

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Richard Bennett on Monday, the 27th of September, 1999 at 2 Rowlands Court, Kingston, Hobart. The time on my watch now is 4.36pm. Also present seated to my left is Detective Senior Constable Wendy Sculthorpe from the Hobart C.I.B. For the purpose of the record, Richard, could you please state your full name?

A Richard Palmer Bennett.

Q2 And your date of birth?

A 13/11/45.

Q3 And your current address?

A 8 Rowlands Court, Kingston.

Q4 And your occupation?

A I'm a photographer.

Q5 O.K. As I explained to you prior to this interview when I spoke to you on Friday afternoon, I'm making inquiries in relation to the 1998 Sydney to Hobart Yacht Race and as a result of the investigation I've been given, I believe that you may be in possession of a number of photographs which may assist our investigation. So if I could first start with you background so far as photography is concerned?

A I've been a professional photographer for more than 30 years. I first photographed the Sydney-Hobart in 1974, I've covered every Sydney-Hobart since, 24 of them.

Q6 O.K. Now I believe you're a pilot as well?

A I'm a licensed private pilot, I haven't been a licenses pilot very long but I've had a great deal of experience flying dual with commercial pilots in the course of my work over a period of 30 years so I've had a lot of experience of weather and pilots and aircraft and - -  
-

Q7 Right.

A - - - that sort of background.

Q8 O.K. Can you tell me what sort of regimen you adopted last year prior to the Sydney to Hobart Yacht Race so far as organising things that you had to do?

A It's our, our goal to photograph every boat in every Sydney-Hobart. We try to photograph all of the fleet on the first day because there are usually a few retirements.

Q9 Yeah.

A And we like to have every boat photographed on the first day. It's usually an opportunity to photograph them all in pretty close proximity, quite often with a north-easter with spinnakers up. Then on the second day we hope for some heavier conditions and hopefully photograph them on the wind so that we have different photographs with different sea conditions. And then as they emerge at the other end of Bass Strait we like to photograph them with Tasmanian coastline in the background, the yachtsmen like photographs that identify the Sydney-Hobart and when you have a scenic background it makes it pretty clear what event they

were racing in. And so at the end of the day, by the 1st of January, we probably have a portfolio of four or five different photographs of all 120 or 30 entrants in different conditions.

Q10 Right. Now last year when you, did you fly to Sydney obviously on the 26th to commence?

A We flew to Sydney on the 26th.

Q11 Right.

A We left here at about 9.00 in the morning.

Q12 Right.

A We flew to Camden just south-west of Sydney.

Q13 Yeah.

A We chartered two Cessna 172's and we photographed the whole fleet that afternoon out south of Sydney out off Wollongong in that area.

Q14 And where did you proceed to on that afternoon or that evening of the 26th?

A That, that evening we stayed at a, at a motel or hotel in Camden, in the township of Camden which is walking distance from the Camden aerodrome.

Q15 Right. Then on the 27th?

A On the 27th we got up early and we flew down to Merimbula and then we continued to find the race leaders before they got too far down the coast. If, if we're not on the ball we can miss the first half a dozen boats who are the, the race leaders and if we're busy photographing other boats we can miss them altogether until they get onto the Tasmanian coast. So

it's important for us to photograph those leaders and then we've got plenty of time to photograph the others after that. The leaders were Brindabella and Sayonara and there, there was quite a lot of interest as to which boat was leading, Sayonara was a favourite because it was bigger and state of the art. And Brindabella had lost two, two masts in the couple of previous Sydney-Hobarts. So we went down to find them, we found Brindabella at approximately 38.08 degrees south, 150.15 east.

Q16        Yeah.

A            Now we wrote this information down on the evening of the 27th.

Q17        Right.

A            We could check the longitude and latitude that we'd written down.

Q18        Yeah.

A            But the times that I'm giving you now are times that we estimated at the end of the day.

