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NEW SOUTH WALES STATE CORONER'S COURT

STATE CORONER: J B ABERNETHY

TUESDAY 14 MARCH 2000

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5/98 - EVENT OF THE 1998 SYDNEY TO HOBART YACHT RACE

INQUEST INTO THE DEATHS OF JAMES MICHAEL LAWLER

MICHAEL BANNISTER

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BRUCE RAYMOND GUY

PHILLIP RAYMOND CHARLES SKEGGS

JOHN WILLIAM DEAN

GLYN RODERICK CHARLES

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PART HEARD

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CORONER: Appearances I think are as before, just about, I don't think Mr Morahan is here is he?

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MORAHAN: Yes.

CORONER: Yes Mr Dougall, Mr Dougall mightn't be here, okay I think everyone else is though.

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HILL: Yes I recall Mr Evans.

<TIMOTHY ALEXANDER DAVID EVANS(10.00AM)  
SWORN AND EXAMINED

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HILL: Q. Sir there are three further questions which I wish to ask you, the first one is this, pamphlets, weather pamphlets in particular and I want to direct your mind to the briefing that took place on the Christmas Eve at the CYC were there any weather pamphlets handed out there?

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A. Not that I saw no.

Q. Were there any on display anywhere or--

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A. Not that I saw, no.

Q. Now what about on the morning of the race?

A. I didn't go the CYC on the morning of the race.

45

Q. The next point is this that yesterday you told us about you added 20 percent onto any wind that you were given in the forecast to take into account gusts is that right?

A. That's correct yes.

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Q. What about wave heights?

A. I wouldn't have particularly thought about adding a percentage but I would've expected some waves to be higher than predicted.

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Q. And then I think a final question is this, the weather information you got via the radio relay vessel the 'Young Endeavour' in your opinion was that minimal?

A. No I wouldn't call it minimal they were obviously

relaying forecasts issued by the bureau, they were quite fulsome in fact, I must say that I took more note of the coastal waters forecast than any seas - high seas forecasts but no I wouldn't call them minimal I would've called them adequate.

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Q. And there's a difference between the high seas forecast and the coastal waters forecast?

A. As far as I'm aware yes.

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Q. And how is that differentiated in a weather forecast?

A. Well I think yesterday we heard a high seas forecast quoted, coastal forecasts are usually given for coastal waters 60 nautical miles to seawards and they come down the coast in various stages so you might get Woolli Point to Broken Bay, Broken Bay to Jervis Bay, Jervis Bay to Gabo Island and 60 nautical miles to sea.

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Q. Now I think that yesterday you said that in fact you were below decks most of the time?

A. At this particular time yes.

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Q. And so are you able at all to help us with the wave heights of these rogue waves?

A. No I didn't - I didn't see any myself, I heard comments about their size but my only observation was that looking out the side windows of 'Siena' they were constantly under water.

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HILL: Yes I've got nothing further thank you.

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CORONER: Mr Stanley.

STANLEY: Q. Mr Evans this was the first pre-race briefing that you'd attended for the Sydney to Hobart race was it?

A. That's correct.

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Q. Had you been in the race before?

A. No I hadn't.

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Q. So you were, as it were, a novice for this particular race and no doubt you had particular interest in attending the pre-race briefing?

A. I was a novice and I was asked to go to the pre-race briefing and I was more than happy to do so.

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Q. Did you observe at the pre-race briefing a table on which there were a number of piles of documents?

A. I didn't no.

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Q. I'm sorry?

A. I did not, no.

Q. Are you saying that it wasn't there?

A. No I'm saying I didn't see it.

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Q. And were you not made aware by anybody that there were documents available for the persons attending the pre-race briefing relevant to the weather?

- A. Not to my recollection no.
- Q. Would you look please at these documents, perhaps would you be good enough just to identify them as you look at each of them just by telling us the title on each? 5
- A. Weather Information for the Sydney-Hobart Telstra Cup, and Sydney-Coffs Harbour Yacht Races Websites.
- Q. Right that's the first one. Have you ever seen that before? 10
- A. I have a recollection of seeing it yes but--
- Q. Where would that have been?
- A. I know I saw same publication for the Pittwater-Coffs Harbour Race but I don't know whether I'm confusing that with the Sydney-Hobart. 15
- Q. All right well let's go on, the next document?
- A. Marine Weather Services, a glossy. 20
- Q. A glossy print-out?
- A. Yes or a glossy publication.
- Q. Yes and published by the--
- A. Bureau. 25
- Q. --Bureau of Meteorology?
- A. 1996.
- Q. Have you ever seen that before? 30
- A. I have.
- Q. You have seen it?
- A. Yes. 35
- Q. And you've read the contents of it?
- A. I have yes.
- Q. Did you see that on the day of the pre-race briefing?
- A. No I saw it prior to the Pittwater-Coffs Harbour. The Weather Map, Bureau of Meteorology 1990-- 40
- Q. Had you seen that before?
- A. Yes once again prior to the Pittwater-Coffs Harbour. Bureau of Meteorology Weather by Fax, Check the Weather, published by the Bureau 1998, I've seen that before, before to the Sydney - Pittwater-Coffs Harbour. Weather Words published by the Bureau in 1997, I have not seen that before. 45
- Q. And have you seen that before? 50
- A. No I haven't.
- Q. You're sure about that are you, you can say looking at it you've never seen it before? 55
- A. Yes I am sure.
- Q. And the documents that you have seen I think you mentioned that they were all you believe you'd received them

in relation to the Pittwater-Coffs Harbour Race?

A. Yes they were made readily available on a table outside the room.

Q. When was that?

A. In January of this year.

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Q. And had there been a briefing prior to that race?

A. That was at that briefing.

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Q. Yes so there was a pre-race briefing that you'd attended?

A. Yes.

Q. And who gave that pre-race briefing?

A. The Royal Prince Alfred Yacht Club and Mr Batt from the Bureau.

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Q. Yeah so Ken Batt the same person who gave the briefing at the Sydney to Hobart Race?

A. But without the hat.

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Q. What's the relevance of that--

A. Sydney-Hobart--

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Q. What's the relevance of that--

A. He was wearing a Santa Claus hat, he wasn't wearing on at the Pittwater-Coffs Harbour.

Q. What's the relevance of that?

A. Not particularly relevant other than the fact that it was the same man and I recognised him.

30

Q. And you'd received those documents at the prior briefing, evidence will be given that they were in fact available and on a table for all the participants in the Sydney to Hobart race, are you in a position to dispute that or you simply say you don't know?

A. I wouldn't deny that but I didn't see them.

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Q. Would you mind just handing the documents back to me for a moment please. You indicated that you had read the glossy entitled Marine Weather Services?

A. That's correct.

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Q. And does it follow then that you read the definition and terminology set out there by the bureau?

A. That's correct.

45

Q. And you understood it?

A. When I read it yes.

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Q. And therefore you would've known that when the bureau used or gave wind speeds what it was doing was giving those speeds in its forecasts and coastal observations measuring it as the average speed over a 10 minute period, you knew that?

A. I knew that but not from that brochure.

55

Q. You knew anyway?

A. Yes I seem to recall knowing that yes.

Q. And that you also knew that the bureau indicated that gusts may be 40 percent stronger than the speed given, the speed forecast? 5

A. Not prior to reading that before the Pittwater-Coffs Harbour race this year no.

Q. But you certainly knew that by the time of the Sydney to Hobart race? 10

A. No the Sydney to Hobart was the year before.

Q. I see so you're telling us then that you hadn't seen any of these documents by the time of - at the time of the race? 15

A. That's correct.

Q. And you're saying that you did not know that wind gusts could be as much as 40 percent above the speed forecast? 20

A. I did not.

Q. As part of your, I think your training as a navigator or just as a matter of interest had you read any books about sailing and winds and forecasting? 25

A. Yes.

Q. And you say that in none of them you've seen any reference to gusts being additional to forecast wind speeds? 30

A. Indeed.

Q. And I think in your record of interview you accepted a 20 percent increase but not a 50 percent? 35

A. 20 but not a 40 yes.

Q. No 20 but not 50-- 35

A. Not 50 no.

Q. --is what is set out I suggest to you? 40

A. Yes.

Q. Do you say that at the time of the race you did not know that it was possible that wind gusts could be 40 percent above the forecast? 45

A. I did know, they could've been 60 percent above the forecast wind, I didn't know that it was the way the bureau expressed it with that limitation on it of 40 percent no.

Q. When you attended the pre-race briefing at the conclusion of it do you recall the presenter Mr Batt asking whether there were any questions? 50

A. Yes.

Q. And did you have any questions? 55

A. No.

Q. Did anybody have any questions?

A. I think there may have been some but I don't recall specifically.

Q. I would suggest to you that the evidence will be that there were no questions?

A. I wouldn't deny that.

Q. Well I mean you were a qualified navigator attending your first brief, if there'd been anything that you were uncertain about I take it you would've asked a question either at the briefing itself or when it finished you'd have gone up and spoken to Mr Batt or someone else to clarify it is that a fair comment?

A. It's possible yes, I wouldn't say that I wouldn't, my--

Q. And you wouldn't be shy about going up and asking a question--

A. No, no.

Q. --if there was something--

A. No.

Q. --uncertain about it?

A. No, no, no well I think the general tenor of the briefing was that the various models that were being examined were themselves uncertain about the weather forecast. My impression was and it was only an impression bearing in mind these things are forecasts, they're not set in concrete was that there was quite a confused meteorological situation at the time with no certainty.

Q. That had particular significance to you because you'd done a meteorological course yourself hadn't you?

A. That's correct yes.

Q. And you understood what you were being told was that there were different models giving us different pictures, we're uncertain as to which one is going to prove?

A. That's how I interpreted it yes.

Q. And you'll get a better picture or we hope we'll be in a better picture by the time - by race day on the 26th?

A. Correct.

Q. And you were aware were you that a forecast was to be issued on the morning of the race?

A. I understood that to be the case yes.

Q. And you now know that in fact very shortly after 9 o'clock in the morning a gale warning was issued?

A. So I believe yes.

Q. When did you find that out Mr Evans?

A. I didn't until the first radio sked.

Q. Until 8 o'clock that same night?

A. I - yes I think that's probably correct yes.

Q. Apart from listening to the skeds did you have any other way of finding out what the weather forecast was or any observations about the weather once you were on your boat?

A. I didn't no, I had the means to listen to weather

forecasts.

Q. Yes well that's what I mean you had a radio that could listen to weather forecasts?

A. I had two radios.

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Q. And what were the sort of weather forecasts that you - that were available to you had you chosen to listen to them?

A. Sydney Radio, Royal Volunteer Coastal Patrol down the coasts. Penta Comstat I suppose if we could've picked it up.

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Q. So does it follow then a gale warning having been issued had you been - had your radio on and listening to it you would've heard of that from any one of those three sources?

A. That's a distinct possibility yes.

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Q. Well it'd be a certainty wouldn't it?

A. Provided you had your radios on and you were listening yes, and you were listening at the time they broadcast them, yes.

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Q. I mean if you wanted to know what the weather was going to be before waiting till 8 o'clock that night it's simply a matter for you turning on your radio and listening?

A. At the appropriate time on the appropriate frequency.

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Q. Well you knew though the frequency?

A. Certainly.

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Q. And you knew the time?

A. Certainly.

Q. But you didn't do that?

A. No I didn't.

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Q. Why wouldn't and this isn't asked critically why wouldn't you listen?

A. I didn't see the need to be constantly updating the weather forecast.

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Q. But when was the last weather forecast that you had?

A. The very last one.

Q. Before the sked, before the race started what was the most up to date weather report you had?

A. At the briefing and then on the morning of the race I in fact looked at the weather channel on Foxtel and the synoptic charts published in the Sydney Morning Herald.

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Q. And what time did you look at the - it was on the television was it?

A. Yes.

Q. What time was that?

A. It would've been about 8 o'clock in the morning.

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Q. So apart from that you had no other weather observations or weather outlook forecasts up until 8 o'clock that night?

A. Not that I recall no.

Q. So far as the pre-race briefing was concerned only a small part of it dealt with the forecasting as such did it not?

A. That's correct. 5

Q. It was really a far more general picture of the race looking at it section by section and then as part of the talk there was a specific attention to the forecasts?

A. That's correct. 10

Q. And it was made clear to you that because of the uncertainty it was important to reassess the position on race day?

A. I'd say yes that's correct. 15

Q. Well I mean even if you hadn't been told that you would know that wouldn't you?

A. That's correct. 20

Q. And as part of the forecast Mr Batt in fact did mention, did make a point of there being this low anticipated?

A. Correct. 25

Q. And you would've known that a low having been suggested would present some need for care and attention for the warning bells would perhaps be ringing at the back of your mind?

A. Yes depending on where it was and how deep it was. 30

Q. Exactly you'd want to know where it was and how deep it was?

A. Correct. 35

Q. Now do you have a copy of your record of interview?

A. I do. 35

Q. It might be helpful if I could just take you to that. At page 3, Q.17 you were asked about receiving the radio sked at 8pm and you noted there that that's about - that was about five hours after it had been sent to the control vessel?

