance - - -

Q83            Yeah.

A            - - - .....

Q84 So you feel quite comfortable when Lew Carter gave that, those weather warnings, I should say - - -

A He didn't really give any weather warnings - - -

Q85 Well - - -

A - - - he just reminded people that, you know, .....

Q86 Yeah.

A - - - you know, it's up to you whether you continue your sailing or not, but it was a reasonable call for the weather to let that 70 knots be broadcast.

Q87 Yeah.

A I mean it changed our mind but probably as it turned out it may have been - - -

Q88 Yeah.

A - - - adverse in actual fact - - -

Q89 Yes.

A - - - ..... might have been just as well chugging along as we were going - - -

Q90 Yeah.

A - - - and, you know, making good, good progress and following the, following the storm.

Q91 Did you hear the broadcasts from the vessels that were experiencing those high winds?

A Yeah, yeah, yeah, we, normally we wouldn't listen to all the sked, no, because it only goes on for ages and runs your batteries down ..... we had our VHS on.

Q92 Yeah.

A But not our HF, but in this case we were listening to

it, once it was obvious there were major, you know, major problems we listened to it and, you know, ..... report flare sightings and a few things like that but generally, you know, people were trying to keep off the radio.

Q93 Did you see any flares at all?

A Yeah, we did, yeah, yeah, we called them in, and that was sort of a coordinator thing, ..... basically told to release a flare and, you know, they were getting ..... bearings so we were listening into that and .....

Q94 And, and what colour were those flares that you saw?

A They were the flare, you know, the orange, ..... the parachute, the parachute ones, yeah.

Q95 The red parachute flares.

A Yeah, yeah, yeah, we didn't see any of the others.

Q96 And this, this maybe an unfair question I suppose, but, did you feel any obligation to perhaps head towards those red parachute flares?

A No, not really, they were from boats, well, A, we were running downwind and it would be very difficult and take a long time to try and peg back up to them and they were from boats that were being asked already part of a programme to be, you know, rescued if you like, they were boats that were, you know, there was a trawler going to meet them and they were only just trying to get their, their position or the, you know, helicopters were coming to get them or whatever, so

they weren't, they weren't, you know, random flares at, at sea, which if your normally, if you saw one, well, you report it and, and make towards it, they were, you know, there were a number of other boats further south and inshore and we were outshore and we were just giving the positions ..... if anyone had, you know, if, and the people knew our position, so if the people running the thing had said, can you go back, you would've done - - -

Q97 Right.

A - - - but otherwise we just, you know, just what we, you know, what was asked of us, yeah.

Q98 Yeah. So it'd be fair to say that at the time of the sightings of the flares that you observed it was also in time with radio calls from search aircrafts - - -

A Yeah.

Q98 - - - perhaps giving a position of a vessel?

A Yeah, well, they were giving directions to let these off and for other boats ..... and we were sort of out to sea and north, so we were able to report what angle - - -

Q99 Yeah.

A - - - you know what angle they were and give a bearing, not only the bearing what angle they were - - -

Q100 Yeah.

A - - - and roughly, you know, just looking at the chart, just figuring ..... that's over there and giving them a direction from our position, so

we did that.

Q101 And you in fact did those, those recordings - - -

A Yeah, yeah - - -

Q101 - - - you gave those recordings to the Young Endeavour?

A Yeah, yeah, Telstra Control, yeah.

Q102 Yeah, Telstra Control.

A Yep, yeah, we did that.

Q103 O.K. All right. That's very good. Now, we'll just, I'll show you a document here, which is the IMS rating certificate and, of your vessel Adagio - - -

A Yep.

Q103 - - - with a sail number 588. Look at a section here where it says limits and regulations and down to the stability index - - -

A Yes.

Q103 - - - of 119.9 degrees.

A Yep.

Q104 You're aware of this document, you've - - -

A Yeah, yeah.

Q104 - - - you understand the document?

A Yeah, yep.

Q105 O.K. Is it the case with this document and also the stability index that you would inform your crew prior to racing or the crew that sail with you all the time of that stability index of the vessel. Would they be aware of the stability index of the vessel?

A No, they'd, they would know the boat and the design and what it's likely to be - - -

Q106        Yep.

A            - - - it's likely stability, they wouldn't know that it's a 119, they'd know ..... because we get into the IMS division previously, we weren't in the IMS division this time, they use a certificate to say how good it is, but otherwise no, they wouldn't know that, they'd know though that it's a, it's a boat that can be tipped on its side and it comes back up because they all sail, they've all done a lot of sailing together and - - -

Q107        Yeah.

