

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Peter Joubert at the Melbourne Water Police at St Kilda on Saturday, the 17th of April, 1999. Also present, seated opposite me, is Senior Constable David Upton, from New South Wales Water Police. The time on my watch is now 3.24pm. For the purpose of the interview, Mr Joubert, could you please state your full name?

A Peter Newman Joubert.

Q2 Your date of birth?

A 27th of August, 1924.

Q3 Your current address?

A 14 Grosvenor Street, Brighton, Victoria.

Q4 And your current occupation?

A I am a professor emeritus, but I still do, do some work
- - -

Q5 O.K.

A - - - at the university, and consulting work.

Q6 O.K. And your professional qualifications?

A I'm a Bachelor of Engineering and a Master of Engineering and a Fellow of the Institute of Engineers Australia, a Fellow of the Society of Automobile Engineers Australia, a member of the Society of Naval Architects and Marine Engineers, and I'm an acamedician, I'm a Fellow of the Australian Academy of Technical Logical Science and Engineering.

Q7 O.K. Now as we've already explained to you, we're making inquiries in relation to the 1998 Sydney to Hobart Yacht Race, and in particular your involvement and the incident surrounding the Kingara.

A Mmm.

Q8 O.K. What I'd like to do is firstly get some background sailing experience from you, if you could?

A Well, that's set out in my, the paper I gave you.

Q9 Yeah. Could you just - - -

A At the rear.

Q10 Right. Could you just give us a brief summary on the tape, that's all?

A Well, I commenced sailing when I was about 12. I built a V.J, a Vaucluse Junior, when I was 15. I sailed until I went off to the war in, when I was 18, where I ended up as a fighter pilot in the Air Force. I came back to Vaucluse after the war and sailed again in 12 foot dinghies and VS's, and later I built a sailing canoe and a number of other boats and sailed around Sydney Harbour, Pittwater, a little bit of ocean sailing. I met Mr Alan Payne, a naval architect, I worked with him while I was studying for a degree. I went ocean sailing on some famous yachts, including Nocturne, which later won the Sydney Hobart Race, but not with me on board. I eventually gained my degree and moved to Melbourne, working in the university at Melbourne. I designed a 30 foot yacht which I built myself and sailed successfully for a number of years.

I went to the Massachusetts Institute of Technology in the mid 50's, worked in the Naval Architectural Department. I built model catamarans and a destroyer and towed them in the towing tank and studied resistance aspects of ships, powering. Later I designed a, a larger yacht for a fibreglass boat builder. We nearly won the Sydney Hobart Race with that, it was the first foam sandwich yacht built in Australia. We came second actually. That was a strong race, too. I mean, strong winds. Beat Sid Fisher, he came third, I think, in his Ragamuffin. Koomaloo was the winner. And then I designed more yachts for this boat builder which got into production. There was the Brolga class, there was the Currawong class, and so on, a number of different designs. One of the Currawongs later won the Sydney Hobart Race. I've designed a number of different yachts in different methods of construction, steel yachts, timber yachts, plywood yachts, and of course fibreglass, and some of them have been fibreglass and some sandwich construction. I've sailed in 27 Sydney Hobart Races, all in yachts that I designed. I was skipper in 24 of them. Mmm. I was given the Commodore's medal of the C.Y.C. for the rescue of eight people at sea off, in a strong gale one black night, about 60 miles east of Eden. That was Adjustor, I think it was. They were all in the water. Got into a life raft, but it overturned. We saw their red flares, we went, turned off the course and went

towards them, and then they, they were parachute flares, then we didn't see any more of those. And then we saw some handheld flares and then we didn't see them any more. And then we had powerful lights, and we saw the reflections from their reflecting tapes and the reflections in their eyes. And the crew did it all, and they pulled the eight of them out of the water, so

- - -

Q11 Extremely lucky.

A They were lucky.

Q12 Mmm.

A That was, oh, '94, I think. I've done a lot of research at the university into ship resistance, different types of structures. I became very upset when a lot of lightweight boats disappeared and people got lost at sea, and I felt it was due to the light construction, and over the years I've carried out a lot of research built on one piece of work following another piece of work, and built up a lot of knowledge that we now feel we understand the slamming problem, and how strong structures have to be to withstand the slamming action when waves, when boats become airborne over waves and fall into the troughs with a, a big impact. In fact, a student's just finished his Ph.D. on this, and we think we've made some progress in that understanding. Oh, I don't know, what else?

Q13 O.K. That's fine.

A I still research into fundamentals of boundary layers. I've just been, over the last year I've been consultant to the Collins class submarine and its problems, by the Defence labs. The last yacht I designed was about 3 years ago, 4 years ago. That won the award for the best modern built timber yacht at a show in Sydney. It sailed in the Sydney Hobart Race, quite successfully, and won a prize. That's tilting at windmills. I had a number of yachts in this race, and I was the only one that didn't get through. Oh, Zeus pulled out too, I think, but anyhow, that gives you some idea - - -

Q14 Yes.

A - - - of my involvement in yachting.

Q15 Most certainly. Could you give us some details in relation to your yacht of last year, the Kingara?

A Well, it's, was designed then a long time ago, '68 it'd been, be over 25 years old, I think, '72 was it designed? I can't quite recall. I'd have to look that up. There'd be a date on that, would there?

Q16 No, the date's age, 0-0-0. There must have been - - -

A Mmm. No, let me see.

Q17 Have a look

A Mmm. And I designed it for Graham Warner, who is the former owner of Winston Churchill.

Q18 Mmm.

A And when he sold Winston Churchill he got Kingara. And then after 3 or 4 years he sold it to Sir William Petingel, and when he died I saw it sitting there, a

bit run down, and I bought it, and I've been doing it up ever since. It's really a nice yacht, timber yacht, coal moulded yacht. It's, ... be seen in these photographs.

Q19 Oh, yeah?

A It's quite heavy, it's 13 tons, 43 foot overall, 13 foot beam.

Q20 Mmm.

A Very comfortable.

Q21 O.K. Now I'll just show you a certificate which was on issue for last year's race, and I.M.E. certificate, and you'll see the stability index is 132.2 - - -

A Mmm.

Q21 - - - and the calculated limit of positive stability is 125.3.

A Yes.

Q22 Do you agree with that?

A Looks like it.

Q23 Are you able to tell me why there is a difference, such a difference between the stability index, this is just for our information, knowledge, we don't know, why the stability index is 132, then it drops to a 125.3 at the calculated limit of posit stability?

A No, I can't.

Q24 You can't? O.K. That's all right - - -

A I can guess, but I don't know.

Q25 O.K. So is there a, are you able to tell me if there is a, a, would anybody know why that happens?

