

SENIOR CONSTABLE UPSTON

Q1 This is an electronic record of interview between Senior Constable David Upston of the New South Wales Water Police in Sydney and David Malcolm Witt. The time on my watch is now 10.40am. And, David, for the purpose of the interview, could you please state your full name?

A David Malcolm Witt.

Q2 And your contactable address?

A 23 Waring Avenue, Caringbah.

Q3 And who lives at that address?

A My aunty.

Q4 Right. And the reason why you're using that address is because you - - -

A Because I travel around a bit and I'm about to go and live in the Cook Islands.

Q5 O.K. And your date of birth, please?

A 5th of the 3rd, '71.

Q6 And your occupation?

A I'm a professional yachtsman.

Q7 O.K. David, just prior to the interview do you agree that we've spoken or we discussed the reason why you're here and in fact that is for, that I'm making inquiries into the 1998 Sydney to Hobart Yacht Race and in fact you were involved in that race. Is that correct?

A Yeah. That's right.

Q8 O.K. What, what's your experience in sailing?

A I've done six Hobarts, the Whitbread Round the World Race, two Fast Nets, I've done a fair, fair bit.

Q9 O.K. And you've been sailing for how long?

A 20, 23 years.

Q10 O.K. And within that time it's been purely professional?

A Not originally, but for the last sort of 7 or 8 years I've been a professional yachtsman.

Q11 O.K. Now you sailed or were you the master on the vessel Nokia?

A Yes.

Q12 O.K.

A Skipper master.

Q13 Skipper master, O.K. How, can you tell me a little bit about that vessel, please?

A It was an 85 foot ketch maxi with a crew of 27 and it was brought down from the Whitsundays, it was a charter vessel up there and I brought it down to use it in the Hobart race.

Q14 All right. And do, do you know who the owner was?

A Yeah. The owner's a guy called Jim Thirrel and he runs the, the boat as a business through a company called Southern Cross Sailing Adventures out of Airlie Beach.

Q15 So you leased the boat from - - -

A I leased the boat off him for 3 months through a sponsor commitment from Nokia Mobile Phones.

Q16 O.K. Now I understand and as we discussed earlier that the vessel was involved in a collision. Could you tell

me what time that that occurred and, and at what stage and I believe it was on, on Boxing Day at the start of the race?

A Yeah, it was Boxing Day, start of the race, it was about 45 seconds before the start of the race and we had a collision with Sword of Orion.

Q17 O.K. What happened?

A We were approaching the line on starboard tack, which means we had right of way, and Sword of Orion came from astern, came through to leeward of us along our port side and speared the boat up head to wind and basically tried to make me turn a 80 foot boat as quick as you could turn his little 40 foot boat and as it showed in the protest he was in the wrong, found in the wrong.

Q18 Now when you say he tried to spear his boat up, what do you mean by that?

A Basically he just put the helm down and drove the boat sort of up into our path, right at the death he realised he, he was going to hit us. I think he thought he was going to clear us and then right at the death he realised he couldn't clear us and tried to pull the boat away again and the back sort of half of his boat collided pretty hard with our bow and then the two boats became entangled a bit and he sort of, 'cause we're 30 odd tonne we kept momentum on and he sort of, his boat sort of got dragged down down the port side of our boat and then sort of spat out the back.

Q19 And do you know who was the master of that vessel at the time?

A Yeah. The boat driving the boat was Steve Kelmar. I gather he was, he was the skipper at the time so I suppose he's the master, yeah.

Q20 O.K. Did you see the, the, the Sword of Orion approaching from some distance away?

A Yeah, yeah, we saw him coming from behind, we had a camera on board so a guy actually filmed him.

Q21 O.K. And as a result of the collision what, what actually occurred?

A First point of contact was the back quarter of his boat and our bow and his aft, aft stanchions collected our pulpit and bent our pulpit pretty badly, which is the front part of the boat. So he's hit us pretty hard for that to happen. And then we've sort of, all his lifelines have been entangled with our stanchions and he's been dragged down the side of the boat.

Q22 Right.

A Trying, with the crews trying to fend both boats off, of course.

Q23 Could you see any damage to your vessel?

A Yeah, yeah, we had, we had the, the pulpit was bent and a few of the stanchions were bent but nothing was sort of broken.

Q24 O.K. At, at what stage did you visually see damage to his vessel?

A As he went past the side of it I saw that all his lifelines on his starboard side were all loose, which meant he's probably, we'd broken a couple of stanchions off, all, all the back pulpit had actually been ripped off the back of the boat. Otherwise those wires are generally taut for safety obviously.