A. Yeah it appears so yeah. 40

Q. If you'd wanted to know anything about the weather was it open to you to contact the control vessel yourself?

A. Not as far as I understand it no. 45

Q. Is that because of race rules?

A. As I understand it yes. Outside assistance. 50

Q. I'm sorry?

A. I think it may have been regarded as outside assistance. 55

Q. Now that particular warning that you were given at 9 o'clock do you have a copy of it?

A. I have a copy of my record of interview yes.



Q. No do you have a copy of the forecast or what was given to you?

A. Only of my typewritten notes that I made at the time yes.

STANLEY: Your Worship I think these are in Volume 2 of the - 2.6 at the back of the preliminary report. Could the document be handed to the witness please.

Q. Mr Evans I'm handing you a copy of the forecast, the special forecast provided by the bureau issued at 1450 on Saturday the 26th or updated on Saturday 26 December. Or have I given you the earlier one by mistake. You see the time three-quarters of the way down the page, two-thirds of the way down the page?

A. Yes issued at 1209 on Saturday the 26th.

Q. Sorry I've given you the wrong one. Evidence will be given that that was the forecast that was updated and given at 1450 on Saturday 26 December and you'll see that the area it's for is Sydney to Jervis Bay?

A. Correct.

Q. And you understood when you were given that forecast that it was restricted to that area--

A. Indeed.

Q. --in terms of wind speeds and wave heights and so on?

A. Yes.

Q. But incorporated in it additional to it was a warning?

A. Yeah.

Q. A storm warning, but the storm warning was current for a different area than Sydney to Jervis Bay wasn't it?

A. That's right.

Q. Because for that area there was a gale warning, you'll see that if you look at warnings?

A. Yes, yes.

Q. A storm warning was current for south from Merimbula from - south of Broken Bay the forecast was involved in a gale warning?

A. Correct.

Q. And if we look over the page on the second page the outlook for the next 48 hours included reference to gale to storm force westerly winds south of Jervis Bay being expected to moderate on the Monday evening do you see that?

A. Yes.

Q. So what you were being told at 8pm was that you were going to be moving in all likelihood if the forecast was correct from a gale warning situation to a storm warning?

A. Correct.

Q. Now what did the fact that a storm warning had been issued mean to you with your training?

A. The winds were going to be a lot stronger and the seas were going to be a lot higher.

Q. And that it was going to be potentially dangerous?

A. No.

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Q. Had you ever sailed in conditions where a storm warning had been given before?

A. No.

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Q. So you were entering into a situation that you'd never experienced before?

A. Correct.

Q. But you knew from your training that the seas would be very much higher and the winds would be very much higher?

A. Correct.

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Q. And I take it you also knew that the area you were entering into around and east of Bass Strait was a notoriously dangerous stretch of water in any event?

A. Correct.

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Q. And you also knew that this was being caused by this east coast low?

A. I don't think it was referred to as such but I'd agree with the terminology yes.

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Q. And you know what that means--

A. Yes.

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Q. --I think in your record of interview you referred to it as the dreaded east coast low don't you?

A. Correct yes.

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Q. What did you mean by that?

A. They're quite - they're not uncommon and they're quite vicious, short lived and vicious.

Q. So you were aware you were going into an area where there was vicious short lived situation with very high waves and very high winds?

A. Correct.

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Q. And at the time that the storm warning was received by you on board did you discuss that with anyone else on the boat?

A. Yes.

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Q. Who with?

A. The two watch captains if I recall.

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Q. And they were?

A. Mr Moray and Mr Van Ogtrop, two of the co-owners.

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Q. And what was the purpose of your discussing it with--

A. Part of my job is to keep them abreast of the weather and the weather forecasts and where we are.

Q. Were you simply relaying what the weather forecast was or were you giving your interpretation or your opinion as to what would be the position?

A. Basically relaying it but with some comment which wouldn't bear repeating in this court I suspect.

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Q. Well what - I'm sorry?

A. Which wouldn't bear repeating here I suspect.

Q. Well I'm afraid with his Worship's leave I ask you to actually tell us--

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CORONER: Yeah actually we're not that sensitive so do your best.

STANLEY: Q. I think it is important--

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CORONER: It is actually.

STANLEY: Q. --actually that you tell us, give us a better idea of the atmosphere--

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CORONER: Q. Yeah it'll give us an idea of what the atmosphere on the boat was like so don't be bashful?

A. Well I don't recall specific words but I could well have said "It looks like we're sailing into a heap of shit." so or something along those lines.

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STANLEY: Q. Again in your record of interview you made a reference to a washing machine conditions I think were the--

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A. Yeah that was further down the coast.

Q. Washing machine country?

A. Yes. Cross waves.

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CORONER: Q. Down at the corner?

A. Yes, yes your Worship.

STANLEY: Q. Now in your record of interview you give that description in terms of the seas as they were described in the 3 o'clock sked the next day but was it also your view once you had the warning, the storm warning that in effect that's what you were in for?

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A. I couldn't say that I thought of or I must say I didn't at that time picture what it was actually like down off Gabo Island.

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Q. Well did you discuss the fact that it was a storm warning and you'd never sailed into storm - into conditions where a storm warning had been forecast before?

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A. No. What I'd done was neither here nor there I suspect.

Q. Well except that would it be fair to say that Mr Moray was relying pretty much on your expertise as navigator and someone with meteorological experience or qualification?

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A. I don't know whether he was relying on it, I presume he was relying on me for information and whatever interpretation I could put to it but he's a very experienced sailor and he'd been to Hobart many, many times as had the

other watch captain and--

Q. Were you aware or did you have any view as to whether or not there had ever been a storm warning issued for the Sydney to Hobart race before? 5

A. I'm not aware whether there has but I wouldn't be surprised if there had been.

Q. And you were aware I take it that a storm warning was the most extreme warning that could be given by the bureau for these waters? 10

A. No.

Q. You were not aware of that? 15

A. No.

CORONER: Q. Well what was your understanding?

A. Well without being or recalling after the event I understood that a storm warning could be followed by a severe storm warning and then a hurricane warning. Although I wouldn't imagine there'd be a hurricane down in Bass Strait. 20

STANLEY: Q. Mr Evans when you were receiving the 8 o'clock sked on the 26th did the radio operator tell the crews the time they'd first received the storm warning? 25

A. The time the storm warning had been issued?

Q. Yes?

A. Not that I recall no but I wouldn't deny that he did. 30

Q. At page 5 of your record of interview you--

A. Sorry which page, 5?

Q. 5 yes? 35

A. Thank you.

Q. At about line 12 this was after you'd been given the storm warning you said "But certainly there was no doubt in our minds that there was going to be big seas and a lot of wind."? 40

A. Correct.

Q. And did you say "We also understood that from Ken Batt's weather report in the pre-race briefing and from the examination of the synoptic charts."? 45

A. Correct.

Q. And then you make reference to "the dreaded east coast low being very violent and they tend to rise very, very quickly."? 50

A. Correct.

Q. So you really had a very full knowledge of the sort of conditions that you were likely to encounter didn't you? 55

A. A reasonable knowledge yes.

Q. Can I take you to please to page 9 and this is an answer that relates to the 2pm sked on 27 December, see it at the

top of the page or perhaps I should take you to the last line on the previous page "as part of the storm warning there was an indication there would be swells 1 to 2 metres increasing to 3 metres and waves 2 to 3 metres increasing to 4 to 5 metres"?

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A. Correct.

Q. And then you say 'a big sea'?

A. Correct.

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Q. So if you've got so if we take the swells increasing up to 3 metres and the seas increasing up to 5 metres what does that mean in terms of a sea, how do you assess what's going to be the height of the wave taking both of those factors into account?

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A. Well I would understand a wave being a locally generated phenomenon to be sitting on top of the prevailing swell and so I would add 3 metres to 5 metres and get roughly 8 metres and then expect some to be even bigger than that.

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Q. So you're expecting the, if you like, the average to be around 8 metres?

A. Yes.

Q. And then there will be of course these rogue waves that will be considerably bigger?

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A. Yes.

Q. And in fact it was the rogue waves that really caused the trouble as far as your boat was concerned?

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A. I'm not sure of that.

Q. Because you weren't up there?

A. That's right. Well it was a breaking wave as I understand it but whether it was very large or not is another matter.

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Q. So you understood in all events that the Weather Bureau's forecast given to you at 2pm on the 27th was indicating about 8 metre waves and you knew of course from your experience and training that there would be these rogue waves that could be much, much higher, even double the height?

40

A. Much higher I wouldn't say double the height, I was also aware of the south flowing current and the cross flowing sea from Bass Strait.

45

Q. Which was going to cause what?

A. Washing machine country.

50

Q. And because you weren't only going to have these high seas they were going to be coming in different directions?

A. Correct.

Q. And that's exactly what did happen?

55

A. Correct.

Q. Now I take you to page 10, the question that's put to you is "When you received that outlook and that outlook was

the outlook you were given at 2 o'clock on the 27th." the one we've just been looking at?

A. Yes.

Q. "When you were given that outlook that you've just spoken about the weather outlook was that consistent with what you were receiving at that particular time?" your answer was "Yes, yes."?

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A. That's right.

Q. And further down the page to Q.29 you answered "Very, very rough seas, very crossed seas, lots of breaking waves."?

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A. Correct.

Q. And then the answer to that, the next continuing the answer you go on "But the conditions were very, very.." - sorry "But the conditions were - were very rough and very, very windy." and the question is "However still consistent with the weather report at that time?" your answer was "In my opinion yes."?

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A. Correct.

Q. So what you were saying and it's your view that what you were in fact experiencing on the Sunday afternoon shortly after 2 o'clock was in fact consistent with the weather forecast that you were receiving?

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A. In my opinion yes.

Q. Mr Evans you had taken steps to educate yourself to some degree at least by doing a course in marine weather is that so?

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A. Yes.

Q. Why did you do that?

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A. It's part of the requirement to complete training to fill in your Sailing Log Book to go through the various stages of holding various certificates from Competent Crew up to Offshore Yacht Master.

Q. Was it something that you had to do or something that you did because you wanted to simply better qualify yourself, give yourself better knowledge?

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A. It was a combination of both.

Q. Do you know whether many of the navigators do these courses?

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A. I don't know.

Q. And as far as you were concerned do you feel you benefited from doing that course?

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A. Yes.

Q. It perhaps gave you a better appreciation of the weather forecast you were given?

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A. Yes.

Q. And whereabouts was the course that you did?

A. I did it at the Sydney Nautical School I think it's

called.

Q. And were you given as part of that course lectures by anybody from the Weather Bureau or the Bureau of Meteorology?

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A. I don't think so no.

Q. It was outside of their--

A. I think so yes.

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Q. Are you aware of courses given by Mr Ken Batt?

A. No I'm not.

STANLEY: Thank you Mr Evans.

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HUNT: Q. Mr Evans could I just take you to page 11 and 12 of your statement and I think it's Q.38 and particularly on page 12 I think you state there that you heard the Mayday 'VC Offshore Stand Aside' at 1515 hours?

A. Approximately yes.

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Q. And then I think over on, if I can just take you over onto page 14 I think it's Q.41, you note there in about the middle of that page 14 that you altered course to go to the assistance at about 1542?

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A. That was my recollection yes.

Q. And you sort of noted that I think you state there--

A. Seek redress.

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Q. --in case you needed to claim redress--

A. Seek redress yes.

Q. --in the race okay. If I can just take you back now to the bottom of page 12, after you've heard the Mayday at 1515 hours you note there that as is normal practise you didn't respond immediately in case someone was in a better position to assist?

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A. Correct.

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Q. And then about half way down at page 13 there's a statement there about that you heard from the ABC radio helicopter that there was an unidentified yacht very close by?

A. Correct.

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Q. And then once you heard that you realised that was probably you and you contacted the ABC helicopter?

A. That's correct.

50

Q. Do you have any recollection of the time elapse from the 1515 when you heard the Mayday till you actually made contact with the ABC helicopter?

A. I don't specifically but it--

55

Q. Was it sort of--

A. --struck me was very short.

Q. Right okay--

A. The ABC helicopter responded very quickly after the Mayday.

Q. So it was quite a short time--

A. That was my feeling yes. 5

Q. And then so in the context of that time difference between the 1515 hours and the 1542 when you actually altered course it would've been the much shorter of--

A. Closer, closer to the 15-- 10

Q. --15 than half way?

A. Yes.

Q. And on the bottom of page 13 in your statement you actually then talk about there'd been some discussion as to what should - you should do? 15

A. Correct.

Q. And there was a concern about 'Siena' perhaps if it was in imminent danger of sinking? 20

A. That's correct.

Q. And the decision was that you weren't?

A. Correct. 25

Q. In your evidence yesterday I think that you mentioned that your understanding was or the advice that you gave to the skipper Mr Moray was that the attempt to - "you should attempt to assist if we didn't put ourselves in mortal danger." is that a clear summary-- 30

A. Correct.

Q. --of what you understood?

A. Correct yeah. 35

Q. And I think you also told the court that you don't recall advising him that it was a legal obligation but you felt that it was in fact a legal obligation? 40

A. Correct.

Q. Do you understand what that legal obligation is in terms of rendering assistance?

A. Well I think it's governed by the Safety of Life at Sea Convention and the Navigation Act. 45

Q. And do you understand what the Navigation Act actually says about rendering assistance?

A. I have subsequently read it yes. 50

Q. Okay can you tell us what your understanding of that is?

A. That you have to render assistance unless it is unreasonable or unnecessary for you to do so in the circumstances. 55

Q. And that you think that's in the Navigation Act?

A. I think it is yes, I think it's in the Solace Convention too.



Q. I wonder if I can - if Mr Evans can just be shown, that's an extract from S.317A of the Commonwealth Navigation Act?

A. Yes.

5

Q. I wonder if you can just read that paragraph sub-paragraph 1 in that?

A. The master of a ship shall so far as he or she can do so without serious danger to his or her ship its crew and passengers (if any) render assistance to any person even if such person be a subject of a foreign state at war with Australia who is found at sea in danger of being lost.