A The details of how they work out that rule - - -
Q26 Mmm.
A - - - has never been made public.
Q27 Oh, O.K.
A Some designers who work with it all the time might become familiar with what needs to be done to alter that, like Andy Dovell, but I have not worked very much with the I.M.S. rule.
Q28 Right, O.K.
A It's not published, you know, the details of the rule are not published like the old I.O.R. rule.
Q29 Right.
A - - - where you could see the formula, yes.
Q30 Right. O.K.
A It may be it's got, because it has a heavy mast. The mast is very strong, I mean, when the boat went in the water and was knocked down, the mast didn't break.
Q31 Yeah.
A. Very few of those that were rolled came up with their masts - - -
Q32 Yeah.
A I'm not sure if any did, apart from Kingara.
Q33 Mmm.
SENIOR CONSTABLE UPTON
Q34 So you in fact were rolled totally inverted - - -
A No.
Q34 - - - or you were rolled, knocked over?
A The mast went in the water - - -

Q35

A - - - how far over we went we can only guess.

DETECTIVE SENIOR CONSTABLE GRAY

Q36 Yeah.

A Mmm.

Q37 Yeah. O.K. I'll show you the mandatory crew list for Kingara for last year's race, photocopy of.

A Yes.

Q38 Can you tell me, confirm whether that is in fact the crew that actually raced?

A Yes, that's right.

Q39 O.K. Now if - - -

A

Q39 - - - you could take us to the 27th and, in your own words, just explain to us what happened to your boat.

A Yes, well, when I heard the, the 2 o'clock weather report and the 45, 55 knot storm warning, I sort of swallowed hard, but all the crew seemed very keen on pressing on, and I did think about retiring because a fellow I admire, whose name is, and I'll think of that in a minute, the chap who got washed into the water for 24 hours and was saved in a previous race - - -

Q40 That'd be John Quinn.

A John Quinn, he, he went into Eden, and I think he's a very good seaman, and I respect his judgment, but my crew seemed to want to go on and I thought, well, fair enough. But then at the 2.30 weather report, when it was starting to blow around about 40, 50 knots, and I

heard that Sword of Orion say they had 70 knots, and I thought, well, we're for it now, and then shortly after we had it, the very screaming hurricane, and that's where I disagree with the weather bureau that what we had were just gusts and not the real mean wind. I think the mean wind was up around the 70 mark. Not that we took records - - -

Q41 Mmm.

A - - - of wind velocity - - -

Q42 Mmm.

A - - - you've got too many other things to think about.

Q43 Mmm.

A But our wind gauge went up to 65 knots and it was hard over for longer than 10 minutes which is the measure of a mean wind. The weather bureau have to have a 10 minute consistent wind to be expressed as a mean wind and if you get a gust that doesn't last for 10 minutes, well, that's just a gust.

Q44 Mmm.

A So you need to appreciate that. Then we were, we were, we'd, had reduced our sails quite early in anticipation and in fact we only had a storm jibber which looks very tiny until you're out in 70 knots and then it's about three times as big as you really need.

Q45 Mmm.

A And we were sailing along doing about 6 or 7 knots and at 4 o'clock they changed watch so we'd been in the wind for an hour and a half and just maintaining our

course and the crew were having great trouble with the intensity of the spray hitting their face. It's like being hit in the face with wire needles you know - - -

Q46 Mmm.

A - - - terribly hard but they, someone had a set of goggles and they could wear those, look at the compass and the off, the, the boat has got deep cockpit so the crew can really sit down in there you see - - -

Q47 Yeah.

A - - - they don't have to stand up like they do on some of these modern boats completely exposed.

Q48 Mmm.

A And we were coping quite well. All the off watch and myself and the navigator were sound asleep, absolutely sound asleep. Well, the watch was changed at 4.00 and they all went up and I had a look at things then and they seemed to be coping, so, I went back to bed as I said and then I think it was about 6.30, 7 o'clock somewhere around there, I felt myself in the air, I felt something against my behind on the buttock on the right side and then I had this big bang in my chest and there was an enormous crack which I associated with a bit of hull being torn apart. And there, there was all this water in the boat and I was lying on the lurid settee birth with my knees in water, on the cabin floor. Well, I thought my God, we've been holed the water's coming in and after the Adjuster incident I'd reasoned that they could have saved that if they'd had

an engine driven bilge pump, so I'd fitted one. And it was a very powerful pump, belt driven off the engine with a magnetic clutch and to drive it you have to throw a special switch on the switchboard of the N.A.V.I.D. table and that was up to windward so I couldn't breathe at first, I'd been winded. I knew I'd broken a lot of ribs, I could feel that but I crawled up to windward and tried to throw the switch on but I couldn't quite, there's a cover over it to stop people inadvertently switching it on. My grandson came and lifted the cover off and I pulled the switch on, the pump started to work and the crew put that down in the, the water and it, they got the crew in the cockpit to throw the outlet hose over the side rather than have it drain into the cockpit and put a lot of extra water in there. And that's working beautifully expect that there was a lot of muck floating around and the bilge which was going on, anyhow the crew were attending to that. And then there was the cry of, Man overboard. I'd seen one chap, Snyders, Anthony Snyders - - -

Q49

Yeah.

A

- - - who'd been steering at the time trying to climb back over the stern rails and they were, I found out it was this Campbell chap who was overboard, I didn't know him at all, I'd only met him the day before the Hobart race. He'd been brought out highly recommended by Mickel one of the other crew members and I must say a lot of the time on the way down he was quite sick, I'd

look in the cockpit and you'd see his bottom and his head hanging over the side, he may have been a bit weak. He had this fancy suit that I could see mentioned in the latest modern boating on safety equipment. It's one with an integrated harness and he'd been in the steering cockpit with Snyders. He and Snyders had gone over, two other crew members in the crew cockpit forward of the steering cockpit, here's the steering cockpit, back of there, there's the crew cockpit there, one other fellow had gone overboard and just pulled himself back on, Damian Horrigan, Snyders had gone to the end of his safety harness and pulled himself back up to the stern and tried to lift, get on and the other crew had helped him on, chaps from below came up and helped him on, but this Campbell fellow had been hit on the head and was a bit unconscious and really couldn't help himself and eventually three people got hold of him and couldn't lift him on, he was like an inert lump and then one went, Horrigan went to get a halyard for him to lift him on board with the halyard and he was left with two people and then he put his arms up and slipped out of his jacket. And that's where I come to these safety harnesses - - -

Q50 Right.

A - - - I got something to say about them in due course. And then I sent out on the radio a Mayday and the Telstra Control chap I thought was marvellous, he was

a tower of strength to me. He said, What is your position? Now we've got a G.P.S. so - - -

Q51 Mmm.

A - - - there it is, your position you see, bang to within 30 metres or so well, I couldn't read that, I didn't have my glasses so grandson read that off and I repeated it and then I said, We need a helicopter. And I didn't hear more from him on that actually. He said, What is his name? I said, Campbell. He said, Is he wearing a life preserver, a flotation device? I said, Negative. What colour is his jacket? I said, Dark blue underwear, that's what he was wearing - - -

Q52 Mmm.