Q19        O.K.

A            We estimated that it was 10 past 9.00 in the morning when we found Brindabella and we photographed her. And we photographed Sayonara 7 miles to her east.

Q20        Yeah.

A            We came to the conclusion that, that if they were forecasting 40 knots of wind that they had at least that at that time.

Q21        At that time?

A Yeah.

Q22 How did you determine that?

A From experience.

Q23 Right.

A If you look, Sayonara had a storm tri sail, for example.

Q24 Right.

A And she was trying to win a race, she wouldn't be so heavily reefed down if it wasn't blowing hard.

Q25 Mmm.

A Brindabella had two or three reefs in her main and she was flying.

Q26 Right.

A It'd take 40 knots of breeze to get her wound up to that, that extent so you could, you could confirm that by speaking to those skippers - - -

Q27 Yeah.

A - - - and show the photograph to yachtsmen, they'd be able to give you an indication of how much wind it would take to - - -

Q28 Right.

A - - - to make a boat of 70 or 80 feet long be reefed down to that extent.

Q29 All right.

A So there was at least 40 knots of breeze - - -

Q30 O.K.

A - - - there at that time.

Q31 Now what was the sea conditions like at that time?

A Well, there was a reasonable, reasonable swell. It wasn't a huge sea but it was enough to make dramatic photographs and, and make it very interesting.

Q32 Right.

A It was also from a photographic point of view beautiful light early in the morning.

Q33 Right. Now that photo you have? Right. So the photo you're showing me now is in actual fact at around 9.10am on the 27th?

A That was Sayonara 7 miles to the east of Brindabella.

Q34 Right.

A So it was probably taken 10, 10 or 15 minutes later.

Q35 Right.

A So it was probably taken 9.20 or thereabouts, I reckon.

Q36 O.K. Now the photo of Brindabella at 9.10?

A Yeah. The photograph of Brindabella it was 9.10 in the morning.

Q37 Right. That's the second photograph you're showing me now.

A Brindabella has a couple of reefs in there.

Q38 Yeah. O.K. What was your weather brief for the aircrew?

A Our weather brief was 40 knots of wind at 2,000 feet and - - -

Q39 On the 27th?

A On the 27th.

Q40 Yeah.

A Our pilot asked what would the situation be later. No change, was the response. And he asked what would the wind be like next morning.

Q41 Yeah.

A Because we need to know how long we've got wind and sea so that we can plan shooting 100 boats, that's not a simple matter to photograph 100 boats, you need to work, plan it.

Q42 Yeah.

A No change next morning. So Ralph came back and he said, Well, you've got plenty of wind, you've got your 40 knots and it's going to be there for 24 hours. Now from our point of view that meant that it was ideal sailing conditions as per the photographs you've just looked at.

Q43 Yeah.

A And that those conditions would be continuing for 24 hours - - -

Q44 Yeah.

A - - - which was perfect from our point of view. It also, we also assumed that given 24 hours that the sea would build up so that it would become more dramatic but we didn't consider that that was dangerous conditions at 40 knots that was forecast.

Q45 Now when you say that the sea was going to build up, on what do you base that assumption?

A Well, there's a current that runs down the coast.

Q46 Yeah.

A The sea was coming in a north-easterly direction from the south-west across Bass Strait past the corner down by Mallacoota and given 40 knots of wind blowing through there for 24 hours - - -

Q47 Yeah.

A - - - the sea would simply continue to build and it would get higher and higher and, and with the southerly current that would increase the chop - - -

Q48 Yeah.

A - - - and it'd be pretty dramatic stuff.

Q49 Yeah.

A Mmm.

Q50 O.K. Then I believe that you spent the rest of the day photographing various boats and you returned to the same long and lat - - -

A We decided - - -

Q50 - - - eventually?

A We'd already decided, we'd already seen other boats behind them - - -

Q51 Yeah.