Q25 Did you see any other damage to the, his vessel?

A No, no, I only saw him quick, I was still trying to get the boat to not hit anyone else.

Q26 O.K. So what, after the collision your, what did you do?

A After the collision I had to put the boat about onto port tack, basically, otherwise we would have ended up cutting him in half and tried to sail off on port tack and get the boat back on to starboard tack before we hit anybody else.

Q27 And did you in fact collide with somebody else?

A Yeah. We collected with Bright Morning Star as I was still trying to turn the boat back on to starboard. Obviously an 85 foot boat takes a bit to turn around so we collided with them and hence that was what the protest was about. And the protest committee found that due to the collision with Rod Coath, with Rod Coath being in the wrong or Sword of Orion, that caused us to infringe on another boat so he was found in the wrong.

Q28 O.K. And that, that protest has been, has been held -

- -

A Yeah. That - - -

Q28 - - - and the result has been the subject of that

A Yeah. That was held back I think in March, somewhere around there, and it was held, Sword of Orion were found in the wrong and as the yatching laws go, he had 14 days to appeal if he had a, if he disputed the decision. He didn't appeal so that's, the decision stands.

Q29 O.K. Did you see your mast collide with the mast of the Sword of Orion?

A No.

Q30 With the amount of impact did you go and assess the damage to your vessel?

A Yeah.

Q31 Did you physically go up and assess the damage yourself?

A Yeah.

Q32 O.K. And did you feel that, that there was any damage that may have warranted repair to - - -

A Yeah. We actually, because the front pulpit was bent and one of the stanchions were bent the lifelines went loose so we retightened all the lifelines up on the port side.

Q33 Where was this at?

A It was before the start so we still had, you know, 630 miles to go.

Q34 Right. Was there any damage to the hull that you, that you feel may have impaired your ability in the race to your vessel?

A No, not, we had a fair bit of damage to the hull but it was mainly just cosmetic, it was nothing that really impaired us, especially not in that race, it's just a survival race.

Q35 There was no structural damage?

A No.

Q36 The vessel, the hull wasn't breached?

A No, no, we had two, two shipwrights on board so they went and had a look at all the front work with the frame and everything and that was O.K. Considering we're sort of twice the size of Sword of Orion he probably had a bit more damage than us.

Q37 And what's the weight of your vessel?

A It was weighed just before we went and came in about 30 tonne.

Q38 O.K. So that the impact would have been quite severe. At what sort of speed were you travelling at?

A We, we, we weren't going that quick, we were probably only doing about 4 knots but he was probably doing about twice our speed so he, it was sort of like him running into a brick wall really, he was doing about 8 knots probably.

Q39 Was the, did you hear the sound of it? What was - - -

A Oh, yeah.

Q40 Could you explain the sound of what it was like as an experienced person?

A Yeah. The sound was just like what we call being by someone, it was like him just running straight into us, be quite hard, that's a big echoing sound.

Q41 All right.

A It was in the bow of our boat so there's not a lot of framework there so it sort of echoes pretty badly.

Q42 And you can't recall whether your masts came into contact at all?

A Well, I can't say that I saw it, no, but it's probably likely that they may have because he was to leeward of us, which means we had all the, all the breeze, and one of the problems he had was when he tried to go past us his, his boat lost all their power because of the, no air in the sails and his boat actually stood up upright and almost leaned in on top. So if he's doing that, we're sailing normal, you know, they'd be close, I can't, I didn't physically see them touch but I wouldn't say they didn't.

Q43 All right. And then what happened after that?

A After that we sort of got going again and started to sail out the harbour. We didn't start to fix the stanchions or anything until we got settled down out the heads, started travelling south and we went on our way.

Q44 You continued through the race?

A Yeah.

Q45 And what happened then down, further down the coast on the, on the 27th?

A We got a, the first sched of the day, my memory's not that good, but the first sched's I think about 5.30 or something like that and it was then that they upgraded the weather. They didn't really give us a great weather forecast but they did upgrade it from a, a gale to a storm and personally I think half the problem was that nobody, nobody was experienced enough to realise what a storm was, they figured a storm was, it rains outside your house or something. But we knew what a storm was obviously so we sort of started to get a bit prepared for it.

Q46 And then what happened?