A - - - see he'd come right out of his jacket. And so off he was behind us and the people in the cockpit, some of them were a bit like headless chooks you know, they were panicking a bit but then one fellow, Anthony Snyders, even though he had a terrible knee was standing up following the chap and they were steering the boat so that they could try and keep him in sight but we were, I'm below, I didn't see this but I'm told the jib had been shredded and the other Snyders went up and pulled the jib down to stop it flapping around, the had torn out of it, with it going in the water, so they're sort of manoeuvring and then another yacht came sailing past. He'd heard our Mayday and that was Chutzpah, Bruce Taylor, former Commodore of the Royal Yacht Club of Victoria. They had a lot of problems,

they had a rope around their prop, they couldn't run their prop, the Like boat, Like the Winner, in fact he sold his previous boat to the people in Sydney who won the race and he got a new one but they were going to try and get back. They saw the fellow in the water so whether they would have got back I doubt but they were trying and they certainly came near us and sailed past us. And in fact one of the crew members said, I can see the whole boat, and the mast and the wave was up above it, that's how high the waves were. So when people say the waves are only 10 metres, I don't agree with them. But - - -

Q53 Are you referring to the weather bureau's - - -

A Oh, anyone.

Q54 Mmm.

A I'll come to that later. And then the helicopter appeared and that story is very well told in the Australian Magazine - - -

Q55 Yeah.

A - - - of March 6, 7.

Q56 We have a copy of that.

A You'd need one, it's a very good story. So I guess you've been out interviewing these people - - -

Q57 Yes.

A - - - have you?

Q58 We did that today.

A Righto. David Kay, Barry Barclay and Daryl James.

Q59 Mmm.

A I think they deserve a medal myself, I hope they get one, maybe I should recommend them if they haven't already been recommended.

Q60 Mmm.

A Now my story is, I passed out shortly after I'd given the Mayday and I think I'd suffered shock. In, in fact all my facilities closed right down and I said to a chap who was with me, I said, I think I'm dying, it really feels like that, everything's But it may just have been shock. And then they put me in a bunk and I couldn't bloody move because of all my broken ribs. And then they, once this fellow had been rescued they sailed due north with no sails up and had no further problems, they got rid of all the water and so on. And it was after midnight the next night when they got back to Eden so it was a 30 hour sail at least. And then they came in and they forewarned the police and the police came out, no, we moored and the police launch came next to us and they came in and put me on a, a board, a curved board, gave me an injection, lifted me out over the galley and up through the companion way and onto the police boat and the police took me up to a place where I could be lifted up into an ambulance and off to hospital. So that was sort of the end of my story on the boat. It turns out that what that fearful crack that I heard was indeed the mainsheet winch which sits on, like that winch there but it's over on the port side on an overhanging piece

of the deck top, cabin top and it had pulled out a whole section of plywoods when the winch got pulled out. The reason it got pulled out was that the main boom had been lowered the deck, was lying down on the starboard side, sails right down, all lashed round the boom properly and then the winch was lashed like that with the rope around the winch to starboard and a winch to port. And when the boat went in on the port side the load of water on the boom, pulling on the rope, lashed around this mainsheet winch on the port side, it pulled the winch right out of the deck.

Q61 Mmm.

A And all the stanchion posts on the port side were all bent in their basis and a jockey pole, which is a thing like a spinnaker pole but much shorter that's properly stored below a piece of deck on the port side, along here. See that brown - - -

Q62 Mmm.

A - - - varnish bit of timber there? Well, on the other side that's stored along there that was bent and broken the fitting, end fittings were all pulled out and broke. And this is from the weight of water against the deck - - -

Q63 Mmm.

A - - - when the boat is thrown by the wave I assumed, being asleep in the boat, I assume by the top of the breaking wave.

Q64 Yeah.

A So that shows that deck structures, the upper part of the hull above the water line need to be as strong as the under parts - - -

Q65 The same as the hull.

A - - - and that's why, the same as the underparts of the hull and that's what I've said in my submission here. And Andy Dovell had said in his. Have you seen this paper of his?

Q66 Yeah, we got a copy of that last week.

A Well, you'll see here where he says Kingara, he's spelt Kingara wrongly, significant deck and deck equipment damage. Note that?

Q67 Mmm.

A And that's what occurred that winch got torn out of the aft overhang of the deck.

Q68 Mmm.

A There was no opening for water ingress - - -

Q69 Mmm.

A - - - it's not as though the boat had a failure of that kind but it's the weight of water pressing against the boom that caused the winch to be broken, pulled out of the deck. So you get some idea of the magnitude of the forces involved.

Q70 Mmm.

A Now if you talk to different members of the crew, they see things from what happened to them and so on, see but does that give you some idea?

Q71 Yeah, yeah. Now Kingara actually sunk, didn't it?

A Certainly not.

Q72 It didn't sink?

A No.

Q73 Oh, O.K. I got that mixed up with someone else. O.K.
So - - -

A There was no damage to the boat other than that - - -

Q74 Yeah. That deck - - -

A - - - winch pulled out - - -

Q75 Yeah.

A - - - a torn on the storm jib.

Q76 Yeah.

A Bent stanchion posts basis, jockey pole thing and then
various bits of woodwork damage - - -

Q77 Right.

A - - - like the compass was knocked out and so on you
know.

Q78 But the Water Police that assisted you were from
Victoria, is that right?

A No, no. They were in Eden.

Q79 They were in Eden?

A Yeah.

Q80 It was a small Water Police vessel that - - -

A Yes, that's all there.

Q81 All right.

A That was in harbour - - -

SENIOR CONSTABLE UPTON

Yeah.

DETECTIVE SENIOR CONSTABLE GRAY

Q82 Oh, O.K. O.K. O.K.

A That was only manipulating me out of the boat.

Q83 Right. O.K. For some reason I got it mixed up with the V.C. Stand Aside. O.K. Now - - -

A The boat was sailed from Eden back to Melbourne - - -

Q84 Yeah.

A - - - after some electrical repairs to the boat.

Q85 Right. O.K. Now did you, did yourself or any of your crew attend a life boat flare demonstration which was held by the C.Y.C.A. prior to the race?

A No.

Q86 Were yourself or your crew aware of that demonstration?

A My crew don't arrive in Sydney until the night before the race.

Q87 Right. O.K. Were you personally aware of that demonstration?

A I don't recall it.

Q88 O.K.

A Oh, I forgot to add that when the helicopter first arrived they couldn't see us.

Q89 Right.

A We were in contact with them and, channel 16 I think it was, and they set off a flare and they saw the flare, a red flare, a handheld flare.

Q90 That's right, yeah.

A So we effectively used a flare - - -

Q91 Yeah.

A - - - during the course of the rescue of this overboard chap.

Q92 O.K. Now apart from that flare that was fired - - -

A Not fire, oh, well, yeah, it was lit.

Q93 Fired, lit, discharged, was it? Lit, lit, was it?
O.K.

A It wasn't sent up in the air like a parachute flare.

Q94 Right. It was just - - -

A Not like a rocket - - -

Q95 Right.

A - - - that's hopeless.

Q96 Right.

A In those wind conditions it just blows horizontally.

Q97 Right. O.K. Had any of your crew had experience prior to the race in deploying a life raft - - -

A No.

Q97 - - - just out of interest, do you know?

A No.