A - - - in fairly boring conditions from a photographic point of view. In other words, they were sailing down the coast in maybe 15 or 20 knots of breeze, nothing dramatic at all.

Q52 Yeah.

A We decided we'd go back to Merimbula and refuel and wait until more yachts sailed into, into these conditions where they'd be revelling in a, in a 40 knot



sou'-wester and that would be where we'd photograph them.

Q53 Right.

A And so we refuelled and we waited and we returned to almost the same location at 13.30 hours and it was a different situation. It was blowing much harder - - -

Q54 So the photo you're showing me now is a photo of AFR Midnight Rambler?

A That's correct.

Q55 At approximately the same location as the earlier photos?

A Yeah. And it's probably 60, 70 knots or gusts I reckon.

Q56 Yeah. And how did you, how did you determine that?

A From experience.

Q57 Right.

A And the pilots indicated that they thought it was gusting to, to 70 knots and when, when the sea starts being picked up in white sheets and you get lines of spume blowing across the surface of the sea and the tops being knocked off, off you can tell that it's a totally different sea state to what it was in the morning.

Q58 Yeah.

A This is Aspect Computing - - -

Q59 Right.

A - - - at the same location.

Q60 Yeah.

A And it was starting to pick up waves where it was blowing, blowing curling white foaming crests off the waves and, and Aspect went right through that wave and came out and hit the face of the wave on the other side. I didn't photograph that because that happened as we passed, passed the boat and it's, it's a matter of very delicate timing - - -

Q61 Yeah.

A - - - to get an aircraft at the right position at the right time to, to do that. We also noticed from the sea state, we're looking at another picture of Aspect here - - -

Q62 Yeah.

A - - - proof number 99 where a large foaming wave has actually broken right ahead of the, in front of the boat.

Q63 Yeah.

A And yachtsmen try to see these coming and sail in between them but if you get a very long foaming crest and they can't get out of the way it can make life very difficult if they don't have enough speed through the water to carry forward.

Q64 Mmm.

A This is Bobsled and Bobsled's a maxi, a pocket maxi.

Q65 What's it, about 55 foot, 60?

A Oh, it's 65 feet.

Q66 Right.

A As you can see, only a storm tri sail, you can also see that the boat has full starboard rudder.

Q67 Yeah.

A And you can also see from the photograph from the, from the fin that she's actually being blown sideways through the water and it takes a lot of wind to do that.

Q68 Mmm.

A You can also see that the sea has simply been blown into lines of spume.

Q69 Yeah.

A I had a, I had an email from an ex-U.S. Coast Guard captain - - -

Q70 Yeah.

A - - - who said that he'd been in two cyclones and he wanted me to know that, that this was the first time he'd ever seen those sea conditions captured on film.

Q71 Do you have his particulars?

A Oh, the email's sitting on my computer.

Q72 O.K.

A Mmm.

Q73 Now so far as the, the aircraft weather briefing where, where did the pilot obtain that from?

A It's the, it's the standard weather fax for aviation.

Q74 For aviation.

A For aviation for - - -

Q75 Through Melbourne?

A - - - for that part, yeah, that's where it would come from, I imagine.

Q76 O.K. Now at some stage when you flew back after refuelling at Merimbula did your pilot show some concern in relation to the weather?

A Well, at that time we didn't know how much - - -

Q77 Yeah.

A - - - wind was down there.

Q78 Yeah.

A But when an aircraft takes off it gets a Q&H, which is a barometric pressure, which an adjustment is made to that pressure on the altimeter to, to give you accurate altitude and separation from other aircraft in that area. And the Q&H was 998 hectopascals which is under 1,000 hectopascals and we commented at the time that there we were flying south of Merimbula in beautiful sunny conditions and we were flying into an area with a low pressure system of 998 hectopascals which seemed very, very low for that time of year for that part of the coast.