A            - - - and we've been in a few situations where the boat's, you know, jibed and, you know, all that ..... and stuff like that and it's always come back up pretty quickly. So they, yeah, they'd know that rather than looking at the stability and say I'm not going to sail in a boat unless it's 120 or something.

Q108        Yeah, but it's, it's nothing you sit around and, and, as part of your, I suppose, a safety talk or anything prior to leaving - - -

A            No.

Q108        - - - and say, listen, the boat complies with all IMS regulations and - - -

A            Yeah, I mean the crew know that that it complies with all that.

Q109        Yep.

A            And they know that, you know, they don't ..... that

there are some boats that haven't been allowed in until they've done changes, like, there's a north shore ..... that we sail against and they've had to have an extra bit of lead put on the bottom of the keel, because their ..... harbour race in Sydney and they don't comply and they, the crew know their, you know, that'd be - - -

Q110        Yeah.

A            - - - more marginal than, than Adagio, so, it's known in that, in that sense - - -

Q111        Yep.

A            - - - and, you know, and they've sailed enough and seen boats that have gone on their side in the river and taken an awful long time to come up.

Q112        Yeah.

A            Yeah.

Q113        And how many crew did you sail with?

A            Six.

Q114        There were six on board. O.K. I'll now show you a document which is the Yachting Association of New South Wales safety equipment compliance form - - -

A            Yep.

Q114        - - - for category 1 and 2 vessels, this is the - - -

A            Yep.

Q114        - - - the document here that's been filled out by you  
- - -

A            Yep.

Q114        - - - or by a safety officer - - -

A Yeah.

Q114 - - - that's come down and checked, checked that.

A Yep.

Q115 And where would that have been checked?

A Checked in Hobart.

Q116 O.K. Now you sailed with six on board and it mentions here that the safety harnesses, is that four or .....

A That's not ours that one.

Q117 Sorry.

A This ours here.

Q118 Yep.

A .....

Q119 O.K. My, my correction there, we've got six - - -

A Yep.

Q119 - - - and there's six been checked - - -

A yep.

Q119 - - - and all the other equipment has been checked - - -

A Yep.

Q119 - - - on board your vessel, and what intervals are they checked at?

A 12 monthly or, you know, if runs, yeah, if it runs out sooner, I guess .....

Q120 Yep.

A - - - usually it's for the race, yeah.

Q121 O.K.

A And that, that's not a cursory walk on board, you do

actually get all the gear out, you do, you know,  
..... six orange and three reds and this,  
you know, you actually go through it - - -

Q122        Yep.

A            - - - so it's done -

Q123        So it's not just a whisk through ..... - - -

A            No, no, you've got, you've got to make an appointment  
and it takes ..... you know the  
guy but even so - - -

Q124        Yep.

A            - - - it's, it takes, you know, probably three-quarters  
of an hour or more, you know, particularly if you  
haven't, if you've got everything laid out, it doesn't  
take very long.

Q125        And if there was anything amiss what would, what would  
happen then?

A            You wouldn't get a certificate or alternately the  
certificate would note that that was missing and to be  
corrected by the time you got to Sydney, so, I mean,  
you may not have had all your harnesses on board,  
'cause they tend to be personal gear, so, he would've  
noted on there, two sighted, others to be provided and  
that would've been on the certificate ..... all  
the gear there and we got a, you know, so he might have  
to organise another inspection when I got to Sydney, so  
- - -

Q126        Yeah.

A            - - - I had to get a clean, clean ticket.

Q127 O.K. Now, when you, when you got those, we'll just go back a bit further now, when you got those initial weather reports that you've ..... that you expected to experience breezes of up to or gusts of up to 70 knots or so.

A No, gusts of up to 50 was the forecast.

Q128 Right. Yes. But then you heard that there was - - -

A .....

Q128 - - - gusts of 70 knots.

A Yes.

Q129 And you decide to, to sort of lay - - -

A Lay a hull.

Q129 - - - lay a hull. Did you then contact the Telstra Control and say that you were actually retiring from the race - - -

A No.

Q129 - - - or anything like that?

A No, we waited. We weren't actually retiring at that stage, we were just waiting till things got a bit settled and if this 70 knots front went through, well, we were waiting for that to go through - - -

Q130 Yep.

A - - - 'cause they come through very, very quickly.

Q131 Right.