Q98 O.K. Now so far as Mr Campbell was concerned, you said that he arrived on your boat sort of the day before or - - -

A Mmm.

Q99 And he was introduced to you by Snyder, was it?

A No. Mickel.

Q100 By Mickel. O.K. How did you feel about that having this person introduced to you by Mickel and joining the crew? I mean you obviously accepted that, did you have

-
any misgivings about that or did you have any feeling about that prior to the race?

A No, I trusted Mickel's judgement.

Q101 Right. O.K. Now you've said that, that Campbell suffered some sea sickness during the, the trip?

A Mmm.

Q102 Did that have any, any, well, did that affect any routine that you had on the boat?

A No, he stood all his watches

Q103 O.K.

SENIOR CONSTABLE UPTON

Q104 Was he a, a paid member?

A No.

Q105 Were any of your crew paid members?

A

Q106 We, we mentioned earlier, Peter, about the mean wind durations - - -

A Mmm.

Q106 - - - and that being before recognised by the weather bureau a duration of 10 minutes.

A Yes.

Q107 Whilst you were on deck and you were aware of these strong wind gusts, shall we call them, prolonged wind gusts - - -

A No. That, that's not applicable that.

Q108 Right.

A What I saw was the wind indicator hard over at 65 -
(Tape Beeping) - knots.

Q109
A So that's not a gust.
Q110 No.
A That means a mean wind greater than 65, 68 knots.
Q111 O.K. With the, how long, what was the, what was the duration of those, of those winds at that particular time? When they reached up to 65 knots was it constant, was it - - -
A Yes.
Q112 It was longer than the 10 minutes?
A Oh, yes.
Q113 O.K. And that was and how long do you think that was, was for the, the evening or the, what sort of a period do you think that they, the needle was hard over?
A We didn't really note that. We had other things to think about - - -
Q114 Mmm.
A - - - but the impression is that it was greater than 65 knots for prolonged periods, like half an hour or - - -
Q115 Oh, right.
A - - - an hour or - - -
DETECTIVE SENIOR CONSTABLE GRAY
Q116 Yeah.
SENIOR CONSTABLE UPTON
Q117 So considerable time?
A Yes. But that's only an impression and not what I'd call a proper noting of events - - -

DETECTIVE SENIOR CONSTABLE GRAY

Q118 O.K.

A - - - because well, everything else that's going on.

Q119 O.K. Yeah. The time is 4.05pm, we're just going to suspend this interview for a tape change.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q120 The time is 8 minutes past 4.00. This is an interview between Detective Senior Constable Gray and Mr Joubert. It's continued. So far as when you became incapacitated on, down below, who assumed the 2.I.C. position of the boat?

A Oh, the navigator.

Q121 Who was?

A Fullerton.

Q122 O.K. I don't know whether you're able to comment on this but are you able to tell me why Mr Campbell didn't have a life jacket or wasn't connected so to speak, or was he connected?

A The life jacket was within his jacket.

Q123 Right.

A So when he came out of his jacket he came out his life jacket.

Q124 So he wasn't harnessed on at the, I mean, he wasn't fixed on before coming, before going overboard?

A Of course he was. We had left on his boat a strap - -

-

Q125 Yeah.

A - - - strap - - -

Q126 Right. O.K.

A - - - hook over him - - -

Q127 Yeah.

A - - - a jacket - - -

Q128 A jacket - - -

A - - - inside the jacket's his harness - - -

Q129 Right.

A - - - inside the jacket is his life jacket.

Q130 Right. Are you aware if there was a crutch strap for
that - - -

A I can't say.

Q130 - - - jacket setup? O.K. O.K. That's all that I've
got to, to say in relation to it. Harnesses.

SENIOR CONSTABLE UPSTON

Q131 Yeah, Peter, is there anything you'd like to add prior
to you moving to harnesses in regards to what we've
spoken about before in the race?

A I have further comments - - -

Q132 Yes.

A - - - which are in my written comments given to you
which I want considered as part of my evidence.

SENIOR CONSTABLE UPSTON

Q133 Yes.

DETECTIVE SENIOR CONSTABLE GRAY

Q134 Yes, certainly.

SENIOR CONSTABLE UPSTON

Q135 Certainly we will. Yeah.

A Righto.

Q136 O.K. I noticed that you've, you've brought along some yachting harnesses?

A Yes.

Q137 Would you like to explain why you bought them along and

- - -

A Well - - -

Q137 - - - discuss them?

A This is not a harness that's integrated in a jacket but it does demonstrate one of the problems which I think may be involved with the loss overboard of Campbell in that the, all that one sees of the harness when the jacket's, is on is this hook, hooking attachment into which the straps go and all other parts of the harness you can't see. To come over his head it could not have been sufficiently tight. Now if you put this harness on and it's in your jacket you then do up your jacket and you can't have it too tight or you can't do up your jacket properly and to tighten it there is an arrangement that you can see here that goes through one side of the buckling and to do that up when it's inside a jacket would be difficult.

DETECTIVE SENIOR CONSTABLE GRAY

Q138 Mmm.

A So I think that it's highly likely that the safety harness wasn't sufficiently tight whereas if you have

one of these old fashioned harnesses where the horizontal strap that goes round your waist, and I'm putting it on, has to be threaded through the buckle arrangement - - -

Q139 Like a double stainless steel ring?

A - - - like a double stainless steel ring, you then pull it tight.

Q140 Mmm.

A - - - and you can feel it tighten around you and the crew then always put a half hitch through the free end around the horizontal body part and then you hook on through the point of attachment. And that way you'd know that it won't come over your shoulders because it's too loose. How else could the fellow had slipped out of it if it wasn't too loose?

Q141 Mmm.

A So I'm very concerned about this move towards integrated harnesses with

Q142 Did he take his jacket pack with him?

A Yes.

Q143 O.K.

A I think it was a Hellie Hanson variety.

Q144 O.K.

A So much for jackets. Now the thing I'm most concerned about is the fact that so many people lost their lives in, in this, what the weather bureau predicted as storm what, which in reality turned out to be a hurricane, a hurricane according to the Beaufort scale which are

winds greater than I think 63 or 64 knots. So there are a number of points that arise out of that. Wind force is proportional to the square of the velocity, not the velocity but it's velocity multiplied by itself. So if you have a wind of 70 knots the square of 70 is 4,900, say 5,000 and if you have a 50 knot wind the square of that is 2,500 so the force is double for a 70 knot wind compared to a 50 knot wind. Some people claim the wind was over 80 knots. My friend Warren Anderson from Wide Load who was rolled five times I'm told, he says he saw 80 knots. He's, he lives in Sydney. You may wish to talk to him.

Q145 Mmm.

A The size of the sea comes from the wind pressure which acting on a, on area gives the wind force so that, sea size grows according to sum value of the force rather than velocity. So you have to appreciate that so if the weather bureau are out in that regard then the effect is ever so much more severe. Now I've mentioned wind speeds under my eighth, item 8. They say that even a prediction of 45, 55 knots can be expected to produce gusts of 70 to 75 knots on a more, on a fairly regular basis but do you know that is not mentioned anywhere in any of the standard handouts they give to competitors. It's not mentioned.