10

Q. And that's fairly consistent with what your understanding was?

15

A. I believe there's another section in the Act that applies as well.

Q. But it's similar?

A. No.

20

Q. And do you want to tell us about that?

A. I think it's S.265.

Q. And is there any point that you want to make about the section--

25

A. No, no, no.

Q. That S.265 doesn't alter the effect of that?

A. Well it's expressed in a slightly different fashion but I believe the pertinent points so far as he or she can do so without serious danger to his or her ship its crew and passengers if any is the--

30

Q. That's the key?

35

A. --rider, the very subjective rider to it all.

Q. And in fact you just told us that prior to making the decision to alter course that there was actually discussion on the boat as to whether or not there would be serious danger--

40

A. Yes.

Q. --to that effect. And I guess the corollary would be that if it had been decided that there was serious danger you may not have been able to alter course?

45

A. We wouldn't have yes.

Q. And you'd have advised that you were unable to render assistance?

50

A. Correct.

A. And who in fact made the final decision?

A. I suppose the two watch captains, the two of the three co-owners on board.

55

CORONER: Q. Was there any dissent?

A. Not to my recollection your Worship.

HUNT: Q. Now if I can just take you to pages 20, I think they're pages 24 and 25 of your statement and I think it's in relation to Q.102 when you were asked if you - was there anything else that you'd like to say that you feel may assist with the investigations and then just generally that you've responded on page 24 and you respond right through I think to about Q.110 on page 25, without taking you through all that response is it a fair summary that you were expressing there some or questioning what in fact you would've been able to do to assist the crew of 'VC Offshore Stand Aside'?

A. Correct.

Q. So that having made that decision to turn I think at the end of that passage of interview I think you say that there was sort of - you could give some sort of moral support but beyond that there wasn't a lot of support that you could give?

A. Well certainly moral support, secondly whether you can actually render assistance to me doesn't seem to have much bearing on whether you should try or not. But yes we were still afloat we were a radio platform, there was a helicopter above which was the television helicopter not a winch helicopter. I guess, I mean I don't think we would've tried to go alongside 'Stand Aside' because we could've all crushed--

Q. Could've lost both boats if--

A. Yes that's right.

Q. --you'd attempted that yes?

A. But if there'd been survivors in the sea or a life raft with people in it that had drifted away who knows what could or couldn't have been done.

Q. But even that wouldn't have been - it would've been extreme difficulty to even--

A. Without a doubt yes.

Q. And I think that you actually said - told us yesterday that the engine was on and that you hoped that that would give you some manoeuvrability?

A. It was on, I seem to recall in case we needed manoeuvrability yes.

Q. Now while you were standing by did you become concerned or did you express any concern to the helicopter pilot about the situation with 'Siena' your stability and your ability to continue to stand by, this is before you were knocked down?

A. I only - I seem to recall commenting that we were not very manoeuvrable and that the seas were very rough so we were going to have some difficulties maintaining station--

Q. And that was pretty obvious to you that you were experiencing some difficulty?

A. Yeah.

Q. Just taking you one just back a little bit earlier on

that why - what was the reason that it took until 1542 to actually alter course, you told us that first of all that you'd wait at least a little while to see if anyone else had copied and then you'd heard the helicopter say that there was an unidentified yacht which you presumed to be, you made contact and then you had the group discussion and then it's not until 1542 till you actually come about, what was the reason for that time? 5

A. Well it starts off from the 1515, that's an estimate only because my recollection or my notes at the time were that the Mayday was broadcast at the end of the radio sked which usually took about an hour and a quarter so that 1515 was as estimate, it may have been 1525 for all I know. The seas were very big, the yacht was not that manoeuvrable we were not going very quickly, 20 minutes half an hour is not really a very long time when you're only doing say 3 or 4 knots, 7 knots may be, I think we were doing about 7 at the time. 10 15

Q. And you were still heading towards 'Stand Aside' at that time were you? 20

A. I'm not sure I know she was in front of us I presume off to one side or the other so I would have to say that was my impression we were heading down and towards her but I understand she was fairly difficult to see because of the state of the sea. 25

Q. Yes but you're not really in a position--

A. I'm not I didn't - I was not on deck at the time. 30

Q. Then I think you told the court yesterday that - how you were - the boat was eventually knocked down and you were injured? 35

A. Correct.

Q. And then after that the decision is made, the consultation with Mr Moray the skipper as to whether you should continue on towards Hobart or try and return back towards Eden is that correct? 40

A. Correct.

Q. And what did Mr Moray want to do at that time, did he want to continue to Hobart or - do you recall that? 45

A. My impression was being asked whether I would be all right to continue on across Bass Strait. To be quite frank with you I didn't think that I would make it across Bass Strait so I said-- 50

Q. So you were concerned--

A. --"I don't think I'd make it." 55

Q. You were concerned for your life in fact is the reality of it?

A. Well I didn't know exactly what was wrong with me but--

CORONER: Q. You didn't know you had a punctured lung? 55

A. No I thought something was - funny was happening when you know I got a bit of frothy blood out of my nose and--

HUNT: Q. But you knew you were pretty seriously hurt?  
A. I was having a lot of trouble breathing and couldn't move.

Q. And enough to actually cross your mind that if you continued across Bass Strait you may not make it? 5

A. I don't think it crossed my mind no, I didn't think I'd be able to put up with it for another 24 hours.

Q. And so decision is made to go back towards Eden and I think you ran into some difficulties on the way back? 10

A. Yes correct.

Q. Can you just tell us what those difficulties were?

A. Well the sea was obviously very rough, we had the storm jib up and the motor on, we were going quite slowly at 3 knots I think. I don't know exactly what time of that night we were off Eden but we were quite some distance off Eden when the engine stopped and we couldn't get it started again and we then tried to tack into Eden-- 15  
20

Q. So you still had - you still had a rig up?

A. Still had - well still had the storm sail up at that stage I think. The wind was - had abated I suppose to about 40 knots may be just about due westerly. We tried to tack into Eden, got nowhere fast. I was asked whether I could hang in there, I said "Yep." 25

Q. And what - can you just tell us what you were feeling at this time, how you were physically? 30

A. Crook, very, very unwell.

Q. Were you coughing blood or anything at this stage?

A. Yeah and couldn't breathe so but couldn't make it into Eden anyway so we sort of headed north, ran before it so to speak. I had Ulladulla in my mind because I knew the harbour but I think about 1 o'clock or so that afternoon we were off Bermagui in a beautiful day and-- 35

Q. And the storm's abated at this stage? 40

A. All gone, bright sunshine, it was wonderful if you'd been well enough to enjoy it and it just got too much for me then and we looked at the east coast pilot and Alan Lucas's book and thought Bermagui's for us. 45

Q. And that's where you in fact--

A. That's where I was--

Q. --and you got in - I think you got a tow in eventually?

A. Yeah we were towed in by the Coastal Patrol people. 50

Q. And you arrived there about what time?

A. I think about 1, half past 1 in the afternoon.

Q. So that's the best part of 24 hours since you went down? 55

A. Indeed.

Q. So as it turned out it took you almost as long--

A. Yes.

Q. --as perhaps it would have gone if you'd continued?

A. Yes.

Q. What happened when you arrived to you at Bermagui were you given medical treatment or--

A. Yes they had an ambulance or Iain Moray went across to the Game Fishing Club where there was a police car and not long thereafter an ambulance came and said did I want to go to Eden or Moruya and I said "Which one's closer to Sydney?" and they said "Moruya." and I said "Take me to Moruya please."

Q. And is this an air ambulance was it?

A. No, no road ambulance.

Q. And so then you were taken to Moruya--

CORONER: Where is this getting us Mr Hunt.

HUNT: Q. And what happened then--

CORONER: Mr Hunt where is this getting us?

HUNT: Okay it's just I suppose we're trying to look at the degree of seriousness of the injury and I'm just about to ask--

CORONER: Well I've heard enough would you move on please.

HUNT: Right okay.

Q. The - just perhaps one final question then is that you were actually injured quite seriously?

A. So I believe.

Q. And you had pneumonia?

A. Yes.

Q. And it could've been life threatening?

A. So I believe yes.

Q. And so in a sense that taking you right back now to when the decision is made to go to the assistance and taking you back to that qualification about serious danger in the result as a consequence of the decision Mr Moray and the boat 'Siena' to go and stand aside there was the boat was knocked down, was injured and you actually suffered what could fairly be described as a serious injury?

A. 'Siena' was knocked down she wasn't damaged and yes I did suffer a serious injury.

HUNT: Okay no further questions.

NO QUESTIONS - MORAHAN

WHEELHOUSE: Q. Mr Evans do you recall that when you commenced the start of the race you had a copy of the Sailing Instructions?

A. Yes.

Q. They're critical material for the commencement of the race aren't they?

A. Yes.

Q. Where did you get them?

A. From one of the skippers.

5

Q. Do you recall at the commencement of the race you had on the vessel a backstay flag?

A. Yes.

10

Q. A racing flag?

A. Yes.

Q. That's also a critical piece of material isn't it, in that the vessel must display its racing flag?

15

A. Yes, yes, yes.

Q. And do you know where that came from?

A. The CYC.

20

Q. And do you know how it came to be on the back of the vessel that you were sailing on?

A. Somebody tied it there.

25

Q. How did it come to be on the boat do you know?

A. Well it was brought on board by the person who the CYC sent it to.

Q. Did you have also a race log book?

A. Yes.

30

Q. Did you keep that log book?

A. No.

35

Q. Did you keep a log at all?

A. Yes.

Q. And in what form did that take?

A. A handwritten log.

40

Q. Is that available presently?

A. No it's not.

Q. What became of it?

A. It became so water logged that it was hard to read, I don't have it in my possession any longer.

45

Q. And the notes that you've been referring to in the course of your evidence were they notes taken by you at the time or were they transcribed from some other document?

50

A. They were transcribed from notes taken by me at the time.

Q. From the log?

A. From my log yes.

55

Q. So the notes you've been referring to were notes that you created by recourse to you log which has since disposed

of is that--

A. That's correct.

Q. Now what time did you arrive at the pre-race briefing on 24 December? 5

A. Not very long before it started.

Q. Did you arrive before the skippers or after the skippers?

A. I think - you mean my skippers. 10

Q. Yes.

A. I think we all met outside in the car park and went in together. 15

Q. Did you get - and you walked in together?

A. I think so yes.

Q. Did you see that during the course of the briefing one of the skippers in possession of a bag? 20

A. I did.

Q. And did you see the skipper pick the bag up from somewhere?

A. I don't recall no. 25

Q. Did you see the skipper pick up the bag from a table outside the briefing room?

A. No I didn't. 30

Q. Did you notice the bag was labelled with the name of the vessel 'Siena'?

A. No I didn't.

Q. I show you a bag, recognise this that the variety of bag that was in the possession of the skipper during the briefing? 35

A. Yes.

WHEELHOUSE: Your Worship I don't know what procedure you're adopting-- 40

CORONER: You can tender it.

WHEELHOUSE: --tender it or-- 45

CORONER: Yeah we can tender it what are we up to.

EXHIBIT #3 BAG TENDERED, ADMITTED WITHOUT OBJECTION 50

WHEELHOUSE: I'm not quite sure how you noted the ..(not transcribable).. of 'Siena' your Worship.

CORONER: I'm not sure how - I made them 2.1. 55

WHEELHOUSE: You may have made them 2.

CORONER: Well I'll make - they can be 2 but I think at this stage I just don't know what's going to be tendered in the

future so it may not be that much so I'll make this 3.

WHEELHOUSE: Q. Mr Evans did you observe the skipper of your boat Mr Moray or your other skipper looking at the contents of the bag during the course of the briefing?

5

A. Yes.

Q. And I want to suggest to you that what came with the pre-race briefing was a package which included firstly the sailing instructions, secondly the backstay flag, thirdly the skite plate, fourthly the sked sheets, now do you know what the sked sheets are?