A And, yeah, so that was the strategy that we were - - -

Q132 O.K. And, and you mentioned that you were making way to Bermagui?

A Yep.

Q133 Right. Was that to retire from the race?

A Yeah, yeah once we'd, well, yeah, we did then turn around, after we lay ahull for a while and we were obviously going to be too far east, we had a bit of a, you know, we were all .....

Q134 Yeah.

A - - - off centre and the boat was comfortable - - -

Q135 Yeah.

A - - - and we just had a bit of a talk about what we were going to do and, yeah, ..... you know, it's the skipper's fault at the end of the day.

Q136 Yeah.

A You know there were other experienced, a couple of other experienced people on there and we had to ..... comfortable ..... and everyone was pretty comfortable with the idea of ..... sail.

Q137 Yep.

A And heading back up towards, yeah, back up, up the track.

Q138 And you actually made Bermagui?

A Yeah, yeah.

Q139 O.K. And you then radioed in and said that you were retiring from the race?

A We'd said ..... no, as soon as we decide to retire and whatever, I think it might've been the ..... it might have been as late as the 10 o'clock sked or it might have been, you know, we

might have recorded it, I can't remember  
.....

Q140 Yeah.

A Once we put up sail and started heading back, we advised that we were retiring from the race.

Q141 And then at, when did you decide then to re-enter the race?

A We didn't ever re-enter it.

Q142 You didn't?

A No.

Q143 You decided then that was - - -

A ..... It was a bit weird, I thought, to me it was, the boats that retired and then re-entered, you know, I'd be interested, you know, ..... from that because my view is if you retire, you retire and all boats that retired went into Eden, used their motors, went up the pub and had a meal and then continued the race, which is, you know, in breach of the spirit of the, of the rules and there'll be some words about some of that, I think.

Q144 O.K. So would you like to say anything now about those things?

A No, I think it's more to do with the, it's nothing to do with the seamanship of it, I just think it's to do with the, you know, the spirit of, the spirit of it, really, because if you can opt out for a while and then opt in again, it changes the basis and people then might be tempted to try and keep sailing for a while,

then think, yeah, we'll hang on, then we'll retire, then we'll get back into it, to me you, you've got to make your decision, you continue to race or not and if you are ..... if you're going to retire, you retire and you just, you just do that - - -

Q145           Yeah.

A               - - - there's room in the rules for redress if you're, you know, have to help other people and stuff, that's all been known - - -

Q146           Yeah.

A               - - - and well, well implemented. This business of retiring and going ashore and then ..... a bit off I reckon.

Q147           Which you believe was the case?

A               Yeah, it was, yeah. I know some boats .....

Q148           O.K.

A               I just think it's, you know, it's just, yeah, because if you retire, well, I don't retire from races, this is the first one we've sort of retired from, you know,..... I can't think of any others we've retired from, we normally wouldn't, so, it was a major sort of decision to pull out, but, then the ..... was the - - -

Q149           Yeah.

A               - - - was the thing to do.

Q150           O.K. And, and after you retired, you went into Bermagui and, and then what happened after that?

A               We had a few beers and - - -

Q151        Yeah.

A            - - - then ..... - - -

Q152        ..... too.

A            And we had a bit of a yarn about we whether we were going to go back to Hobart or come back to Sydney and in the end we decided to come back to Sydney and yeah.

Q153        O.K.

A            Yeah, and that's why I'm in Sydney now.

Q154        And that's why you're here now?

A            Yeah, we're taking the opportunity to sail north and ..... some of the crew ..... Hamilton Island thing - - -

Q155        Yep.

A            - - - ..... the Brisbane .....

Q156        Yep.

A            - - - the think, but, yeah, I mean I knew the guys, most of the crew on Business Post Naiad and - - -

Q157        Yeah.

A            - - - and knew Bruce Guy - - -

Q158        Yeah.

A            - - - competed against him over the years and, yeah, I mean, it's all, all very sad, but, in analysis it was something that could happen to anyone at any, any time, you know, they'd lost their mast, they were motoring back, really they were pretty much, well, they got the water out of the hull, they were, they should've been O.K to get back to Eden and how the boat tipped over was just a bad wave or whatever, which was a bit of a

freak and the guy that drowned, that is a bit of an issue, and that's ..... something you could take up, because I don't know whether the harnesses, there's different sorts of harnesses - - -

Q159        Yep.

A            - - - and clips and what the, what the new ones have got, well, the old ones just had the clip, yeah, the clip that pushes in, you know, ..... your harness  
- - -

Q160        Yes.