A Then it got really fresh out of the north, north-west. We had, we actually went through seven spinnakers, blowing them out on the maxi because it was too windy. We decided to gybe about 2.00am, I wanted to get further west and try and, I knew the front was coming, I knew it was coming out of the sou-west so I wanted to be on the right hand side of it so we weren't sort of bashing into it too much. And once it hit, it didn't hit, it didn't hit that hard to start with, it only hit normally but that, that was good because that gave us enough time to sort of batten everything down and get ready for it.

Q47 And then you continued on through Bass Strait?

A Yeah. Yeah. We continued on Bass Strait. About halfway through Bass Strait we got hit with a, you know, what they describe as the wave. Luckily at that stage myself and another bloke who's done a lot of miles with me, we decided to put 22 people downstairs and we only let the two of us and another four guys that have had enough experience on deck and so basically six of us sailed the boat through three-quarters of Bass Strait. About two-thirds of the way across the strait we got hit with this huge wave and I actually got thrown into the mizzen rig, which is the mast behind us, I was driving and the force of water was that hard it threw me off the wheel, threw me into the mast, knocked me out and I woke up downstairs a couple of hours later.

Q48 Did you have a harness on - - -

A Yeah.

Q48 - - - obviously?

A Yeah.

Q49 O.K. So that's the last thing you remember, is waking up a couple of hours later - - -

A Down deck, the storm was still on so I still came up, yeah, that was, it was pretty hard.

Q50 All right. Was there any concern for your welfare?

A Yeah. We had a, we had a GP on board so he was all right. Apparently I was, I don't really remember, I was just concussed, you know, I hurt my elbow and he just gave me a couple of pills, I think, to help me

sleep a couple of hours and then I was all right.
Plenty of people were sick and terrible but - - -

Q51 Mmm.

A - - - I wasn't, you know, crook.

Q52 O.K. Were any other, anyone else injured as a result of anything through the race?

A Yeah, yeah, we had Shaun Langley who actually runs Max Rigging, he was one of the helmsmen on the boat, he got his finger jammed in the steering and nearly, he ripped the top half of his finger off but, you know, we had the GP on and he bandaged it up and Shaun just sort of sat downstairs with most of, all the other guys.

Q53 O.K. Now just, just take you back very briefly back to the start of the race. When the collision occurred and you cleared the heads, did you contact anyone as a result of that, the collision?

A Yeah, yeah, we contacted the, we flew a protest flag obviously, they bagged us on the T.V. said we were in the wrong so, only because they only saw the last part of the incident they actually didn't see the first part with Sword of Orion. So we flew a protest flaggie and our navigator, Andrew Short, radioed race control at C.Y.C. and notified them that we were protest, we were lodging a protest about the incident with Sword of Orion and so they knew about it.

Q54 O.K. So then when you went down and you got to Hobart what happened then?

A We got to Hobart, we'd actually, we had a problem, about three-quarters of the way through the strait we had a problem recharging. I tried to rebleed the engine and we couldn't get it started but by that stage we were, you know, basically through the strait, just at the end of it. I had an extra three back up batteries I carried in the boat so we rewired the batteries so we kept electronics and navigation. The problem with that was when we finally got across the finish line we couldn't start the engine so we had to get towed. So we got towed into the marina, we had, Glen Charles, the guy who actually, one of the guys that died, was a good mate of mine and of a few other guys on the boat. So we had a minute's silence on the dock. After the minute's silence I walked to the bow and the first thing I got was a protest form from the Commodore of the C.Y.C.

Q55 And who was that?

A Hugo Von Kretsumar.

Q56 And what was said in that conversation?

A It was, David, here's a protest form, you've been protested by by Bright Morning Star. And I said, I was a bit knackered at that stage, so I said, Oh, gee, thanks, mate, nice present. And he said, Oh, well done on getting here too. He turned around and walked away.

Q57 Nothing else was said?

A No.

Q58 O.K. And as a result of that, what, what did, what were your actions then?

A Actions then? I went and had a shower. We, we got in about 11.00 or 12 o'clock at night so the next morning at about 9.30, 10 o'clock I went and found Mark Prike, who's the chairman of the protest committee for the race, showed him the form, produced another form which I'd then filled out to protest against Bright Morning Star, which is basically a defence. And I also lodged a form against Sword of Orion because they were the cause of the incident. He received the forms and said, We'll try and get it done as quickly as we can. I was then approached by members of the C.Y.C. They actually tried to convince me not to put a protest form in because as it sort of goes down there, they all thought that I was the one protesting and I wasn't, I was only defending myself. So I got that sorted out, that was all right.

Q59 Who were those members? Do you recall?