Q146 Do you think that's a situation where they assume that yachtsmen know that?

A How can they assume that yachtsmen know that? How can they assume anything?

Q147 I, I - - -

A - - - when they don't write it down?

Q148 No. No - - -

A I think it's a, a sort of a, well, it's - - -

Q149

A I have never seen it before and I've been sailing, I've been flying. Maybe some people know it but I have never seen it.

Q150 Yeah.

A And for them to assume it I think is quite wrong.

Q151 Yes.

A And can give rise to a lot of trouble. But then when they say, and I think I've, you've got my copy there - - -

Q152 Yes.

A If I may have it, if I may?

Q153 Certainly.

A But, a number of crews recalled winds in excess of 55 knots, however, in at least some instances it is likely that these excess wind speeds were not mean wind speeds of the standard 10 minutes duration but were in fact gusts. Well, I wonder if they are trying to find reasons to support their prediction.

Q154 Yes.

A That's what I wonder, you see.

Q155 Mmm.

A And I don't agree with that and later on they say under item 2.4.4, The likeliest, likely highest mean winds. Gusts and squalls of considerably higher wind speeds would almost certainly have been experienced by the yachts for short periods of time. Well, I disagree with that. I think it was longer periods of time, so, I think weather forecasting compared to 20 years ago has improved considerably. I don't blame the weather bureau at all. I think they do their best with the information they've got and the thing that I'm concerned about is that all that the yachts got was a mention by the forecaster, the broadcaster, Telstra Control, that, the fundamental rule says that a decision to race, a boat is solely responsible for deciding whether or not to start or to continue racing, and they kept saying that. And I think that they showed irresponsible attitudes when they would not advise yachts of the storm conditions when it's been predicted by serious qualified people like Alan Payne that weather conditions of this kind in Bass Strait will lead to disasters. Now that's been predicted by the Cruising Yacht Club's own naval, consulting naval architect, Mr Payne, who's advised them on many occasions on technical matters. And that, that really concerns me. I don't know if you're familiar with the racing rules - - -

Q156 We're becoming more familiar with them.

-
A - - - that there is a section at the beginning called, Fundamental Rules, part 1. The first one is safety, helping those in danger, A boat or competitor shall give all possible help to any person or vessel in danger. Then it talks, 1.2, lifesaving equipment personal buoyancy. Each person is personally responsible, not the, the owner, for his own equipment, personal buoyancy. A few other items and then 4, Decision to race. However, when you go over to rule 32 it says, Shortening or abandoning after the start. After the starting signal the race committee may abandon the race, blah, blah, blah, A, because of an error, B, because of foul weather.

SENIOR CONSTABLE UPSTON

Q157 Yes, I can see it quite clearly.

A Now they know that a lot of boats are going to get into trouble in storm conditions - - -

DETECTIVE SENIOR CONSTABLE GRAY

Q158 Mmm.

A - - - especially in Bass Strait and I'll talk about the especially in Bass Strait in a minute. And they would not give any indication at all to skippers that they thought they should seek shelter and they would not, and they weren't in a position to abandon the race. Now in that Four Corners program, if indeed that is the way the facts are, did you see that Four Corners - - -

Q159 Yes.

- - - program, I don't think there was anyone in control of the race. The radio operator whom I praise from the way he helped me and advised me of giving the position, asking about the chap's colouring and all that sort of thing, you see, oh, and also suggesting to us that we should activate our E.P.I.R.B. See we were all a bit stunned that he, he's making us do the right thing, which we did, we did activate the E.P.I.R.B. He mentioned in answer to a question that he thought he was in control and the Commodore said, Oh, no, he's not in control, he's only there to relay messages.

Q160 Mmm.

A Later the Commodore was asked, Can you cancel the race, and he said, Oh, yes, we can cancel the race, but I think they will not cancel the race because there's some sort of a, what's the word, that there's a feeling that the race must go on regardless and I think this is very, has an effect on skippers wanting to withdraw. So when it comes to the skipper being, having to make the sole responsibility for deciding whether or not to continue racing he is high bound by the fact that other boats are still racing and he would be pulling out and sort of losing face and I must say I'm affected by that, or I was.

Q161 Mmm.

A You don't like to pull out and yet here we are pressing on to one of the most dangerous situations you could ever be in a boat and I'll tell you why in a few

minutes. And the committee are wiping their hands of it. They go to all the trouble of vetting all the boats, vetting all the crews but when the weather comes along they don't vet the weather or the conditions to see if it's safe to continue and what I say there is that we're not gladiators, we're only yachtsmen doing it for our pleasure.

Q162 Mmm.

A And the crews have got families, children, wives, mothers, oh, boy. Can you imagine how I felt when this young man had gone overboard. I didn't know whether it was one of my own special group who sail with me all the time who are all married, all with young families and I've got to go back and tell the wife that she's the widow, we've lost his father. How did I feel then? Bloody hell.

Q163 Mmm.

A And the Cruising Yacht Club will not give any advice. Why not, why won't they face up to that? Are they scared of being sued? Is that one of their worries? I don't know? At this lecture did you go to this, not lecture, workshop, there was a QC or a barrister there
- - -

Q164 Yeah, a barrister.

A - - - who suggested that there could be some successful actions brought when people lose their lives or get damaged. I wonder if that worries them, and I wonder if the people who write these rules who are sort of the

head yachties, mafia's the wrong word, the, sort of, you know, the, I'm not using that word. I said that's the wrong word. They're the authorities you know, who go around with their jackets and sit on the, the committees and judge whether you've broken a rule or not or paid your \$2.00 to have your hearing and so on. I wonder if they're worried about themselves being involved and that and put the onus on the skippers? I think they should share equal responsibility with regard to safety with skippers. I think the race, people who run the race have to show more responsibility.

Q165 Do you consider it a scapegoat sort of, to have this rule that the skipper has the final say? I mean if, if the committee passed that information on then the skipper can make a reasonable decision, can't he?

A Yes.

Q166 And this, this didn't happen?

A It didn't. Now I've set down here a number of reasons why I think the Race Committee's in a better position than the skipper to make a decision about whether the race should go on.

Q167 But can you - - -

A They've got the ability to gather a lot more information than anyone on a boat?

Q168 Yeah.

A They should have experienced people as the Race Director and Race Committee and they are on land or

-
they're on a nice big vessel like Young Endeavour. They are not being tossed around like the people on the small boat, they are not having to cope with seas breaking over the boat, gear breaking, radios not working properly, weather faxes not working, and suffering from the closing down of your full faculties because of the, of the conditions your suffering. When you're on a yacht being thrown around you can't work at 100 per cent of your normal capacity like you can on dry land. Do you realise that?..

Q169 Mmm.

A You can't.

Q170 No.