10

A. Yes.

Q. So you recall having possession of those?

15

A. Yes.

Q. And do you recall where you got them from?

A. Yes.

20

Q. Where was that?

A. They were given to me by Iain Moray.

Q. The race log book?

A. Correct.

25

Q. List of entries?

A. Correct.

Q. And an AusSAR 24 hour emergency list of numbers, remember seeing that?

30

A. I don't but I wouldn't deny it was in the bag.

Q. And an AMSA hand out titled Safety Via Satellite do you remember seeing that?

35

A. Once again I don't but I wouldn't deny it.

Q. And a Bureau of Meteorology pamphlet titled Weather by Fax copy attached, do you remember seeing that?

40

A. Not distinctly but I--

Q. That was a document that my learned friend Mr Staunton showed you wasn't it? I'll just show you an example of that again.

45

CORONER: Mr Stanley we'll call him.

WHEELHOUSE: Sorry I apologise to my learned friend, Stanley.

50

WITNESS: Yes.

WHEELHOUSE: Q. I want to suggest to you Mr Evans that that document came with the bag which was delivered to you via your skipper at the pre-race briefing and you didn't get it for the first time at the Coffs Harbour race this year?

55

A. The bag wasn't delivered to me by my skipper, some contents from the bag were given to me by my skipper and I must say I have not - did not see that particular



publication at that time.

WHEELHOUSE: Your Worship I don't have a complete collection of all the documents that comprises the pre-race package, but I would seek to place this if I could within the bag and I--

5

CORONER: I think it's not a bag idea.

WHEELHOUSE: We could assemble it as the inquest goes on your Worship.

10

CORONER: Yeah okay well that can become, the document Weather by Fax on the basis that the CYCA says it was in all these bags will be part of exhibit 3.

15

EXHIBIT #3 PAMPHLET TITLED WEATHER BY FAX TENDERED, ADMITTED WITHOUT OBJECTION

WHEELHOUSE: Q. And you also remember receiving Mr Evans a document entitled Bureau of Meteorology Weather Information for the Sydney-Hobart Telstra Cup and Sydney-Coffs Harbour races and I want to show you a copy of that document?

20

A. I do not no.

25

Q. If it be the case Mr Evans that that document was in the bag and not handed to you by your skipper that would've been an omission by your skipper do you agree?

A. No I don't.

30

Q. Have a look at the document and see if it contains material that may have been of assistance to you as navigator?

A. Yes it would've been of interest to me yes.

35

Q. Contains a large number of synoptic charts doesn't it?

A. It does indeed.

Q. And a large number of telephone numbers where one can obtain weather information?

40

A. Yes.

CORONER: Q. You still say you still answer the question Mr Wheelhouse put to you the same way now that you've looked at it, do you still answer the question the same way now that you've looked at the document that your skipper ought to have given you that?

45

A. It would've been nice if he had your Worship. I don't say that he ought to have.

50

WHEELHOUSE: I tender that document your Worship as part of exhibit 3.

EXHIBIT #3 BUREAU OF METEOROLOGY OF WEATHER INFORMATION TENDERED, ADMITTED WITHOUT OBJECTION

55

WHEELHOUSE: Q. I want to suggest to you there was also a Bureau of Meteorology hand out titled Clouds and there were some Mount Gay hats remember the Mount Gay hats?

A. Hats I remember, the Clouds I don't.

Q. I'll just show you the Clouds and see if that brings back any recollection. I don't have a Mount Gay hat they're a bit hard to come by Mr--

5

A. I don't recall seeing that at this particular time no.

WHEELHOUSE: Your Worship I'd seek to tender that in due course--

10

CORONER: The same on the same basis. See you're saying your instructions are that these were all documents that were in that bag?

WHEELHOUSE: Yes your Worship.

15

CORONER: And they were picked up by skippers at the briefing on the 24th.

WHEELHOUSE: My instructions are your Worship that there was a pre-race briefing package that was available in the bag on a table for collection by each skipper with the vessel name and each skipper had to tick off that he'd received a package and your Worship I've done a list of the documents, I had a list prepared of the documents in the pre-race briefing package and I would wish to include in the material the form, the Log Book and I just show that to Mr Evans to see if he can recognise that document

20

25

WITNESS: Yes indeed.

30

WHEELHOUSE: I tender that your Worship.

EXHIBIT #3 FORM 'THE LOG BOOK' TENDERED, ADMITTED WITHOUT OBJECTION

35

WHEELHOUSE: Q. And there's a couple of stickers for ..(not transcribable).. Now I want to suggest to you also Mr Evans that what the pre-race briefing--

40

CORONER: Q. You don't recall those stickers?

A. No I don't.

WHEELHOUSE: Q. Do you remember in the package there being a copy of the magazine 'Offshore'?

45

A. No I don't.

Q. Do you recall during the briefing Mr Batt referring to the article, an article he had written which appeared in the 'Offshore' magazine?

50

A. Yes.

Q. Do you remember acquiring a copy of the magazine for the purpose of understanding that to which Mr Batt was referring?

55

A. No I did not.

Q. What I want to suggest to you Mr Evans is that in the pre-race briefing package there was contained a copy of the

'Offshore' magazine and the article prepared by Mr Batt which contained a complete list or an extensive list of various sources of information from which weather and oceanographic advice could be obtained and I'll just show you a copy of the magazine, ask you to glance at it and tell his Worship whether you've seen that before? 5

A. Yes I've certainly seen it.

Q. Can you recall where you've seen it?

A. Yes I bought a copy. 10

Q. Did you do that prior to the race or after the race?

A. Yes prior to the race.

Q. So you had that document available to you prior to the commencement of the race? 15

A. Yes.

WHEELHOUSE: Your Worship could I tender that as part of exhibit 3. 20

EXHIBIT #3 COPY OF 'OFFSHORE' MAGAZINE TENDERED, ADMITTED WITHOUT OBJECTION

WHEELHOUSE: And what I'd seek to do your Worship is put the list in the bag and we'll hopefully gradually assemble it. 25

CORONER: Yes.

WHEELHOUSE: Q. Mr Evans you've answered some questions asked by my learned friend Mr Stanley in relation to obtaining weather information while on the vessel, in your evidence you said that you were able to obtain information by the use of the ship's radio do you recall that? 30

A. Correct. 35

Q. On the vessel was there an ordinary AM/FM radio of the style that you see in a motor car?

A. Yes. 40

Q. And using that radio you could pick up local radio stations?

A. Correct.

Q. Did you use that as a source of obtaining weather information? 45

A. No I did not.

Q. Was there also a type of radio called a VHF radio?

A. That's correct. 50

Q. Very High Frequency radio. Now is it your experience as navigator on the vessel 'Siena' that the VHF radio is good for communications of approximately line of sight?

A. Correct. 55

Q. And did you maintain a listening watch on that radio during the course of the race?

A. Yes.

Q. And you maintained a listening watch on Channel 16?  
A. Correct.

Q. The emergency and calling station?  
A. One of them yes. 5

Q. And you did that because that was in compliance with the race instruction?  
A. I don't recall that but it may well have been. 10

Q. Did you read - I withdraw the question, did you read the racing instructions?  
A. Yes, yes.

Q. What I want to suggest to you that one of the requirements of safety in relation to the race was expressed in Rule 43 and 43.2 required that all yachts shall maintain a listening watch to receive (a) an updated weather report if to hand. Do you recall adopting that procedure consistent with the racing requirement? 15  
A. I recall adopting the procedure but I don't recall adopting it because it was a racing requirement-- 20

Q. Are you saying that you weren't aware that it was a racing requirement? 25  
A. No I'm saying I can't remember.

Q. Now do you recall that there were times specified for what we've been referring to as radio skeds or longer word schedules? 30  
A. That's correct.

Q. And you recall that those skeds required daily position reports to be given to the vessels on the race? 35  
A. Required--

Q. Daily position reports to be given by each vessel twice a day during the race?  
A. Well you had to give your position at the time of the sked yes. 40

Q. And you recall that with those daily position skeds there was also broadcast weather information?  
A. Yes. 45

Q. And was it your practise of navigator on the vessel to listen to the introductory weather report at the commencement of the sked and to listen to any weather report that may be given at the conclusion of each sked?  
A. It was. 50

Q. And do you also recall that there was another time which was set aside as a listening watch?  
A. Yes. 55

Q. And did you comply with that requirement to maintain a listening watch at those times?  
A. Yes.

Q. Now at other times, that's to say outside the daily position reports and outside the listening watch periods did you maintain a listening situation on Channel 16 VHF continuously?

A. Continuously yes.

5

Q. Now when you did your daily position reports you used another radio on the boat called an HF radio is that correct?

A. Yes.

10

Q. And that's a High Frequency radio?

A. Correct.

Q. And that radio has a much greater range than the VHF radio does it not?

A. Supposed to yes.

15

Q. And you gave your daily position reports on Channel 4483 on the HF radio is that correct?

A. Correct.

20

Q. And what variety of radio was there on 'Siena'?

A. What?

25

Q. What variety was the HF--

A. It's a Wagner.

Q. Pardon?

A. A Wagner.

30

Q. And was that a new radio or an old radio?

A. No it's an old manual tuned radio.

Q. But it was sufficient to transmit and receive 4483 transmissions?

A. Correct.

35

Q. And was it also of a sufficient capability to maintain a listening watch on any other channel on that radio?

A. It would've been yes.

40

Q. And would've been possible to maintain a listening watch on 2182 if need be?

A. If need be yes.

45

Q. And as navigator did you elect not to do that?

A. Yes.

Q. Now Mr Evans we had some evidence from Mr Moray yesterday of the position of the vessel of which you were navigator at various times during the course of the race so it was possible adopting that procedure to identify circumstances of the vessel at various times as that married up with the weather reports received from time to time, were you present in court when that evidence was being given?

A. Yes I was.

50

55

Q. I'm just asking that question so I don't go over ground

unnecessary. Now first of all you may recall that there was some evidence given of the weather forecast that was received at 8pm on Saturday 26 December do you recall that?  
A. Correct yes.

WHEELHOUSE: I was wondering if the witness could be shown, your Worship I think it's Volume 8, I'm slightly, my Volume 8 might have a slightly different page pagination than the brief. It might assist you your Worship if you had the Volume 8 and if I could borrow from my learned friend Mr Hill a copy of - well I'll see what I can do with papers behind me your Worship it might help if you have your copy for you to understand the evidence. Could I perhaps hand the Volume 8 to the witness.

Q. Mr Evans can you turn over Volume 8 to find a page that commences Legend VI Weather Forecasts are on Radio and then down the very bottom of page Tape 1 and in between a list of the vessel descriptions, if you can't find that I might be able to find it for you?  
A. Legend yes, yes I have that.

Q. Would you please go over to page 6, tape 1 page 6?  
A. I have that.

Q. And you'll see it starts off 'VI. Roger, thank you.' about half way down the page?  
A. Correct.

Q. Now I want to suggest to you Mr Evans that - and there'll be some evidence about this in due course that this was the weather information transmitted to your vessel at 8pm on Saturday 26 December.

WHEELHOUSE: Might I approach the witness to make sure I'm looking at the same document.

WITNESS: I don't deny that, I don't specifically recall it but it seems to be a high seas weather report, my recollect was it was also a coastal waters weather report issued at the same time.

CORONER: Well Mr Wheelhouse there's one page before that--

WITNESS: Indeed it's on page 5.

CORONER: Yes speaking about the coastal waters weather report that's--

WHEELHOUSE: I'll go back to page 5 and make that clear.

Q. See there's a warning for coastal waters south of Merimbula, this is at page 5 about half way down?  
A. Correct.

Q. And if you continue on over the next page you'll see the part that I referred you to?  
A. Yes.

Q. "Roger, thank you, high seas weather warning issued at 0315 this afternoon (and you'll see it says) a storm warning for south eastern area."?

A. Correct.

5

Q. "The situation a (and I don't have a transcription for the next word) front for western Victoria moving east about 15 knots and expected to be at 150 degrees east around 9 or 10 o'clock local time and then east. A storm warning for ocean waters to the south of the area issued by the Bureau of Meteorology at 0315 hours situation western Victoria moving at about 15 knots, expected 150 degrees east about 5 to 10pm tonight, in 155 degrees about 10am to midday Sunday. Area affected degrees south 150 degrees east south 152 degrees east, I repeat 24 degrees south." and you can read on to the remainder of that?

10

15

A. Mm.

Q. Would you agree with me that on the Saturday night at about 8 o'clock you as navigator were given weather advice that indicated a storm warning for the ocean waters into which you were about to sail?

20

A. Correct.

Q. And that you were aware that that storm warning had issued at 0315 hours?

25

A. I don't recall the time but--

Q. You wouldn't dispute that to have been the transmission?

A. No.

30

Q. And further you'll see on page 7 "We were also given advice that the seas were rising to rough to very rough with the change." do you see that?

A. Yes.

35

Q. Now Mr Evans if you turn over the page to page 16 you'll see about half way down the page your position is given?

A. V95 V2.

40

Q. Correct?

A. Yes.

Q. See it says Siena 34 55, 151 04?

A. Correct.

45

Q. That is your position south and east?

A. Correct at 2.05.

Q. At the time when the sked commences?

A. That's correct.

50

Q. So 34 degrees south 55 minutes, 151 degrees east 04 minutes?

A. Correct.

55

Q. And that's a message that you would've transmitted?

A. Correct.

Q. And would've been acknowledged by the Young Endeavour?

A. Telstra Control yeah.

Q. Telstra Control?

A. That's right.

5

Q. Now I'm just wondering if you could just put on this chart so that those sort of figures make sense to his Worship exactly where that position is and it's a very large scale chart, perhaps not too difficult for you. Have you got a pencil that you can operate with?