A Yeah. Roger Hickman was one of them, he was quite good. He, they'd all just been given misinformation though, they all thought that I was protesting against Sword of Orion and which they all thought was in bad taste because of the, what had happened. But once I told them that I was only protesting because I'd been protested against, they were all right.

Q60 All right.

A And then Prikie said that they'd have the protest as soon as they could.

Q61 This Prikie is?

A Yeah. Mark Prike, he's the chairman of the protest committee.

Q62 All right.

A Right.

Q63 And he's appointed by the C.Y.C.

A He's appointed and paid by the C.Y.C. Yeah, it's a paid position.

Q64 Mmm.

A And I said, Well, listen, I can do it here in Hobart. I, I'm going to Melbourne with the boat after New Year's Eve. So that wasn't possible. Then they said they'd give me a date and they just took forever to do it, I didn't think they were ever going to do it. I had insurance claims in about the incident so I wanted to get it sort of cleared up and so did the other guy, Bright Morning Star. And then funnily enough they lost my, they lost all my protest forms so when I went to the first protest they only had the one against me and that was it, they didn't happen to have mine. And luckily the guy, Mark Prike, the chairman, rang me and said, Listen, you'd better give us another form because they can't find yours, so I filled out another form and then it went to the protest hearing at the C.Y.C.

Q65 To the best of your knowledge was that identical to the original protest form? You hadn't altered or changed anything - - -

A No, no, it's exactly the same.

Q65 - - - on the form?

A Exactly the same.

Q66 Yeah?

A I think Mark Prike actually found my form after the protest, yeah, so I think he's actually probably still got it somewhere.

Q67 Yeah.

A Then we went to the protest, there was seven jury members, I think four of which were international jurors. They heard my case, they heard Rob Coath and Steve Kelmar, who went for Rob Coath, Rob Coath actually didn't go in, it was Steve Kelmar and protest went for a while and then they found Sword of Orion in the wrong and, and basically found them liable for the damages for all three boats.

Q68 What sort of damages were occasioned to your boat in monetary value?

A Well, I think the insurance claim in is, it's 17,000 but I think 2,000 of that's solicitors' fees. So the material damage is probably about 15,000. The big cost with that is, is, where, where he was dragged down the side of the boat, gouged the boat all down one side, which means the boat has to be repaired and resprayed.

So lifting a maxi boat out of the water is where all the cost comes in.

Q69 All right. And just rehashing on that, none of that damage that was occasioned to your vessel compromised the vessel in any way as far as its seaworthiness?

A No. Otherwise I wouldn't, wouldn't have gone, would I?

Q70 O.K. If there was, like you say, just on that, if, if you felt that the, that the vessel was damaged to some extent you would have turned back?

A Yeah, of course.

Q71 Yeah.

A Well, being the skipper or sailing master of the boat you are liable and responsible for the lives of everyone on it so - - -

Q72 O.K.

A - - - and I had 26 of them.

Q73 All right. Were any of your crew paid to go on board the boat, to be on board Nokia?

A Yeah, yeah. Myself obviously 'cause it's my occupation, there were one, the only girl on board was paid, she was a Whitbread sailor, professional yachtsman, she was paid. A guy called, another bloke, Neil McDonald, he wasn't paid but I sort of looked after him, you know, gave him somewhere to stay and paid for his airfare and that, so that's sort of pay, I suppose, paid his expenses. And I had three other guys on the boat that were full time on the boat, that were getting the boat prepared for the race,

maintaining it, looking after it afterwards, used to sail it, deliver it around the country with him, so there was three of them, they were being paid.

Q74 All right.

A But, I mean that's a, it's a, it was a big boat.

Q75 All right.

A And if you want good people you need to pay them, you know.

Q76 So in that if the vessel was sponsored by Nokia - - -

A Yeah.

Q76 - - - is that correct?

A Yeah.

Q77 Who supplied the payment to you and the crew?

A The contract's done between, the sponsorship contract's done between myself and, and the company and then I've been responsible for everything after that. So I have insurance and all that sort of stuff.

Q78 So you, you pay the crew out of a deal that you've made through the sponsorship?

A Yeah, that's right. So they say to me, We've got X amount of money here, and I say, O.K. well, yes or no, and I agree to provide a boat and a crew and, you know, and so on, everything for that figure.

Q79 Is that vessel in survey?

A Yeah.

Q80 The Nokia?

A Yeah.

Q81 In, in what, what survey and in what state?

A In Queensland.

Q82 A Queensland survey?

A Yeah.

Q83 O.K.