A You have reduced capacity for clear thinking and for physical action. And then you're also a bit stunned by the whole thing, you don't have a full appreciation of everything that's going on and not, and it's certainly true not everyone understands the nature of random events and by that I mean large waves, large breaking waves. Mmm. So I'll talk about that. We came down the coast in record time, absolutely record time. We were into Bass Strait in 24 hours. Now that's absolutely astonishing and that's because of the east Australian current. Have you heard of that? There is a current that runs south down the New South Wales coast and it was running very fast up to 4, 5, even 6 knots. We measured and we, you can measure it off your G.P.S. It tells you what your ground speed is relative

-

to your boat speed and the difference gives you the current weather it's against you or for you, you see, and it was aiding us. It was enormous. Now when a current runs contrary to seas they break. They not only break but they get great bit troughs and then the seas can fall in on the troughs. And one of the worst places that you could see that is Port Phillip Heads. Have you ever seen Port Phillip Heads in a full outgoing tide in a strong sou' westerly gale?

Q171 No.

A Well, the heads get closed and they have to it. And you've heard perhaps of our pilot boats being swamped and completely lost by this occasion that's happened. And we'd had this strong southerly set as it's called, running down the coast. We got the sou' west wind coming in and I think it had turned a little bit towards the south-west and that had helped to increase the size of the seas way beyond what you can expect in that normal weight of wind and I don't think the weather bureau in any of their predictions of wave heights have taken account of this. And they talk about wave heights of 11 to 12 metres on page 10, item 2.5.2, Sea State Report. You can't measure the wave size from a yacht, it's very different. It's, just look up at it and it looks enormous, you have no mark of what to measure it against.

Q172 If I were to tell you that the helicopter pilot today told us that his radio altimeter on his aircraft put

him at 90 feet, 100 feet and waves were breaking at 10 feet under him would you believe that?

A Yes. And I've mentioned that, Mark Whittaker, is that the bloke that you we're talking to, oh, no - - -

Q173 No.

A - - - he wrote the article.

Q174 Daryl Jones.

A Yes, Daryl Jones Well, I repeated what's in the magazine, but if that is what the measure of, of the pilot was - - -

Q175 That's - - -

A - - - and you've got that on record now - - -

Q176 He demonstrated that to us today.

A 100 feet.

Q177 He had his radio altimeter set at 100 feet - - -

A Yes.

Q177 - - - and the waves were knocking around at 90. He had to go to 160 on a couple of occasions.

A Yes. Well, there you are.

SENIOR CONSTABLE UPSTON

Q178 That's with a person on the wire at the end of the - - -
- - -

DETECTIVE SENIOR CONSTABLE GRAY

Q179 Wire.

SENIOR CONSTABLE UPSTON

Q180 - - - the wire as well.

A You coppers can do that sort of work, you're very brave fellows, the Sydney Water Police. Anyhow, Mike Banner

at the thing explained how not all waves are running at the same velocity. The bigger the wave the faster it goes. The smaller the wave the slower it goes. And if you get a group of waves and they're what they call non linear they're not all of the same height travelling at the same speed, they can catch up on each other and all the energy can go into one wave that then falls over and breaks. Also if waves are running at slight angles to each other you can get crossings like that and then you get an additive effect, you get double the wave height, double the trough depth.

Q181 Mmm.

A So you can, at these points get double the wave height. Now I'll show you a wave. Now you can see that photograph, that's from Richard Bennett in an aeroplane and that's the same one there which is in Sea Horse International Sailing, March issue 1999 on page 34 and 35. Now, in that photograph you will see the helicopter, top right corner, with a man underneath it
- - -

Q182 Mmm.

A - - - coming, just getting lifted up into the helicopter.

Q183 Yes.

A And you will see, I think it's, Stand Aside, is it, Abandoned?

Q184 Yeah.

A Is that what it says?

SENIOR CONSTABLE UPSTON

Q185 Yes.

A Stand Aside?

Q186 Yes.

A An abandoned boat. They've just lifted off all the people from that boat where the deck has opened up and let the water in. Can you see the size of the wave there?

Q187 Yes.

DETECTIVE SENIOR CONSTABLE GRAY

Q188 Mmm.

A Can you see the size of the wave that's coming up to the boat?

Q189 Mmm.

A Now a few seconds later that wave picked up the boat and carried it along, turned it round and Richard snapped another shot and you see the boat on the crest of the wave. The wave's just going past it, you know how a surf boat can get picked up by a wave - - -

Q190 Yeah.

A - - - and then sometimes it can drop off the back of the wave.

Q191 Yeah.

A And it comes back over the crest, you know - - -

Q192 Yeah.

A - - - and the wave goes ahead of it and you can see just that there. You can still see the helicopter and the man's been - - -

SENIOR CONSTABLE UPSTON

Q193 Mmm.

A - - - winched up inside by now. You have a look at this.

Q194 So the yacht, yacht is surfing by itself.

A Surfing by itself at about 25 knots.

Q195 Mmm.

DETECTIVE SENIOR CONSTABLE GRAY

Q196 Yes. Goodness.

A Now, how big's that wave? I don't know. I've asked the computer people at work if they can run profiles through it and tell me how big it is but they say it's very

SENIOR CONSTABLE UPSTON

Q197 It's got to be three times bigger than Stand Aside, doesn't it?

A I reckon.

DETECTIVE SENIOR CONSTABLE GRAY

Q198 It has to be.

A Yes. It's enormous - - -

Q199 Well, if it's - - -

A - - - isn't it.

Q200 If you draw out here and then draw down - - -

A Yeah.

Q200 - - - I mean, I know it's a bit simplistic but certainly it'd have to be three times bigger than Stand Aside.

A It's not 10 metres, is it?

Q201 No.

A Not 30 feet, it's more than that.

Q202 Mmm. Well, I'm convinced now if there's been a helicopter pilot that - - -

A Yeah.

Q202 - - - that sees a 100 foot, a 200 foot - - -

A Yeah. No I think you should get copies of - - -

Q203 We'll get copies of those. We'll get that through our photographic section up in - - -

SENIOR CONSTABLE UPSTON

Q204 Well, we can contact Richard Bennett, can't we?

DETECTIVE SENIOR CONSTABLE GRAY

Q205 We can.

A Richard Bennett will be, ask him to send you the two photographs - - -

Q206 Yeah.

A - - - of Stand Aside, that he sent to Peter Joubert. He charged me \$140.00 for that. But if you tell him it's for the purpose of - - -

SENIOR CONSTABLE UPSTON

Q207 I'd say it's a - - -

DETECTIVE SENIOR CONSTABLE GRAY

Q208 investigate - - -

SENIOR CONSTABLE UPSTON

Q209 - - - bargain at those costs.

A Now - - -

DETECTIVE SENIOR CONSTABLE GRAY

Q210 Well, what do you think about these rules, Peter, that you mention? I mean, is it the case that the C.Y.C. aren't playing the game or are they, as you said, they vet and they check safety things and, but they leave foul weather and other safety issues out of it?

A They do, don't they?

Q211 Why do you think? The race must go on regardless?

A Yeah. They have a lot of sponsorship - - -

Q212 Yes.

A - - - don't they?

Q213 No doubt about that, yeah.

A Terribly important to 'em.