10

A. Wrong sort of pencil, it's an HB.

Q. It's a pretty old chart Mr Evans, I've got a slightly sharper one if that'll help you, it's a 3H probably too sharp, too hard and I have a ruler that'll help you as well?

15

A. Thank you.

Q. Perhaps you could just keep the chart there please Mr Evans and can I return you to the devices ..(not transcribable).. barometer I'll ask you another question in a moment. Now how far away from Sydney did that put you?

20

A. About 67 nautical miles.

Q. And how far away from Eden did it put you?

25

A. From Eden, a long way from Eden. 120-140 nautical miles north of Eden.

Q. And do you recall during the course of the pre-race briefing Mr Batt handing out a document called Weather Words?

30

A. No I don't.

Q. Are you in a position to deny that Mr Batt did hand out such a document?

35

A. No I'm not I just don't recall receiving it.

Q. I'll just show you a copy of the document. I wonder if Mr Stanley might have a clean copy of the document, mine's a fairly poor photo. Could that be shown to the witness please.

40

A. Till today I've never seen that document before.

Q. I want to suggest to you Mr Evans that that was a document that was handed out at the pre-race briefing during the course of Mr Batts speech and it contained an explanation of the words used--

45

HILL: Object to my friend going further, we've already had one question and now you're going on to what it contains, if he could answer the question--

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CORONER: Yeah question by question Mr Wheelhouse please.

WHEELHOUSE: As your Worship pleases.

55

Q. Mr Evans do you recall Mr Batt giving out any documents at all?

A. No, no I don't.



Q. You're not in a position to deny that he did it's just that you have no recollection of it is that the position?

A. Correct.

Q. Well what information did you have that enabled you to understand the meaning of words used in weather forecasts?

A. Prior knowledge, reading, such things.

Q. I want to suggest to you Mr Evans that in addition to that you were also provided at the pre-race briefing with a document by the representative of the Bureau of Meteorology who attended the briefing which contained an explanation of the words used in weather forecasts, what do you say about that?

A. I wasn't.

Q. Are you in a position to say you deny that or do you say you don't recall?

A. I deny that I was given a document containing or this document, absolutely.

Q. Now I want you now if you wouldn't mind--

CORONER: Will you be a while Mr Wheelhouse?

WHEELHOUSE: Yes I would be a little while your Worship.

CORONER: Are you on another topic now or are you still on Weather Words?

WHEELHOUSE: No I've finished with words I'm going to another--

CORONER: Just take a break.

<WITNESS STOOD DOWN

<TIMOTHY ALEXANDER DAVID EVANS(12.00PM)

WHEELHOUSE: Q. (Recording equipment not switched on)..your vessel is V95 Siena 36 degrees 14 minutes south, 150 degrees east 53 minutes that's your lat and long?

A. I confirm that.

Q. And that's your position at the commencement of the sked at 0305 hours?

A. Correct, correct.

CORONER: See that first one was roughly at 2 o'clock, 2.15?

WHEELHOUSE: I'm sorry your Worship.

CORONER: The first one was 2.15 on the 26th is that right?

WHEELHOUSE: No it's 8 o'clock, 8pm in the evening.

CORONER: 8pm.

WHEELHOUSE: It's actually 5 past the hour each time,

there's a period of silence before the commencement of each--

CORONER: Okay.

WHEELHOUSE: Q. And we're now looking at the 0305. Now do you agree with me Mr Evans and this will assist you if you go back to page 5 of that transcript, tape 2 page 5 and perhaps turn the page to 6. What occurs is there's a specific time at which each vessel is required under the racing rules to give its position to the radio relay vessel each day?

A. It was usually done in alphabetical order.

Q. It was done in alphabetical order and that's what we've been colloquially calling the sked?

A. Correct.

Q. And you agree that the sked commences with a period of silence and then radios are tuned in?

A. If you need to do so yes.

Q. If you need to do so. And then there's an indication that Telstra Control is standing by and that's the vessel that contains the radio room which is transmitting information to the various ships in the race?

A. Correct.

Q. And the position schedule commences with the weather forecast?

A. Correct.

Q. And it also concludes with the weather forecast?

A. Correct.

Q. And could you agree with me that at 0305 on 27 December there was transmitted to you via the Telstra Control vessel the weather forecast issued by the Bureau of Meteorology at 0213 hours on Sunday 27 December?

A. I'd agree with that.

Q. In other words within one hour of the Weather Bureau issuing it's first weather forecast for 27 December it was transmitted to the vessel where you were navigator?

A. Within one hour of this forecast being issued yes I don't know whether it was the first one but yes I would agree it came within the hour of issue.

Q. And that weather forecast included the expression "Warnings repeat warnings there is a storm warning current south from Merimbula." do you agree with that?

A. I agree.

Q. "There is a gale warning current from south of Broken Bay, winds west-south-west winds 25 to 30 knots with stronger gusts, winds increasing to the south of Merimbula offshore reaching 40 to 50 knots this afternoon as the low deepens. Waves 2 to 3 metres rising to 4 to 5 metres offshore to the south. Swell 1 to 5, correction 1 to 2

metres rising to 3 to 4 metres offshore south of Merimbula." now do you agree with me that that information was transmitted to your vessel at the commencement of the schedule of positions of vessels at 0305 on the morning of 27 December?

5

A. I agree.

Q. Now if you go to page 16 Mr Evans you'll see that your position is given, would you please mark on the chart which I think has been taken away from you, your position and would you do it in the usual way and note if you wouldn't mind please the position on the chart itself so his Worship doesn't have to have recourse to the mathematics of this at some later point in time, if you wouldn't mind just perhaps calling it - call it 0305 position?

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15

A. Do you want me to mark the previous one--

Q. If you wouldn't mind please?

A. --2000.

20

Q. I can give you that position if you like. The first one is 2005 Mr Evans and it's 34 55, 151 04--

A. I've marked that already. Yes.

Q. Now just looking at the transcript where your - perhaps you can - can I just leave that beside you on the desk there Mr Evans because I want you to come back to that in a moment and I might just return that. Do you agree with me that in addition to obtaining weather information as a result of weather forecasts issued by the Bureau of Meteorology being relayed to vessels at the commencement and conclusion of the sked there is also weather information and information in relation to other vessels provided from the Telstra Control vessel during the course of the position sked?

25

30

A. Not as a rule no.

35

Q. And I just - when you're sitting at your chart table what you are listening to is the information that's being transmitted from the HF radio during the sked is that correct?

40

A. That's correct.

Q. Now if for example you go to page 16 where your position is given, you'll see there's a note "'Sledgehammer' has had rudder trouble and has retired, 'Sledgehammer' are you there." 'Sledgehammer's' position and then there's a discussion about 'Sledgehammer's' position and an indication of the ETA of that vessel?

45

A. Correct.

50

Q. So would you agree with me that when you're sitting at your chart table with your radio on you would've heard that piece of information in your vessel?

A. Yes.

55

Q. In other words just so his Worship understands the technology when you transmit your position you hold down your transmit button correct?

A. Correct.

Q. And that closes the channel to all other transmissions other than yours going to Telstra Control is that correct?

A. Correct.

Q. So when you're going "'Siena' 36 14, 150 53." you've got your transmit button down on your HF radio and your vessel is emitting a signal on the radio frequency 4483?

A. Correct.

Q. And then when you finish saying your position 150 53 giving your position east you lift up the transmit button and that allows all the traffic that's coming into the - sorry I withdraw that, that allows all the traffic being transmitted on that channel to come into your vessel via a radio speaker in your vessel?

A. Correct.

Q. And would you agree with me that all the information that's coming in on the radio frequency 4483 is being heard by each of the vessels in the fleet who have their HF radio on and tuned to that channel?

A. It should be yes.

Q. So at the moment you say "'Siena' 36 14, 150 53." with your transmit button down the fleet's hearing you give your position?

A. Correct.

Q. And as soon as the relay vessel says "'Sledgehammer's' position." and gives a position we are currently still heading in that information is being heard by those members of the fleet that have their radio on and if it's during the course of a position sked that would be the whole fleet?

A. It ought to be yes.

Q. So if you then go over to page 21 and I'll ask you to read the words that follow V3, the letters V3--

A. Yes.

Q --which is in accordance with the legend is the Telstra Control main person, Mr Carter?

A. Which V3 are you talking about?

Q. I'm sorry Mr Evans see where it says side A ends slash side B begins perhaps just start there?

A. Right, space on 6227--

Q. Just read it to yourself please?

A. I'm sorry.

Q. I just want you to confirm something. Can you just stop when it finishes above V4?

A. Yes I've read that.

Q. Would you agree with me that what occurred at the end of the position schedule after all the vessels have given their position the weather is repeated to ensure that all vessels obtain the weather forecast?

A. Correct.

- Q. And do you also agree with me that vessels are invited if they're having difficulty getting reception on the race channel 4483 to go up to 6227 to have another go at having the weather in case they don't get it the first time? 5  
A. Correct.
- Q. Now you'll then see that there's again the weather forecast would you agree and you would've had your radio on at this time? 10  
A. Yes.
- Q. The synoptic situation is a deepening low near 41 degrees south 149 east moving east-nor-east at about 20 knots now you as navigator would have had no difficulty appreciating the position of that low would you? 15  
A. None whatsoever no.
- Q. And you would have no difficulty appreciating it was moving in an east-nor-easterly direction at about 20 knots? 20  
A. That's what it says.
- Q. And would you agree with me that the warning was repeated, "Warning, repeat warning there is a storm warning current south from Merimbula." do you agree with that? 25  
A. I agree yes.
- Q. Now if you go over to page 22 there is again the invitation made to go up to 6227 do you see that? 30  
A. I do.
- Q. And your understanding is that that's an invitation to any yachts who had any difficulty with the broadcast that just occurred to try a second frequency to improve their information is that correct? 35  
A. To improve their possible reception and transmission yes.
- Q. Thank you to improve their reception and possible transmission thank you for the correct? 40  
A. Yes.
- Q. And V3 the person at Telstra Control says would you agree with me "At the conclusion of 6227 I intend to come back to 4483 for any traffic and from any of the yachts, going now 6227." now you as navigator understood that to mean that Telstra Control is going up to channel 6227 and that at the conclusion of any traffic at 6227 Telstra Control is coming back to the race frequency at 4483 for any traffic from any of the yachts was that clearly understood by you? 50  
A. Yes.
- Q. And words are then spoken "Going now 6227." which is an indication to you that the signal that's being utilised is 6227 and it will be possible on your radio to tune up to the frequency if you so desire? 55  
A. If you had the frequency on your radio yes.
- Q. If you had the frequency on your radio?

A. Yes.

Q. Now you'll see what follows is a transmission on 6227, what's happening there is that Telstra Control is chasing up the yachts that haven't responded on 4483 wouldn't you agree? 5

A. Seems to be yes.

Q. And this is standard procedure in your experience? 10

A. Yes, yes.

Q. Now you'll see the request at the conclusion of the broadcast on 6227 V3 says "Any traffic from any other yachts." see those words? 15

A. I do.

Q. "I intend to come back to 4483 for any traffic from any other yachts." in other words if there's any information from any yachts they're invited to give that on 4483 at the conclusion of the sked or the period of transmission on 6227 is that correct? 20

A. Well that's what it says, it says traffic not information, information and traffic are slightly different I think. Somebody might've wanted to ring home. 25

Q. Now if you go over to page 24 did you stay at your listening post listening with 4483 to the conclusion of the sked that's standard procedure for a navigator isn't it? 30

A. Yes.

Q. And the sked finishes with Telstra Control saying "Telstra clear." so everyone knows that's the end of the sked correct? 35

A. Yes.

Q. It's a long procedure because there are so many boats in the fleet? 40

A. Correct.

Q. It often takes up to and more than an hour sometimes? 40

A. About an hour and a quarter I think.

Q. And you'll see at the beginning of page 24 V3 "There's no traffic for Telstra Control, we'll go by." you see that? 45

A. Yes.

Q. Now you would've been listening to this at this stage? 50

A. Not on 6227 no, are we back on 4483 now?

Q. Sorry I've done that badly Mr Evans--

A. Yes.

Q. --could you go back to 23? 55

A. No I sorry yes.

Q. "This is Telstra Control going back to 4483--

A. Right.

Q. --Telstra Control standing by on 4483 for any traffic."

so Telstra invites yachts to contact it?

A. Yes.

Q. I take it you didn't contact it?

A. No.

5

Q. And you had no reason to do?

A. No.

Q. Because you clearly understood the weather forecast and the boat was travelling well at that stage?

A. Correct.

10

Q. And then you'll see somebody there "No." and V3 "There's no traffic for Telstra Control." and you Mr Evans would've been listening to that "I might ask all yachts to keep a sharp look out for any of those yachts that didn't come up in the morning and if you see them at all if you wouldn't mind reporting in to us their approximate position would be very much appreciated." so the skeds still continuing it hasn't gone clear?