A So it's not in the New South Wales survey obviously but it doesn't really, well, I wasn't chartering it for, I was chartering it to do a yacht race in.

Q84 All right.

A Yeah.

Q85 O.K.

A I leased it, I didn't charter it, I leased it.

Q86 Yeah.

A Yeah.

Q87 And who was the person that you did the dealings with through in Nokia?

A The general manager.

Q88 And his name?

A Marty Malka.

Q89 O.K.

A Who you won't get, he's now in London.

Q90 London and, and his name is Marty - - -

A Malka. M-A-L-K-A.

Q91 O.K. Now you said earlier that Glen Charles was a personal friend of yours?

A Yeah. He sailed the Fast Net with me in '97 and sailed Cowes Week with me in '97. I had, I had a maxi boat in England in 1997 before I did the Whitbread Race.

Q92 Right. And did you try to secure Glen Charles to be a crew member of your vessel?

A Oh, yeah, you could say that.

Q93 Well - - -

A Well, he's a mate of mine, I, I saw him at Woollahra Sailing Club, it was when the big boat day was on so it was about a week, 10 days before the Hobart race and he'd only arrived in the country 'cause he was sailing an Olympic class boat for, for the U.K. And he's, I got, had a beer with him and a few mates and he said, What are you doing? I said, Oh, I'm taking this big thing to Hobart. Do you want to come? He said, Oh, yeah, I'd love to come, and he was, he was going to come and then later he got offerered to sail on Sword of Orion so - - -

Q94 Did you have a conversation with him about that? Did you - - -

A He, he just said, I'm going to sail on Sword of Orion 'cause they're going to, you know, pay me virtually. And I said, O.K. well, I've sort of allocated all my money, I can't pay any money, that's fine, good luck. He actually, he actually apologised to me at the start of the race after the collision, like, he sort of went, sorry.

Q95 He acknowledged your presence?

A He acknowledged my presence at the collision - - -

Q96 Yeah.

A - - - as he was going out, but he was standing behind the skipper and he was the tactician.

Q97 Yeah.

A So he acknowledged my presence and he acknowledged to me that he was in the wrong so I didn't think that, one of the reasons why I was keen to, to protest was I knew that he would, you know, if it went to the protest he'd be on, he's a legit guy, he's not going to tell a lie.

Q98 Yeah.

A He's not going to tell a story and he'd admit they were in the wrong, unfortunately he couldn't do that.

Q99 When, did you have a verbal conversation or was it just an eye contact?

A No, just an eye contact and it's just a nod, it's just a, I mean if you sail long enough you know what's, you know, he sort of said, Sorry, mate.

Q100 Yeah. So to you his indication to you was that he was at fault?

A Oh, yeah, 100 per cent.

Q101 Yeah.

A Yeah. He was, he actually put his head down like that and shook his head, he was sort of ashamed of what had happened.

Q102 Yeah. O.K. So basically, again, the reason why you couldn't, you couldn't secure Glen as, Glen as part of yours was that, that Mr Coath had offered him payment to go to the best of your knowledge?

A To the best of my knowledge, yeah.

Q103 Yeah. Did, and in fact did, he did tell you that, that Rob Coath had said - - -

A Well, he said he was, yeah, yeah.

Q103 - - - he was going to pay him - - -

A Yeah.

Q103 - - - to go in the race?

A Yeah.

Q104 O.K. And have you been paid up to date as far as your damage to the boat by Mr Coath?

A No, Mr, I rang Mr Coath after the protest and asked him to contact his insurance company to sort of chase up the damages 'cause I, the boat has now obviously gone back to the owner, my lease had expired, except the owner of the vessel is holding a bond of mine which I had to put up, you know, for, for this sort of thing and Mr Coath turned around to me and told me, quote, To get fucked, I'm a liar, he doesn't care what the protest committee said and I, he, I will never get paid. And then hung up the phone. And that's the only conversation I've, after that I thought, oh, well, the only way I'm going to do it is go to a solicitor so I haven't had a conversation with Rob Coath about it since.

Q105 Has he contacted you recently?

A No, no, he, every time he sees me at the club or anywhere he sort of puts his head down and keeps walking. I actually saw him at the Sydney to Hobart launch for this year, like, sighted him and he sort of

nodded his head and said sort of hello, didn't say hello, but just sort of to say goodbye, which is the first thing he's done to me and I think probably because my solicitor told me the other day that he's agreed to pay. So it's a pretty big turnaround in opinion.