Q214 Now 55, I think it was 45 to 55 knot winds were predicted at 2.00pm on the 26th.

A Yes.

Q215 One hour into the race?

A Yes.

Q216 Now that should have been looked at more seriously by the Racing Committee, I believe.

A Yes.

Q217 Would you, would you agree with that?

A Yes.

Q218 How far would the furthest boat be in an hour at 14.00?

A Well, the starter's what, 12.00, is it?

SENIOR CONSTABLE UPSTON

Q219 1.00.

DETECTIVE SENIOR CONSTABLE GRAY

Q220 1.00.

A But only off Bondi, aren't they?

Q221 Mmm. It's certainly sufficient - - -

A Bondi, Coogee, yeah.

Q222 It's certainly sufficient time to, to stop it.

A Well, I'm not saying they should've stopped it - - -

Q223 No, no, no.

A - - - at that stage.

Q224 No.

A You don't know what's going to happen.

Q225 No.

A If they stop it then and nothing happens, well then they - - -

Q226 Yes.

A - - - really look foolish, don't they?

DETECTIVE SENIOR CONSTABLE GRAY

Q227 Yes.

SENIOR CONSTABLE UPSTON

Q228 Mmm.

DETECTIVE SENIOR CONSTABLE GRAY

Q229 But six people died.

A But the weather bureau do all this by computer and they get all this information all, from all round the world and they break everything up into tiny little rectangles or squares, you see, on a globe, and they put in the known conditions at each crossing point on the grid, temperature, pressures and so on, you know,

humidity and whatever, anything that, any profiles they can get, and from that the computer program works out the weather. They have equations that take these values into their equations, the co-efficients on the terms and out of that they get their prediction and they can draw their isobars and so on. Very complicated, you need a very big computer and you can't break it down into tighter grid patterns because the computers aren't big enough. However, over small areas you can put in much closer grid patterns and I think this needs to be done for special events like the Sydney Hobart race.

Q230 Mmm.

A And then where you get something localised that's happening within the 60 square miles which was almost what was happening to that low, it tightened up to quickly you see, within a small area and I think they can do that. I'm sure they're going to do that for the Sydney Olympics. In fact I asked the, Pat, what's the
- - -

Q231 Sullivan.

A - - - Sullivan, suggests we'll be doing that. So that's an improvement that can happen. But of course it costs money. Someone's got to pay for it.

Q232 Mmm.

A Mmm. Now the C.Y.C. getting back to this question of abandoning races, are following accepted practice with other yachting clubs around the world. They let the

events go on and they let that event go on in the Fast Net race and all those people drowned there and boats were lost and above all it sends all these people out into the most dangerous situations to try and effect the rescues for these people who are supposed to be out there enjoying themselves in just a game, it's only a game, you know.

Q233 Mmm.

A I keep coming back and saying it's not life or bloody death, we're not gladiators.

Q234 Mmm.

A So I, I'm all for getting proper warnings, advising people to seek shelter and in the ultimate event abandoning the race. But then of course you'll come against people like Sid Fisher who say, You've got to be tough, it's a tough race for tough men.

Q235 Mmm.

A Sid is tough, I think he's very tough.

SENIOR CONSTABLE UPSTON

Q236 Where do you think that may interfere with the ruling of giving an unfair advantage in areas of high wind areas which only miles away can be areas of extremely low wind?

A Yes. Well, I think safety's overriding, that's what I think.

DETECTIVE SENIOR CONSTABLE GRAY

Q237 That would certainly be 32 - - -

A Yeah.

Q237 - - - B - - -
A I think 32 - - -
Q238 32B, would it be?
A - - - B should be up in the fundamental rules.
Q239 Yes. That would be 32B?
A Yeah. Now I mention - - -
Q240
A - - - about errors in wind speed.
Q241 Yes.
A You know, wind speeds from yachts have got to be treated with some caution.
Q242 Mmm.
A What are you talking about, you know.
Q243 Mmm.
A Are you talking about true wind, are you talking about, you know - - -
Q244 Mmm.
A Are you talking about true wind, are you talking about apparent wind, are you talking about a, a wind that's measured
Q245 Some yachts have devices that really give you the true wind and then - (Tape Beeping) - weather bureau and then mean - (Tape Beeping) - at mean heights. (Tape Beeping) What in the hell's that mean? (Tape Beeping) Over the ocean?
Q246 Mmm.

A They, that's all comes down to a regulation height of 10 metres, is it? I think it's 10 metres and he mentions somewhere in here.

Q247 Mmm.

A Wind increases with height above the ground. So they have a standard height of which the wind is, if it's not measured at that height it's related to that height by a known profile. Now they don't really know what the profile is over the ocean in a hurricane.

Q248 Mmm.

A And what I suggest is that the profile does not slow down so much due to friction because the water surface is moving at 25 knots as shown by those waves, you see.

Q249 Mmm. We just have to suspend the interview for a tape change. The time is 4.49pm.

A Yeah.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q250 The time is now 5.01pm. This interview between Detective Senior Constable Gray and Mr Joubert is continued.

A I'll tell you a little story about sailing at Brighton on Port Phillip Bay just as you can see out the window here, and a bit of a storm blew up blowing about 30 knots and there was, I'd finished my race and there was this race of small boats, open cockpits, single handed boats and they had to beat to windward to the finishing

vessel which is a powerful motorboat manned by the Official Staffer and his mate and one boat was getting up near the finish and having just rounded the leeward mark and then having to beat all the way up to windward where a number of other yachts who were behind the leading boat. The leading boat was coping with the strong winds, the boats down, who'd just rounded the leeward mark were having trouble. One of them went in and righted, another one went in and righted. I went up to the starter, called him up on the radio and said, Look, I'll go and rescue one of these chaps, you'll have to rescue the other one. He said, but I'm finishing the race. I said, Look, these chaps might drown, do you want to be responsible for drowning and not going to their help? Pull up your anchor and get down there immediately so he did. But that is the attitude of many of these yachtsmen that the race must go on regardless of someone looking like drowning and what we had in this race were these enormous seas and that's something I didn't get onto the randomness of the event. I mentioned how you get the occasional big waves, whether or not you meet one of these big waves is a matter of chance. It's like rolling dice. How many times do you get a seven. Like playing cards, you know, how many times do you get the patience out? So when you get one of these giant waves that Kingara had it doesn't matter whether you're in Mr Sid Fisher's Ragamuffin or the biggest boat in the race or the

tinest boat in the race, if it falls on you you'll get rolled and you find this attitude, and I'm now getting onto the slightly different subject to coming to the rescue of people regardless of finishing the race, a lot of people have the attitude that they won through because they're good seamen and at this workshop a fellow jumped up and told us how he put on his safety harnesses, Mr Bin Rouge I think it was

Q251 Chris Bollings.

A and he put it on by putting over his head and it must've been so loose that he could so fit it, he didn't undo it he fitted it over his head and it would come off over his head in the same way.

Q252 Mmm.

A He didn't tighten it afterwards. And then he told us about all his seamanship. Now sure, you know, he's a good seaman, I don't say he isn't but if he gets a bit wave he's gone, light boat, heavy boat, whatever boat.