A            - - - it just goes in and you can actually with those, if you twist back, you can get it to come, it will come off the D thing on the deck. It will actually come off.

Q161        Right.

A            And the new ones now, you know the new clips, and I've got a new ..... new strap because my other one had, had that old sort on there and I've got a piece that goes across there.

Q162        Like a tongue that comes out.

A            Yeah, that stops it ..... now that's O.K, but that'd be O.K. for the one that's on the dead eye on the deck, 'cause that's one that twisted and is likely to come out, but, if you ever get trapped below and you ..... very, very difficult one handed to actually release, you almost need two hands to do it.

Q163        Yes.

A            So what, what, you know, our discussions, the crew was

that, was probably what you should've and what we're interested in getting, is one of those that lock, can't come undone on the deck, but that the one that's on the other end, had one of the earlier versions that you just - - -

Q164        Yeah.

A            - - - that you just - - -

Q165        It .....

A            - - - and can get, undo that one-handed.

Q166        Yes.

A            Because we've never experienced those coming off here, those old ones, but we have had them come off there, so that's something to look at. I know, you know, I'd pretty worried if I was held under the water with one of those buggers.

Q167        Yeah.

A            Yeah.

Q168        Well, what, what have you heard about safety harnesses in general about the race?

A            I've heard that people that, you know, they can be washed out of them and that, yeah, I've heard, you know, they work pretty well for a lot of people, we always take, one of the rules we have is that we put the, the ..... back into the, down below, so as you can come up you actually hook on before you actually come on deck, our boat's particularly good in that it's got a, a cabin,..... and your main jib goes across there, the cabin comes back

either side, so, before you go, go below, so it provides a bit of protection, the ..... keep the clip on there and then you can sort of .... when you're at breast height - - -

Q169        Yep.

A            - - - you can actually put the keeper on before you come on deck.

Q170        .....

A            'Cause that's certainly the time that people are most, most vulnerable when you're coming up, 'cause you haven't got used to the, well, you probably get out of your bunk a bit sleepy, haven't got used to the cold and how the, how the boat's handling at the time, so we always do that.

Q171        Right. What if you needed to go forward have you got jack stays - - -

A            Yeah, yeah.

Q171        - - - where they can tip on to that, also from inside the vessel.

A            No, you'd be, you'd come on deck and you'd transfer that across to the jackstay - - -

Q172        Right.

A            - - - and move forward, tend to for ..... to clip it off even then to take it off the jackstay and put it on to something, 'cause that jackstay gives you too much travel, it comes shrieking right back on it, yeah, yeah.

Q173        All right. What about lifejackets, do you ensure that

all your lifejackets are worn by your crew or - - -

A No.

Q174 What's the situation .....

A Half have got, half have got the ..... John Flynn, do you know John Flynn, the guy that survived off the J35?

Q175 ..... Montego Bay?

A No, off, ..... it was a J35, but he survived in the water for a long time - - -

Q176 Right.

A - - - about four or five years ago and was rescued by a trader and everything.

Q177 Yes, yes.

A In a Sydney-Hobart, John, John Quinn.

Q178 John Quinn, yes.

A John Quinn.

Q179 Yep.

A Anyway John, that looks like a John Quinn jackets, they're a ..... which have got wetsuit material in them and they give you quite reasonable flotation

- - -

Q180 Yes.

A - - - since the race I've, jumped in with all my wet weather gear on and that keeps your head well above the water ..... particularly with trapped air and so on and I prefer those jackets, 'cause they have the right protection for your body and if you get bumped

- - -

Q181 But they're not an approved safety device - - -

A No, no, no.

Q181 - - - as opposed - - -

A No, we have lifejackets but we don't wear them.

Q182 Yeah. O.K.

A And we wear ..... and some of the other guys Stormy Seas inflatable, inflatable ones, but my preference, they cost about the same, my preference is to wear the ..... ones because you're more likely to wear them all the time, you can have your really good wet weather gear, you know, really good storm, proper ocean going, you know the sort of, the difference between ..... wet weather gear and the really good, you know - - -

Q183 O.K.

A - - - good ocean stuff and that's what we wear, yeah.

Q184 All right. Is there anything you'd like to add - - -

A No.

Q184 - - - to this .....

A No, no, it's fine.

Q185 All right. The time on my watch is now 11.40, 11.58  
this interview is now concluded.

INTERVIEW CONCLUDED