A. Yes.

15

20

Q. And you would've been listening?

A. Yes.

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Q. Now you'll see it says "If you wouldn't mind reporting in to us their approximate position it would be very much appreciated. If there's any weather that - severe weather that comes to hand throughout the evening we will be broadcasting on 2182 and switching to 4483." see that?

A. Yes.

30

Q. You heard that didn't you?

A. Yes.

35

Q. And you understood that to mean that if there was any severe weather coming to hand during the evening Telstra Control will be broadcasting on 2182 which is the emergency HF radio channel isn't it?

A. One of them yes.

40

Q. That's the primary one isn't it, it's the equivalent to Channel 16?

A. In the 2 megahertz band yes.

45

Q. And then switching up to the race frequency 4483?

A. Correct.

Q. So just so his Worship understands what this means to the person who's sitting at the desk like you at 3 o'clock in the morning without a cup of coffee I take it?

A. You're damn right.

50

Q. There's a transmission coming in from the radio control vessel that's being heard by all yachts in the fleet advising that if there's any severe weather that's coming to hand throughout the evening it would be - that information would be broadcast on 2182 and the detail of that would be

55

broadcast on 4483?

A. Correct.

Q. And the next "If you need us at all throughout the night we are standing by on 2182 and 4483 give us a shout, that's what we're here for. There's no other traffic. Well CYC base are you there, Telstra Control etcetera." so in other words if any yacht is in need of advice or information Telstra Control is standing by on two channels, 2182 and 4483 at all times isn't it?

A. That's what this says yes.

Q. And that's what you understood to be the position didn't you?

A. Yes.

Q. Now you'll see that the transmission continues. I've just lost my page here a moment Mr Evans I beg your pardon. You'll see at the bottom of page 26 there's a further broadcast of weather at 1240, sorry I withdraw that, you see there's a further broadcast of weather?

A. Yes.

Q. And I don't ask you to have a stab at this Mr Evans but if this was material broadcast during the listening watch you as a competent navigator would have been listening to that material?

A. Yes.

Q. In other words if it had come during the period that you were standing by or if you had been maintaining a listening watch on your radio on 4483 or 2182 you would've heard it?

A. Yes.

Q. And you'll see Mr Evans do you agree that there's a specific piece of information as to the precise synoptic situation, there's a low, it said "There is a low of 988 hectopascals centred just off the east of Flinders Island at noon Sunday, it's expected to move slowly east to south-east today then more rapidly south to south-east tomorrow, warnings repeat warnings, there is a storm warning for eastern Bass Strait Victoria area. There are gale warnings for all Tasmanian coastal waters forecast for the next 24 hours 38 degrees south to 40 degrees south.". So you were given a precise description of the low of 988 hectopascals?

A. Correct.

Q. And you would regard that as a fairly severe low?

A. Yes.

Q. Indicating severe weather?

A. Yes an east coast low.

Q. Now at the conclusion of the watch, if I can take you over to page 29, do you see there's a V3 at about two-thirds of the way down the page just after half way Mr Evans on page 29?

A. I see that.



Q. "And I would like all yachts to monitor 2182 throughout the evening in the event of assistance required. I repeat that important message." so in other words there was do you agree with me that there was a specific request made during the day on Sunday that yachts maintain a listening watch on 2182? 5

A. That's what that says yes.

Q. And did you do that?

A. Not to my recollection no. 10

Q. "I would like all yachts to make sure their batteries are fully charged after the sked, not now and to monitor 2182 and VHF 16 if possible throughout the evening in the event of assistance required or assistance for you people." you see that. You maintained your listening watch on Channel 16 didn't you? 15

A. Yes.

Q. But is it your recollection now that you maintained a listening watch on 2182? 20

A. I don't recall no.

Q. Now I would like to take you now to the schedule or the sked at 1405 on the 27th which is at page - which commences tape 3 page 1, could you find that for me please Mr Evans? 25

A. Yes I have that.

Q. And you'll see Mr Evans at page 5 the tape commences with the 'Nokia' position, in other words the tape doesn't cover the first part of the broadcast? 30

A. Yes, yes.

Q. And would you see, would you go over to page 9 and you'll see your position at 37 degrees 29, 150 45 and would you be so kind as to mark that position on the chart please, you can call that position C if you wish. 35

CORONER: Now what time's this Mr Wheelhouse? 40

WHEELHOUSE: This is at 1405, 5 past 2 on Sunday 27th your Worship.

Q. Mr Evans part of your navigational skills gives you the information does it not that for each one minute of latitude there's a nautical mile? 45

A. Yes in the vicinity of the chart yes.

Q. So if you've got say 29 minutes you'll appreciate that represents 29 nautical miles do you not? 50

A. Correct.

Q. And longitude is not quite nautical mile, it's a bit rough, it's slightly less than a nautical mile as a rule of thumb is it not? 55

A. I wouldn't even considering measuring anything on a chart by using longitude, apart from position.

Q. Apart from position of course. So at 37 degrees 29

minutes south and 150 45 minutes east, whereabouts are you in relation to that chart, will you just tell his Worship what land mass you're next to?

A. We're to the north-east, slightly to the north-east of Cape Howe.

5

Q. And how far to sea are you please?

A. Probably about 35 nautical miles.

Q. And how far away from Eden are you?

A. 50 nautical miles.

10

Q. Now is this the position that the vessel 'Siena' was in when Mr Stanley asked you the question were you experiencing at the 2 o'clock sked weather conditions consistent with the weather forecast that you had received that day?

15

A. Yes a little further south as well.

Q. Does your log record that, could you just find that or the recreation of your log?

20

A. Yes it says "Tasman Island reported to be not lit. Storm warning south of Merimbula, low 988 hectopascals centred east at Flinders island will move to the east-south-east. Winds west to south-west 25 to 35 knots greater in the gusts, increasing to 30 to 40 knots offshore and 40 to 50 knots near the Victorian coast. Swells 1 to 2 metres increasing to 3 metres, waves 2 to 3 metres increasing to 4 to 5 metres." and then it goes on with a bit of other outlook information but that was the nub of what I took the weather forecast to be at the time.

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30

Q. And that was the weather you were then experiencing on that vessel was it?

A. Consistent with that yes.

35

Q. And had at that stage you experienced winds greater than 50 knots, you have a note in your log to that effect?

A. No I don't.

Q. And is it your recollection that that had not yet been experienced?

40

A. I couldn't answer that with any certainty no.

Q. Well if it had occurred it would have been a matter for noting in your log would it not?

45

A. Not necessarily but I probably would've noted it yes.

Q. A wind gust of 70 knots?

A. Yeah.

50

Q. It was not something you would necessarily have recorded or something you would necessarily have recorded in all likelihood, if I can translate your answer?

A. In all probability if somebody had observed that and commented on it I would've noted that we had experienced winds of--

55

Q. So when you gave some evidence yesterday about someone saying "We've just had winds of 80 knots." may we take it

that that was close to this position?

A. That's my recollection yes.

Q. Now consistent with your evidence that you maintained or you listened to the race frequency 4483 during the sked I suggest to you that, and I ask you to agree that you would've listened to the 2 o'clock sked from beginning to end?

A. Yes.

Q. And if you go over to page 10 you'll see about two-thirds of the way down the page V100?

A. I have that.

Q. 'Sword of Orion'?

A. Yes.

Q. 38 degrees 4 minutes, 151 18, would you please mark 'Sword of Orion' on the chart please.

WHEELHOUSE: Your Worship could I tender that chart so I've got some things referring to it.

EXHIBIT #4 MARKED CHART TENDERED, ADMITTED WITHOUT OBJECTION

WITNESS: Sorry do you want the date.

WHEELHOUSE: It will need to be - have a sticker or something--

CORONER: We will and I'll let counsel have a look at it so they know what you're taking about and I'll have a look at it and we can move on.

WHEELHOUSE: I would appreciate if your Worship were to just have a look at the moment so you can see what's being said.

CORONER: Show it to counsel. Yes go on Mr Wheelhouse.

WHEELHOUSE: Q. Now Mr Evans 'Sword of Orion' was about 35 nautical miles - I withdraw that 'Sword of Orion' was about 35 nautical miles further south than you, that's say closer to Hobart wasn't it at the 2 o'clock sked?

A. It appears to be yes that's about right. And slightly to the west.

Q. Would you just indicate as best you can how much to the west in terms of nautical miles and I appreciate it's a little loose?

A. Probably about 20 - 20 nautical miles to the west of us.

Q. Now I want to now to go over to page 13 you'll see V119 'Yendys' and you'll see it's given a position of 38 degrees 4 minutes, 150 19 would you please mark that on the chart?

CORONER: Sorry I missed that.

WHEELHOUSE: I'm sorry your Worship it's at page 13 down the very bottom its V119 thank you.

WITNESS: Yes.

WHEELHOUSE: Q. Now would you please Mr Evans indicate how far south from you 'Yendys' was at the 2 o'clock sked?

A. Well she's roughly abeam of - well she's roughly the same distance south as 'Sword of Orion' but about 30 nautical miles to the west of her so she's about at 35 nautical miles south of us, south of 'Siena'.

5

Q. And at the time of this broadcast were you aware of what sort of vessels 'Sword of Orion' and 'Yendys' were?

10

A. No.

Q. That information though is provided to members of the fleet isn't it as part of the information package provided?

15

A. Yes.

Q. Indeed there's a glossy book produced which describes each vessel by history and skipper and everything?

A. Yes.

20

Q. And gives a history of the highlights of the vessel's--

A. It was in Offshore.

Q. And so did you take that book with you on the Sydney to Hobart?

25

A. No.

Q. But you appreciate at the time this information was given that these were bigger and faster vessels than 'Siena'?

30

A. Yes.

Q. Now if you go now to page 10 and you'll see 'Sword of Orion' is giving it's position?

35

A. Yes.

Q. And you would've been sitting at your desk listening to this information coming into the vessel wouldn't you?

A. Yes.

40

Q. As part of your practise of listening to the whole of the sked, did you adopt the practise of writing the positions of each vessel as they were given on your log sheets?

45

A. No only those that we had previously decided were of any significance.

Q. Those in your division--

A. 'Sayonara', 'Brindabella', you know no of course only the people in our division.

50

Q. But you would've had - you had your sheets there with the names of the vessels and their positions and if you had chosen to put them in you could do that?

55

A. Yes, yes.

Q. Now if I may take you back to 'Sword of Orion' you're sitting at your desk at 2 o'clock on the afternoon of Sunday

and by now we're getting towards the end of the sked are we not so we're probably it's in alphabetical order so 'Sword of Orion' is an S boat so we've been going would you say at this stage about three-quarters of an hour?

A. Yes about that.

5

Q. And you were writing down the occasion vessel and bringing information and because 'Sword of Orion' is a vessel whose name commences with an S you would've had only a short period of time before the 'Sword of Orion' position was given after your position?

10

A. Correct.

Q. So you would've been - you would've given your position 'Siena's' position 37 29, 150 45 over the page 'Sledgehammer' 34 31, 150 56 ETA Pittwater, you've heard the earlier discussion about Sledgehammer's rudder or whatever it was playing up and they'd retired?

15

A. Correct.

20

Q. And they're heading towards Pittwater, I think you're listening to this. 'Solo Globe Challenger's' position and then a bit of talk and then down to 'Sword of Orion' so we're talking, we're looking her at about 10 minutes I would suggest?

25

A. Well not very long.

Q. Now 'Sword of Orion' gives its position 38 41, sorry 38 04, 150 18 and then the radio operator from 'Sword of Orion' says "I just want to tell you a little bit about the weather we're experiencing down here it's a little bit different to the forecast over.". Do you recall hearing that?

30

A. Certainly do.

Q. And then Telstra Control says "'Sword of Orion' I would appreciate that for ourselves and all over the fleet." see that?

35

A. I do.

Q. And would you agree that what's happening there is that Telstra Control vessel is telling the whole of the fleet the information that's coming to it from 'Sword of Orion' a vessel which was about 35 miles south of where you were?

40

A. No I think Telstra Control is in effect giving 'Sword of Orion' permission to broadcast that information. Because it's arguable otherwise if it did it'd be providing assistance contrary to the rules.

45

Q. But do you recall that the words were spoken "'Sword of Orion' I would appreciate that for ourselves and all over the fleet over."?

50

A. I do.

HILL: I object to that it didn't say 'all over the fleet' would you read it.

55

WHEELHOUSE: I'll withdraw the question.

Q. "'Sword of Orion' I would appreciate that for ourselves

and all of the fleet over."?

A. Yes.

Q. So what's occurring there Mr Evans is that all navigators sitting at their chart tables listening to the sked are being invited to receive the information coming in from 'Sword of Orion' are they not? 5

A. Correct.

Q. And then V100 which is 'Sword of Orion' says "Yes we are experiencing 50 to 65 knot westerlies with gusts to 78 knots over." to 78 knots over, correct? 10

A. That's what that says I didn't hear that though. I didn't hear quite that, I thought they said 70 to 80 knots but 70 to 78 is a little different. 15

CORONER: That's probably a mis - it's gone wrong in the transcribing I would think wouldn't it--

WHEELHOUSE: That may be the case your Worship. 20

CORONER: It probably is 70 to 80.