Q79 So you were surprised to see that within 4 hours it had gone from what you would consider to be - - -

A I'm not - - -

Q79 - - - fairly - - -

A I'm not sure what it was that early in the morning but I don't think it was that low because we would have, probably would have noticed it.

Q80 Yeah.

A Mmm. So it was a, it was a deep low and we were expecting to find the boats in similar conditions or a little bit more. No, it would be fair to say we were expecting the, to find a bigger seaway and a little bit more wind than what we had at 9 o'clock in the morning.

Q81 Right.

A Because if it was going to keep blowing to that strength all day - - -

Q82 Yeah.

A - - - the sea would get bigger. But it was a lot more, a lot more and after we photographed those half a dozen boats my pilot said, Well, I'm pulling the plug and we're going home.

Q83 Yeah.

A So after flying to Sydney and investing all that time and effort and looking for the, a major blow to photograph 100 boats we gave it away and said, We're not going to do it any more because it's just blowing a little bit too hard for us.

Q84 Yeah. Now what time was that decision made?

A That was made at about, oh, well, we, we went to the same position at 13.30 hours, about 30 minutes later I reckon.

Q85 Right.

A So about 14.00 hours.

Q86 Right.

A And we returned to Merimbula and refuelled - - -

Q87 Right.

A - - - as soon as we got on the ground.

Q88 Yeah.

A And at that time we'd just refuelled the aircraft, we were all feeling a bit depressed because we'd spent years looking for a really good blow to photograph a fleet.

Q89 Yeah.

A I reckon I spent more than \$100,000.00 on aircraft hire year in and year out to photograph an event like this and when we got it, it was blowing too hard.

Q90 Yeah.

A And we couldn't do it.

Q91 Yeah.

A So it was a freak storm if you like. We refuelled and we were asked to, straight away there was a Mayday - - -

Q92 Right.

A - - - from Stand Aside and we think that was at about 15.30 hours.

Q93 Right. And you responded to that?

A Yes, and they reported their position as 37.42 south, 150.32 east.

Q94 Yeah.

A And we flew out there - - -

Q95 Yeah.

A - - - to that position.

Q96 Yeah.

A Now at this stage this was no longer a photographic aircraft, it was, it was a search aircraft that had been requested to investigate a Mayday.

Q97 By AusSAR?

A Yeah.

Q98 Yeah.

A And I was an observer.

Q99 Right.

A I wasn't a photographer any more, I was an observer.

Q100 Right.

A So we found her there, she fired an orange flare when we arrived.

Q101 Yeah.

A You know all, you, do I need to tell you what they told us?

A No.

Q102 You already know what they said. And we stayed overhead relaying radio information - - -

Q103 Yeah.

A - - - because the helicopters were so close to the water that we were very useful up at that altitude and also there was confusion about how much fuel was at Mallacoota and what fuel was there and what wasn't.

Q104 Yeah.

A I think on one occasion a helicopter would have gone and landed down at Mallacoota to offload people and wouldn't have been able to take off again because there wasn't any Jet A1. So our pilot was figuring out what

fuel was where and making sure they didn't go back to where they couldn't access fuel. At about 13.40 hours, 15.40 hours - - -

Q105 Mmm.

A - - - boat number Ninety Seven Maydayed, which wasn't long after, that she was about to, thought she was about to be hit by a freighter. I think the boom had gybed and smashed the, the wheel, they'd lost their steering, the pilot of our aircraft contacted the ship and they put out a lookout and located the boat and, and managed to go around it.

Q106 Yeah.

A And then at, at I think about 15.45 hours there was a call from Winston Churchill, that was three in about 10 minutes and she radioed that they were taking water and they were abandoning ship. So, and the point was that there was only one helicopter on the way and that was going to Stand Aside. And then when the other helicopter came that had to go to Stand Aside 'cause they only had one life raft and there were 12 of them. They'd lost one. So there literally wasn't another helicopter anywhere that could go to Winston Churchill 'cause they had, all these emergencies happened all at once.