Q106 So your solicitor's contacted you and, and - - -

A Contacted and said that Mr Coath has agreed to pay providing he sees the quotes for the damage. So that's where it's at, he's now got those quotes so we'll see what happens.

Q107 O.K. All right, David, is there, I think that's just about it as far as I'm concerned. Is there anything that you feel you'd like to add that would assist me in the inquiries in the, in the Sydney to Hobart Yacht Race? Have you got any information that you'd like to offer that would assist me?

A I - - -

Q108 Any safety issues or any issues that would assist?

A Well, just in safety, I think the safety precautions they take are pretty good, they hammered us quite hard just because I'm a young bloke, I think, and they don't really, it's a bit of a boys' club. But I think that the scrutinising and everything they do is good. The only thing I would say is I think the people they allow to go are not even close to being up to it and they don't, they sort of, my, it's only a personal opinion but my personal opinion is if you, if you drink at the

club and you're a mate, mates with the board they'll let you go rather than whether you've got enough experience, you know. They got, I hadn't, personally I've got more sea miles than probably 98 per cent of the skippers in the race and they gave me a harder time than anybody, you know, and I had four full time professional yachtsmen with me. They guys can go out there in a 40 footer with a bunch of their mates, weekend, what we professionals call weekend sailors and they don't have a problem, they can go.

Q109 What, what do you mean they gave you a hard time?

A I had the boat's safety check done in Brisbane, they didn't accept it, we arrived down, we had another safety check, we passed. They came and did another two spot checks after that, basically they didn't want to put us in the race. They then gave, then they, on one of the spot checks they found something that they passed before, they found something that, that they weren't happy with and then they said, You've got til 5 o'clock today to fix it, otherwise you're out of the race. And this was still a week to go or something. And I said, Well, hang on a minute, I said, Well, what about all these other boats? Oh, I said, Well, what about Sayonara? Because it was the other maxi in the race, one of the other maxis in the race and it hadn't even arrived yet, I said. Oh, its safety is being done in America. Oh, O.K. O.K. So I just sort of copped it on the chin and did what they wanted me to do and got

it passed. And then 3 days later I see the safety committee marching down the dock to do the safety check on Sayonara. So they got a pretty, you know, they've got double standards down there.

Q110 Did you, were you, pardon me, did any other incident happen at, as far as you entering the race or - - -

A No.

Q110 - - - problems with the club?

A No, not really, no, everything else was all right, yeah.

Q111 It was just basically the safety tests?

A Just the safety, you know, and that was fine, I don't have any problem with them being hard on the safety providing it's across the board, you know, and it, and it definitely wasn't across the board.

Q112 Mmm.

A But it's, they're quite good on the safety, as I say, it's just the people they let go, you know, they need to have a better, my opinion is they need to have a better criteria of who goes.

Q113 Mmm.

A There was a boat out there, I was actually, the first night when all the problem happened I was navigating, sitting with the radio when all the flares were going off and, I don't want to name anything but there was one guy out there who owns a very big boat, sponsored, was firing off flares and everything and taking up, you know, the majority of the safety people trying to find

him when he was safe, right, he had no mast, sure, the mast was gone, it wasn't going to puncture the hull, he was sitting in a 65 foot boat. And he was letting off all these Maydays, sending off all these Mayday calls. Meanwhile, all the other boats like Winston Churchill are sinking, you know, to the bottom. And that, you know, that's, first, that's his fault but it's also, I find the club responsible for that 'cause that guy with that crew should not have been allowed to be out there. If he had anybody that had enough experience would have, wouldn't have sent out Mayday calls, wouldn't, maybe would have sent a flare off, but wouldn't have sent out Mayday calls and would have just sat there and rode it out and realised that there's other people out there that are going to be in a worse position, you know.

Q114 Are you talking about the Team Jaguar?

A Yeah.

Q115 O.K. Do you recall any other incidences that you feel that may have been in your opinion dealt with differently?

A No, not really. I think, I think after that they did a pretty good job, they had a bit on after that but I think that was definitely one instance where they made the situation a lot worse.

Q116 All right. We mentioned earlier that you participated in a race a couple of weeks or a couple of months prior to the race and there was an incident where - - -

A Yeah, but I wasn't on the boat so I, I'm, you know,
it's only hearsay.

Q117 O.K.

A Yeah. So I wouldn't really want to comment on that.

Q118 O.K. That's fine. All right, Dave, if there's nothing
else that you'd like to add I think we can conclude the
interview.

A All right.

Q119 The time on my watch is now 11.10am. This interview is
now concluded.

INTERVIEW CONCLUDED