WHEELHOUSE: Your Worship I wouldn't want to delay the process by finding the tape, we can do that some-- 25

CORONER: No.

WHEELHOUSE: Q. I want to suggest to you though Mr Evans that - or ask you to agree that at the 2 o'clock sked on Sunday the 26th at about - sorry Sunday the 27th at about 3 o'clock in the afternoon there was advice provided to you as a participant as a navigator, a participant in the Sydney-Hobart Yacht Race that vessels 35 miles south of you were experiencing winds of in excess of what you understood to be the forecast namely winds gusting up to 70 to 80 knots? 30 35

A. Correct.

Q. And then would you mind going over to the next page, page 11. And you agree with me that that information was repeated to the fleet and would you agree that as you sat at your chart table you would've heard the information that 'Sword of Orion' was experiencing winds in the 70 to 80 knot range? 40 45

A. That's right.

Q. And I ask you to agree that what was transmitted to your vessel was for all the fleet we have 'Sword of Orion' at 38 degrees 04 minutes latitude, 150 18 degrees, 18 minutes longitude? 50

A. That's what it says yes.

Q. So what was given to you as you sat at your navigation table was information at a particular position there was being experienced winds gusting up to 70 to 80 knots? 55

A. Correct.

Q. And that information was repeated?

A. Correct.

Q. Now that information was confirmed by the other yacht that we've been referring 'Yendys' wasn't it at page 13?

A. Correct.

5

Q. 'Yendys' had broadcast to the entire fleet "That we are probably having similar conditions to 'Sword', everybody's okay." "Roger to that." this is Telstra Control "Roger to that 'Yendys'. 'Yendys' is in a similar position to 'Sword of Orion' and is experiencing the same situation, he's at 38 degrees 04, 150 19.". Now when that information came on board the vessel that you were sailing in was there a discussion as to what you should do in the light of that information?

10

A. To the best of my recollection yes.

15

Q. What was the discussion?

A. Whether we kept going or turned back.

20

Q. And what - and at that stage you were in winds of approximately 50 knots?

A. 50-60 yes.

Q. Well do you have a record in your log of what your wind strength was?

25

A. I don't, no I don't. No I don't.

Q. But you certainly were not at that stage experiencing winds to 70 to 80?

30

A. Not to the best of my knowledge no.

Q. Do you agree with me that that point in time all - sorry I withdraw that. At that point in time the navigator and the two skippers knew that they were sailing into an area of water which was located in Bass Strait and away from the continental mass?

35

HILL: Object to that he can answer for himself but the two skippers.

40

WHEELHOUSE: I'll withdraw the question and put another question.

Q. You said you participated in a discussion?

45

A. Yes.

Q. And did you in the course of that discussion say to your two skippers words to the effect that "I have just received information on the schedule that 'Sword of Orion' and 'Yendys' who are approximately 35 miles to the south of us, that's put them in Bass Strait are receiving winds between 70 and 80 knots."?

50

A. That probably would've been the gist of what I said but I wouldn't have quite said it that way but--

55

Q. Not in the calm way as we stand in the court room?

A. No I would've said something like "They're being hammered by about 70 to 80 knots.". Well certainly they

were south of us.

Q. They were quite a way south of you weren't they?

A. Yes quite a way yes.

Q. And indeed at that point in time what speed was your vessel travelling at approximately?

A. About 7 knots so they were about five hours in front of us.

Q. That put them at five hours ahead of you?

A. Yes, a lot can happen in five hours too.

Q. So that information - so at the 2 o'clock sked which ran on for approximately an hour there was transmitted so far as you're aware to the fleet that the bigger faster boats than your vessel who were approximately 35 miles into Bass Strait were experiencing 70 to 80 knot winds?

A. Correct.

Q. And you had a discussion about that with your two skippers and the decision was made at that point in time to continue south wasn't it?

A. Correct.

Q. And that was a decision made by the skippers based upon the weather they were experiencing at the time and the advice that you had provided them that there was heavier winds further south?

A. To the best of my knowledge yes.

Q. Is it recorded in your log at the precise time at which you turned from heading south?

A. No it's not.

Q. And is there any way you can determine exactly when it was you turned the vessel around or the helmsman turned the vessel around?

A. Only to say that it was 3.15 in the afternoon or a little later than that that's about as accurate as I can be.

Q. I think you gave evidence to my learned friend and it's my handwritten note Mr Evans that you continued south to 1542 does that accord with your recollection of the evidence?

A. That would be right yes. Our position at 1515 I noted as 37 degrees 40 south which is some 11 nautical miles further south than the 2.05 sked.

Q. So that would've put you--

A. An hour and a half.

Q. --given the exigencies of about an hour - two hours?

A. Two hours after the sked had started yes so.

Q. At the time when you did go about were you on board when the boat, were you upstairs when the boat went about--

A. No.



Q. --assisting with that activity?

A. No.

Q. And do you recall any difficulty in going about?

A. Yes it was extremely difficult.

5

Q. And how long did you run with the breeze behind the vessel do you recall that before you'd got to 'Stand Aside'?

A. I don't really recall, I think it took about three - three-quarters of an hour or so to actually get to where we could see 'Stand Aside' that was just my impression.

10

Q. At that point in time they were to the north of you and you went about to the north--

A. I really couldn't say, I didn't see them I was below.

15

Q. I don't ask - I don't invite you to guess or speculate. Thank you Mr Evans yes no further questions.

CORONER: Mr Hill.

20

HILL: Q. Mr Evans if I can ask you to go back to your statement and this will cover two aspects, I want you to go to page 9 of your statement and you gave this statement in June of 1999 and you'll see there about .5 you state "I've noted because I heard it on the radio sched that at that stage 'Sword of Orion' reported that it was in an area and in I think further south than us and was recording gusts of 70 to 80 knots. At about this time I seem to recall somebody in my crew commenting that they'd seen a gust of 86 knots on our wind machine on our wind instrument."?

25

A. Yes I note that.

30

Q. And then you say or you were asked this question "That gust did they say it was as a gust and not a mean wind?", "It was a gust, it was just a gust.". And you were asked this question "When you received that outlook that you've just spoken about, the weather outlook was that consistent with what you were receiving at that particular time?", you say "Yes."?

35

A. Yes.

40

Q. So you had a weather outlook given to you that you would expect gusts of wind up to the 80s?

A. No not really I - 60-65 knots but unfortunately the gust might've been recorded as an apparent wind and with the movement of the yacht through the water you would get a greater reading on the anemometer unless you were measuring true wind so if you take off the speed of the vessel say 7 knots you're actually getting a gust of mid 75s upwards.

45

50

Q. What you answered then was "breaking the sound was unbelievable the wind was not howling it was shrieking, it wasn't shrieking it was making an even more high pitch sound."?

55

A. Mm.

Q. Well at the - this is all at the 2 o'clock schedule?

A. Yes.

- Q. So you are in fairly rough seas at that point?  
A. Certainly, certainly, well we only went on for another 11 nautical miles until we were in the vicinity of 'Stand Aside' so that's not very far, if the sked started at 2, hour and a half two hours at the most, well yes that's where it was all happening, for us anyway. 5
- Q. Then you were read a small portion by my learned friend Mr Stanley and perhaps if I put in context what you actually said was "Very rough seas, very crossed seas, lots of breaking waves, the boat was still performing very well under a storm jib alone at that stage." this was where you were asked about the washing machine country?  
A. Yes. 10 15
- Q. And that's what you were referring to?  
A. Yes. 15
- Q. That area where you were at that time?  
A. Yes. 20
- Q. And you say "But the conditions were very rough, very, very windy." and you were asked "However still consistent with that weather report at that time." and you say "In my opinion yes." that's the weather report you were receiving on the radio?  
A. Yes. 25
- Q. And you answer "In my opinion yes, yes okay." and you then say "Although the only comment I'd make is 30 to 35 knots, 25 to 30, 40 to 50 I mean it was clear that the winds were in excess of 50 knots generally speaking. Sometimes in excess of 80 knots but to be honest there wasn't much that anybody could do at that point."  
A. Correct. 30 35
- Q. What do you mean "Not much that anyone could do at that point."  
A. Well you couldn't very well pick your bat and ball up and go home, you were there, at 3 knots you didn't move out of the area very, very quickly at all so-- 40
- Q. So I take it when you were getting the message from or you hear the message from 'Sword of Orion' you yourself your vessel is in similar seas?  
A. Yes. 45
- Q. At that point?  
A. Yes. 50
- Q. Now one or two other things I want to clear up with you and I can - first of all if you'd go to that Volume 8 the weather and I want to take you to tape 1 page 6, this was about the storm warning you see that?  
A. I have page 6 yes. 55
- Q. Now I want you then, you went about this high seas weather warning, there's a storm warning?  
A. Yes.

Q. Now go back to page 5 and that's the warning for coastal waters south of Merimbula, warning for coastal waters, now what do you regard as coastal waters?

A. Anything 60 nautical miles to sea from the coast.

5

Q. Now when you received this warning at 8 o'clock on the 26th, that's 8pm on the 26th the day of the race you've got a warning for coastal waters, were you in coastal waters?

A. Yes.

10

Q. So the warning you got was warning for coastal waters south of Broken Bay and a strong wind warning between Broken Bay and Seal Rocks, now would you read through the warning for coastal waters and I think you'll find that there was no storm warning for the area that you were in?

A. Those words aren't specifically used but the wind--

15

Q. Well what you've got is westerly winds increasing 45 to 55 knots offshore south of Merimbula late Sunday afternoon?

A. Correct.

20

Q. What do you understand as offshore?

A. Probably more than 5 nautical miles to sea.

Q. So you think that would've effected you?

A. Yes.

25

Q. Then you have the - and as the transcript shows and that's the coastal we have high seas and it goes on high seas weather warning and that's the one with the storm warning, however you take notice of that storm warning on the high seas from where you were or what?

A. It would be a factor you would--

30

WHEELHOUSE: That question's objectionable.

35

CORONER: Why?

WHEELHOUSE: Because there's precise position giving an area effected your Honour.

40

CORONER: Sorry?

WHEELHOUSE: If I'm looking at the same page, page 6 tape 1 what is given is the area effected.

45

CORONER: I don't follow your objection.

WHEELHOUSE: If your Worship goes down to the - about the five lines from the bottom--

50

CORONER: I see.

WHEELHOUSE: --the area of the storm warning is described, area effected is south 150 degrees east, degrees 152 degrees east so I repeat 152 degrees east, degrees south, 150 and the transmission is badly transcribed probably because it's a bad tape and then it's repeated if your Worship pleases at the end of the sked.

55

CORONER: Yeah well I'm going to let counsel go on, I want to get to the bottom of it so in the context of the inquisition we've got to be patient about it, you may well be right and if you need to re-examine I'll let you.

5

WHEELHOUSE: But I was suggesting to the - I don't wish to do that what I was suggesting is the question was a little unfair on the witness because there's a definitional aspect of the information given and what's put to the witness is only part of the information that he's receiving.

10

CORONER: Okay Mr Hill.

HILL: Well I won't press the question Mr Coroner I will clear up this.

15

Q. Do you consider that that high seas warning effected you where you were?

A. No.

20

Q. Now why not?

A. Because it was a high seas warning, you would have to in fact plot the parameters of the area it was given for and see whether you were inside that area in which case I guess it could have some effect for you.

25

CORONER: Q. But I take it knowing that you're well within the 60 nautical miles you didn't have to worry about it?

A. Well the best forecast seemed to me to be the coastal--

30

Q. The coastal was the relevant one?

A. --because rather than what was in the Tasman Sea.

HILL: Q. If I can then take you to tape 2 page 6 this is the 2 o'clock schedule on Sunday morning 27 December, do you have that?

35

A. 3 o'clock. 3 o'clock you mean--

Q. Yes I'm sorry the 3 o'clock schedule?

A. Yes.

40

Q. And if you'll see at about a dozen lines up from the bottom of that page there is a storm warning current south from Merimbula?

A. Correct.

45

Q. Now is that coastal or is that high seas or what is it?

A. I'd regard that as coastal.

Q. You'd regard that as coastal?

A. That's right.

50

Q. Why is that?

A. Why?

55

Q. Yes why?

A. Well it talks about Jervis Bay, Gabo Island--

CORONER: Q. Merimbula?

A. --Merimbula, usually coastal forecasts are given you know between Seal Rocks and etcetera.

HILL: Q. Now that goes on once again it talks about waves 2 to 3 metres rising to 4 to 5 metres offshore?

5

A. Correct.

Q. And that would be in the area that you are in?

A. Or going to yeah.

10

Q. Are going to be going to?

A. Yeah.

Q. And then it goes on over the page 7, "scattered showers and thunderstorms at first clearing during the morning." now is that all part of the area that you're--

15

A. Yes in the south yes.

Q. "The outlook for the next 48 hours west to south-west winds moderating overnight on Sunday to 20 to 25 knots possibly reaching 35 knots at times near Bass Strait." and that ends the weather?