Q107 Mmm.

A The other problem was that it was blowing so hard out there that their speed over the ground on the return



was very, very slow so it would take twice the fuel it normally would to get back to land.

Q108 Mmm.

A So they couldn't go detouring all over the countryside or all over the ocean. And I imagine they were overloaded with people they'd rescued, with huge head wind, trying to get back to shore. So when Sword of Orion called in, which was about 18.50, the, these times might be half an hour out - - -

Q109 Yeah.

A - - - because we wrote them out late in the day but the problem with Sword of Orion was she just happened to be that much further east.

Q110 Yeah.

A And it was that much further out to sea and the helicopters already had people on them and they were low on fuel and it was a long way back to shore. So she was out of reach and if this storm had happened, say, a few hours later then a lot of these boats would have been out of reach and no helicopters would have been able to get them and then it would have been 10 times - - -

Q111 Mmm.

A - - - worse. The Mayday from Kingara came, we reckon it was about 18, 18.00 hours or thereabouts. She reported she was 38 south, 150.47 east and she'd lost a man overboard and we'd just seen all the people lifted off Stand Aside and we thought what a great feat

that was and heard Winston Churchill and Ninety Seven and then Kingara's lost a man. And we're thinking this is getting more serious by the minute and we didn't think they had a hope. We remembered John Quinn getting lifted out of the sea the year before and what a fluke that must've been after hours at night and here there was a man in the sea just on dark in those conditions, we didn't think he had a hope.

Q112 Right.

A And our pilot relayed the information, we relayed it on that the helicopter was about half an hour away and I think it was a remarkable feat of seamanship that they kept him in sight for that amount of time.

Q113 Mmm.

A And the helicopter turned up and said, We've got him on a wire now, we're lifting him out of the sea. We, we couldn't believe it. We were so excited that they'd been able to just pick up the phone and say, We lost a man overboard, come and get him. And they just went out there and picked him out of the sea, just like that. And then it wasn't 10 minutes later that Sword of Orion said, We've lost one in the sea.

Q114 Mmm.

A And it was just a very desperate sort of situation.

Q115 Mmm.

A And it just seemed to keep getting worse.

Q116 Did AusSAR give you guys a search pattern as such, do you recall?

A They asked us to stay, stand above Stand Aside, hold station above Stand Aside.

Q117 Right.

A And to relay information.

Q118 Right.

A Which we did and we stayed above Stand Aside for probably close to 3 hours, I reckon.

Q119 Now during that time you took a number of photos?

A During that time I took very few photographs.

Q120 Mmm.

A And it was only when we just about, they'd just about finished and had the last man off that I, I picked up the camera and took a couple of pictures of the departing helicopter because it was my, my job when the, while the pilot was circling and radioing it was my job to keep Stand Aside in sight at all times - - -

Q121 Yeah.

A - - - because when he lost it he'd say, I've lost it, where is it? And it was my job to be able to tell him where, exactly where it was.

Q122 Mmm.

A So I didn't and at the end I shot a few frames through a perspex window.

Q123 Right.

A So they're not brilliant images but they do show the departing helicopter with the abandoned Stand Aside surfing up over a wave. Stand Aside was at the bottom of, of a wave that estimated to be close to 100 feet.

Q124 Right.

A And the helicopter boys reckoned that was the height of it and they were saying when the other helicopter came in, keep a lookout behind you and watch out for a sea coming behind you, because they'd be down there trying to lift people off a boat, not looking behind them - -

-

Q125 Mmm.

A - - - and they could just get rolled into the sea.

Q126 Mmm.

A That's how big the seas were.

Q127 Mmm.

A And you'd see people lifted off the boat and, and then next thing they'd be back in the water again even though they were being lifted - - -

Q128 Yeah.