Q253 Mmm.

A So people don't seem to understand that.

Q254 Mmm.

A That's mentioned in my little note, that's, well, you can switch it off again if you wish.

Q255 Is there anything that, I suppose you've really summed everything up so far as any recommendations from your point of view. O.K. Well, David, have you got anything?

SENIOR CONSTABLE UPSTON

(NO AUDIBLE REPLY)

DETECTIVE SENIOR CONSTABLE GRAY

Q256 You mentioned before that you were going to take me back to Rule 32 and you said you had something further to say about that before, before we had the last break?

A I can't recall.

Q257 O.K. That's fine.

A Other one, it should be fundamental - - -

Q258 Yeah.

A - - - the safety aspects of it.

Q259 Oh, there is one question I'd ask you, we've had a lot of information in relation to the, the airwaves, yeah, and the communication with the, with the radio relay Young Endeavour and the number of people that said, Well, they should perhaps have a situation on board that vessel where like the situation was last year where there was 19 E.P.I.R.B's going off and there was 19 boats talking and you were unable to get through. Do you think it's a good idea to have a separate radio to deal with that situation so you can continued to sched as planned then you can have a radio to, to monitor other things? What's your views on that?

A I haven't thought about it.

Q260 Right. O.K. O.K.

A I didn't hear that problem.

Q261 Mmm. Well, I can tell you it, it was a problem - - -

-

A Was it?

Q261 - - - and Lou Carter was working with one radio - - -

A Oh, yes.

Q261 - - - and was getting everything and people couldn't get through.

A Yeah.

Q262 I think it's probably a - - -

A I'd thought some of the people in that 4 Channels program were a bit of, winged a bit I thought. Who were complaining that yachts didn't stand by them. Well - - -

Q263 Yeah.

A I think it's almost impossible to stand by a yacht in those conditions.

Q264 Mmm.

A Especially at night.

SENIOR CONSTABLE UPSTON

Q265 You mentioned earlier about the, the very strict vetting of yachts participating in races. What did you mean by that?

A They have elaborate safety rules. You have to have a whole lot of fireworks. You had to have a fireworks certificate or you have to have a fireworks certificate or you have to have them inspected and they've all got to be updated regularly. You've got to have a life raft, that's got to be inspected once a year. You have to have all these various items of safety equipment and

I must say most of them work. Thank God we had that red flare that we set off - - -

Q266 Mmm.

A - - - which brought the helicopter down to where we were. The reason the helicopter couldn't see us is that the whole sea is covered in 30 feet of spume, it's all white, you see, and you can't see a yacht.

Q267 Mmm.

A But when he'd got close after he'd seen the red flare he saw the life ring. Now the life ring that was in the water worked in that it helped, through it's orange colour, to indicate where the chap was.

Q268 Mmm.

A And after that he saw the chap waving with his arms. So all of that is wonderful. The E.P.I.R.B worked, G.P.S. worked beautifully. So we do have a lot of regulated inspected safety items, the boats have to meet certain strength requirements. Now we might argue about decks and topsides being increased in their strength as I've suggested to you, as Andy Dovell has suggested in his paper, and we see certain deck structures broken. Some people assert this is because the mast broke but when you look at some of the structures that are broken I doubt this, I think it's, they're just weakly built for speed and lightness, forget the strength. I note the controversy about righting factor on Stand Aside, was it, or one boat, that it was let in with a low stability angle.

Q269 What can you tell us about that?

A I don't know anything about it.

Q270 Why, have you heard something about that, have you, or
 - - -

A Yes.

Q271 Right.

A Well, Andy mentions it in his paper, doesn't he? He
 says that he can't understand why one boat went in at
 105 or something.

Q272

A Well, I read it somewhere.

SENIOR CONSTABLE UPSTON

Q273 He does in fact. Let, let, let, let's talk about the
 33D, Application to Race - - -

A Yeah.

Q274 - - - and the categories of the race and part of the
 Sydney to Hobart Race is a category 1 race.

A Yes.

Q274 You're aware of that?

A Yes.

Q275 And you are aware of the minimum stability indexes for
 a category 1 race - - -

A Mmm.

Q276 - - - is, what, what's - - -

A 115.

Q276 115.

A Degrees.

Q277 Degrees.

A Yeah.

Q278 And in fact - - -

A Well - - -

Q279 - - - they're all - - -

A - - - there are two factors, there are - - -

Q279 Yes. Well, we'll talk about that.

A It's not stability index, I think it was limited positive stability of 115.

Q280 Well, let's, let's, let's talk about that for the moment just to clear it up, that we mentioned here that there's two figures - - -

A Mmm.

Q281 - - - stability index and calculated limit of positive stability.

A Yes.

Q281 And in the race documents, the notice to race and also the racing, or the notice to race anyway - - -

A Mmm.

Q282 - - - it mentions that, that a vessel entering an I.M.S. class of the race must have a current I.M.S. certificate reaching not less than a hundred and, the stability index or the calculated limit of positive stability - - -

A Oh, it says one or the other.

Q282 - - - whichever is the greater, right, can, can enter, can comply.

A Mmm.

Q282 O.K. What would be your thoughts on in fact if, if a vessel like was mentioned here in this document that you've just shown us was allowed to race and didn't comply with that ruling?

A It seems odd, doesn't it.

Q283 Particularly when you talk about Racing Committees, vetting.

A Mmm.

Q284 And this is what brings me back to what I was talking to you about a minute ago - - -

A Yes.

Q285 - - - and your words, the strict vetting of, of entrants.

A Yes. Well, it is relative to the type of yachting you do anywhere else. To go in the Sydney Hobart race you have to bring your boat up to a standard of safety that is not met normally by yachts.

Q285 Right.

A Mmm.

Q286 So?

A Well, maybe it, the Sydney Hobart standards need to be raised I, I can see that in some regards and you pointed out that a boat may have been let in with a lower stability index than the rule really said and why that was so I can't comment on.

Q287 Well, let's look at similar category 1 races and there are a number of them even here in Victoria - - -

A Yeah.

Q288 - - - are held. The same rule must apply. Would it not be so?

A I don't know, I've not sailed in their races.

Q288 Well, sailing rules and race, and, and, and clubs take their rules from the, the O.Y.F. sailing rules which are also taken from the ocean racing rules. Is that correct, are you aware?

A I understand that is so.

Q289 O.K.

A But I am not over familiar with all these administrative - - -

Q290 O.K.

A - - - processes and details.

Q291 O.K.

A I have not become involved with yachting administration. Any time I devote to yachting, other than working on my own boat which is an enormous job, a little bit of sailing occasionally I devote to, to designing yachts.

Q292 Right.

DETECTIVE SENIOR CONSTABLE GRAY

Q293 O.K. Anything further you'd like to say?

A Not at the moment. If I think of anything else I'll -
- -

Q294 Please let us know.

A - - - write to you.

Q295 O.K. The time is now 5.16pm. This interview is now concluded.

INTERVIEW CONCLUDED