A - - - they were dragged through the water. And after they got the last person off this huge wave with a foaming crest just broke over Stand Aside and it just catapulted it up over, over the wave in front of it and down the other side and that's what's depicted in that photograph there. The boat planed up the face of the wave. So imagine what that would do to a stricken boat in the bottom of a, of a trough - - -

Q129 Mmm.

A - - - with a hole in its deck with a lot of people trying to get off.

Q130 Mmm. Now so far as your experience in the last 24 years, is this the worst conditions you ever have seen?

A By far, by far.

Q131 Right.

A Because most, we've had some, mind you, yachties tell me they had, they say, oh, we had conditions that bad in 1984 and we had conditions like that in 1990, whatever it was. I, I didn't see them 'cause I wasn't there - - -

Q132 Mmm.

A - - - but I imagine that it, that's the worst that they've had.

Q133 Mmm.

A Whenever I've been out into a blow it's been there for a few hours, I mean you need to be on the ball to get there before it's gone.

Q134 Mmm.

A But this was there for a long time.

Q135 Mmm.

A So I'd, I'd say it's the worst conditions by far that I've ever seen.

Q136 O.K. In your experience, is there anything that you'd like to add in relation to the race itself and, you know, those conditions, I mean so far as, you mentioned the storm as freakish?

A Yeah.

Q137 Can you add anything to that so far as the weather reports you guys got, I mean there was no indication at sort of 9.10 that that was going to come up?

A No. The indication was that there'd be 40 knots of breeze which is - - -

Q138 Yeah.

A - - - what every entrant would expect to have, they'd expect to cope with 40 knots.

Q139 Yeah.

A And that it would last for 24 hours.

Q140 Mmm.

A There was no suggestion that it was going to be significantly more than that.

Q141 Mmm.

A But then there are no guarantees on the ocean or mountains - - -

Q142 Mmm.

A - - - or anywhere else - - -

Q143 Mmm.

A - - - when you do adventurous things there are, there are risks and if there weren't risks people probably wouldn't want to do it.

Q144 Yeah.

A And they just happened to, to get about the worst the sea could throw at them for 24 hours during that event.

Q145 Now you were back in Sydney on the 28th or still down the south coast?

A No, on the morning of the 28th we flew down to Cambridge - - -

Q146 Right.

A - - - to return to Hobart.

Q147 Oh, O.K. Yeah. .

A And waited for the fleet to turn up.

Q148 Right. And what were the conditions like then flying back?

A Well, we, we were flying I.F.R. In other words, we just went up over the top of the whole thing and, and flew back.

Q149 Right.

A Mmm. My pilot said, You can forget yacht races for a while - - -

Q150 Right.

A - - - til we get home, we'll have another look down the Hobart end.

Q151 O.K.

A And I just meekly nodded and said, Yes, O.K. That's fair enough.

Q152 O.K. Is there anything else you'd like to add from your experience of last year's race which would be of interest to us?

A Well, the, those rescue helicopters did a sensational job.

Q153 Mmm.

A I mean I'd heard, I mean there have been occasions 10, 20 years ago when there've been people lost at sea and

they didn't survive because they weren't recovered within 10 or 12 or 15 hours and there has been criticism of rescue organisations, but when you consider what, what was done to rescue Bullimore from the Antarctic Circle - - -

Q154 Mmm.

A - - - and then you look at what was achieved here at incredibly short notice - - -

Q155 Mmm.

A - - - then we must have the best rescue services in the world and very, very high standards of airmanship and, and great demonstrations of bravery by young people who weren't even paid a wage - - -

Q156 Mmm.

A - - - I understand.

Q157 Mmm.

A I think it's fantastic.

Q158 O.K.

DETECTIVE SENIOR CONSTABLE SCULTHORPE

Mmm.

DETECTIVE SENIOR CONSTABLE GRAY

Q159 The time on my watch now is 6 minutes past 5.00. This interview is concluded.

INTERVIEW CONCLUDED