20

A. That's correct.

Q. That seems to be a little inconsistent with the rest, how do you fit that into the "reaching 40 to 50 knots this afternoon as the low deepens"?

25

A. Well obviously the low was going to deepen and then move away from the coast out to sea and the winds were going to abate and over a period of 48 hours the seas were going to ease obviously as the winds abated. In other words the very imminent forecast was pretty hairy but the medium term forecast looking down the tunnel was not too bad at all.

30

Q. So you could expect according to that at page 7 on "moderating overnight on Sunday to 20 to 25 knots" I take it you read that as 20 to 25 knots on Monday is that right, moderating overnight on Sunday to--

35

A. Well moderating during the night to 20 to 25 knots but sometimes reaching 35 knots near Bass Strait.

40

Q. Okay but does that mean moderating overnight on Sunday--

A. Yes.

Q. --Sunday night you're talking about?

45

A. Yes that's right.

Q. That's how you would've interpreted that?

A. That's right.

50

Q. Now the other question I want to ask is in regard to that list of documents that were in that bag, the skipper's bag, now have you a copy of that list?

A. No I don't.

55

Q. I wonder if someone at the bar table, I think you can be handed one. If you could just have a little look at that, I think Item 1 would be more of interest to a skipper though possibly of interest to you?

A. Yes.

Q. Now Item 2 I daresay you could do without as the navigator, that's the backstay flag?

A. Yes, yes.

5

Q. Now what's a skite plate?

A. That's I presume you'd call it the logo, the race--

Q. Right now what about Item 3, sked sheets?

A. Yes.

10

Q. Your province?

A. That's right yes.

15

Q. Race log book?

A. Yes.

Q. Yours?

A. Yes.

20

Q. List of entries?

A. General information but it would be in the nav table along with the sailing instructions.

25

Q. AusSAR 24 hour emergency numbers?

A. Probably nav table.

Q. AMSA handout, safety via satellite?

A. Probably in the nav table.

30

Q. See what I'm going to suggest to you is that would it have been preferable that you as the navigator be handed some of these documents if not all, in other words not just one bag given to the skipper but a navigation bag for a navigator?

35

A. In my opinion yes it would be very desirable.

Q. So that you as the navigator would have not had to rely on them being passed via the skipper?

40

A. No I would agree with that.

CORONER: Q. Because skippers vary don't they, like some might punctiliously hand out what they considered as relevant to you others might not, others might stow them in a corner somewhere?

45

A. Yes. Yes that's right.

HILL: Q. Now the other thing I've been asked to ask about is did you have the Telstra telephone system fitted, the Uniden phones?

50

A. No.

Q. Did you know anything about these?

A. No.

55

Q. That there were ten on the fleet?

A. I'd heard some vessels had some equipment on board but I don't have any knowledge of it.

HILL: Yes I've nothing further.

WHEELHOUSE: Your Worship may I just clear up that one point that I raised about the--

CORONER: About the storm, it's clear isn't it. 5

WHEELHOUSE: Well one aspect has been missed out by my learned friend's further questioning and it takes one question your Worship. 10

CORONER: We're well into my lunch hour, hurry up.

WHEELHOUSE: Q. Could you go to page 24 please--

A. Of which tab. 15

Q. Tape 1 on the 8 o'clock sked if you'd read the bottom six lines I'll read it to you, on page 24?

A. So that's tape 1 isn't it. 20

Q. Yes please it's got 7312 on the bottom left corner?

A. I have that.

Q. See the bottom long sentence commencing with the word 'and' "And here is a further update." you see that? 25

A. Right.

Q. "And here is a further update of the storm warning for the south-east area New South Wales coastal waters south of Merimbula, the expected south to south-west change of 30 to 40 knots tonight changing to west-north-west 40 to 55 knots late Sunday and expected to last till Monday night and that ends the weather." you see that? 30

A. Yes. 35

Q. And you see the words above it, "The outlook for the next 48 hours gale to storm warning, gale to storm force west winds south of Jervis Bay expected to moderate Monday evening."?

A. Yes. 40

Q. I want to suggest to you that it was quite clear that what was being addressed was the area into which you were potentially sailing on 'Siena' by the weather forecast?

A. I agree. 45

<WITNESS RETIRED AND EXCUSED

LUNCHEON ADJOURNMENT

CORONER: Mr Wheelhouse has gone has he? 50

SPEAKER: Yes your Worship he has for a time.

CORONER: Well these witnesses I would've thought are critical to the CYCA because we're looking at the - any apparent lack of communication to the boat crews-- 55

SPEAKER: That's correct.

CORONER: And you're happy with that.

SPEAKER: Famous last words your Worship yes I am.

CORONER: Right okay thanks Mr Hill call Mr Batt. 5

<KENNETH LESLIE BATT(2.15PM)  
SWORN AND EXAMINED

HILL: Q. Sir would you give the inquest your full name? 10  
A. Kenneth Leslie Batt.

Q. And your address?

A. 27 George Street, Avalon Beach. 15

Q. And your profession?

A. Meteorologist.

Q. Now you work for?

A. Bureau of Meteorology. 20

Q. Now you are the person who has given the brief in at the  
CYC for the race, the Sydney-Hobart race for some years now  
is that correct?

A. Around about eight years now. 25

Q. And you've given it every I think Christmas Eve?

A. That's correct.

Q. Now I think you also give briefings of weather  
forecasting for other races? 30

A. That's true.

Q. And how long has been on?

A. For the other races around about five-six years. 35

Q. And I think that you in fact sail yourself?

A. I do.

Q. In yachts? 40

A. Ocean racing yachts.

Q. And what position do you normally occupy aboard a  
vessel?

A. I'd say in recent times it's been in the position of  
navigator. 45

Q. And I think that you have completed some Sydney to  
Hobart races?

A. Seven Hobarts to date. 50

Q. Now you didn't compete in the 1998 Sydney to Hobart?

A. That's correct I thought it was time to have a year off  
to be with my family around that time. 55

Q. Now before we actually go to the brief in itself I  
understand you work on computer models to forecast the  
weather?

A. Computer - that's true.



Q. Now there is one in Europe?

A. Yes the ECM-WF model.

Q. And is that used by the Australian Bureau?

A. That's used by we forecasters in the New South Wales region yes. 5

Q. What about the American model?

A. The US first run aviation model is looked at yes that's one of-- 10

Q. And is there any other models that are used?

A. There's the Australian GASP model, the global simulation prognosis and there's also the United Kingdom Met Office model so they're essentially the four that are looked at routinely. 15

Q. And I think that Professor Lesley at the University of New South Wales has a model as well?

A. That's correct. 20

Q. And what do you call that model?

A. I've always known it as HI-RES University of New South Wales HI-RES model. 25

Q. Well Professor Lesley's model might be easier I suppose for us. Now basically these models, these computer models they forecast what is likely to occur to the weather over a set period of time is it?

A. Well generally the models run out somewhere between 4 and 7 days ahead depending which model you're looking at. 30

Q. Now I understand that on Christmas Eve of 1998 these models were not all the same opinion as it were as to what was likely to happen over the following days in regard to the weather is that correct?

A. That's true the models were what we call divergent, they were indicating, you know each model was different from the other in various ways. 35

Q. Now I understand that you were keeping your eye on what the weather was going to be and so that a gale warning came into force some time on Boxing Day in the morning, do you recall that?

A. That's true that went out around about 9 in the morning, 9.04 that went out. 40

Q. So that was an upgrade from something else was it?

A. From a strong wind warning that was issued earlier that morning. 45

Q. Now what we intend to do is to because as you're aware the briefing that you gave to us at the CYC on Christmas Eve was in fact video taped and I'm quite sure that you've heard that some people have criticised that and it's appeared in the media that certain things weren't done, etcetera. Now we intend to show that video of you giving that briefing. Now if at any stage you want to stop or make notes or anything like that through it and draw our attention to a 55

particular point because I will make some notes and ask you about them, please don't hesitate to do so.

CORONER: Q. We'll give you a pen a paper.

A. Could I have just a piece of paper please. 5

CORONER: Yes, give him a pad.

Q. We think that by playing this we might shorten the questioning, that's the hope anyway? 10

A. Yes.

HILL: I wonder if we could have the lights turned down.

CORONER: Yes. Right. 15

VIDEO OF PRE-RACE BRIEFING PLAYED

CORONER: Thanks very much. 20

HILL: Q. Well there are one or two questions that arise out of that that I'd like to ask you about. First of all the rhumb line that you're talking about I think that's spelt r-h-u-m-b?

A. R-h-u-m-b yes. 25

Q. Now that's a line that's the quickest way from Sydney to Hobart is it?

A. Yes essentially a straight line from Sydney to or Tasman Island yeah. 30

Q. So when you talk west of the line or east of the line etcetera you're talking about that particular line?

A. Yeah that's right. 35

Q. Now you talked about the current off the coast and this is the current that comes right down and into Bass Strait?

A. It can do at times yes.

Q. Now we saw at the beginning of this there was evidence from Robert, what's his name Rowell and he showed some maps and that showed the current coming down but also a current coming up through Bass Strait northwards and meeting that current and then were getting somewhat mixed seas? 40

A. Yeah. 45

Q. Now would that be what was termed earlier today by Mr Evans as the washing machine country, is that a result of that?

A. Well I'm led to believe as I said on the video I'm not an oceanographer. 50

Q. No I understand.

A. But I'm led to believe that with the warm current setting south there's a colder counter current in close to the coast so that will appear at times yes. 55

Q. Now you also made mention of off the Moruya area that there would be troughs this is well known is it or?

A. Well from southerly buster research performed in this region a number of years ago now, it - the Moruya area is a preferred area for low, low pressure, not all the time but it has - it can be demonstrated that you know it's an area where front digenesis or the birth of fronts can occur just due to this broad area of low pressure that can be semi-resident there or coupled with a sharp land/sea temperature grading. 5

Q. Now it appeared that the structure of the briefing was a general overview of what is possible in this area where you're going and then a more specific view as to what you thought of the next few days is that right? 10

A. Yeah the general structure of these pre-race briefings is that I give a general overview and in the case of the Sydney to Hobart I break the - what we call the race track up from Sydney to Hobart, break it up into chunks and the first chunk as you saw was the Sydney to Gabo and then there's the Bass Strait and east coast of Tasmania, Storm Bay and the Derwent and I draw people's attention to potential weather problems at that time of the year and also throw in some other bits and pieces based on experience as an ocean racing person and yeah and then I do go into a weather outlook and an outlook - I stress the outlook because you know at that time too, normally two days before the start of the Hobart race things can change between then and the start of the race so the outlook is a product that's worded in broader terms so the timing in intensity of changes is brought to the attention of competitors but it's left up to essentially the Boxing Day and beyond to fine tune. 15 20 25 30

Q. Now at one stage there you said "I'm pleased I'm actually working over this Christmas." now what exactly was that-- 35

A. At that time I couldn't have faced another southerly buster so early into the race so - the two previous Hobarts I'd been on boats where we struck particularly bad southerly busters in each race and the one previous to the '98 I was navigator on 'Nicorette' and we broke two and a half frames on that boat in the bow and had to effect repairs at Eden before pushing on in the race. It was quite uncomfortable it's very uncomfortable. 40

Q. Yes but why - what brought you to say "I'm pleased I'm actually working over this Christmas."? 45

A. Well I was pleased to be with my family for once and secondly I didn't want to have to face another southerly buster which at the time was-- 50

Q. Well were you foreseeing a southerly buster or something that would make you give voice to that expression?

A. Is the southerly buster.

Q. That's what you were looking at? 55

A. Indeed.

Q. And how, why?

A. Why?

Q. Yes why did you think a southerly buster was coming?  
A. Well based on that the briefing you saw there I had the front sort of arced up over the south coast of New South Wales, the front out over the water bending back over the land which is a classic signature for southerly buster. Strong southerlies behind with wind opposing east Australia current kicks up a nasty seaway. 5

Q. Now had that anything to do with the storm that we are concerned with?  
A. No at that time no. 10

Q. Did it have anything to do with it afterwards ultimately?  
A. Sorry could you repeat. 15

Q. Yes well what you saw and thought was a southerly buster--  
A. Yes. 20

Q. --did that in effect turn into the storm or is it something completely devoid of that?  
A. Well the cold front that was essentially anticipated to bring about the southerly buster essentially saw you know what actually happening during the 1998 event. 25

Q. So what you saw as a southerly buster in fact developed into this low that became the storm that--  
A. The thinking at the time was it was going to be a southerly buster. 30

CORONER: Yes.

HILL: Q. Not for one moment, I just want to-- 35

CORONER: Q. Well what is the actuality now that you've seen it go through?  
A. Yeah as it turned out you know we saw this east coast low develop but it wasn't seen at that time. 40

HILL: Q. Okay right you saw it as a southerly buster which would certainly be quite uncomfortable but nothing more than that at that stage?  
A. Yeah well that's right, like when you look - when on the Boxing Day at the briefing there a gale warning was issued a bit after 9am and I know that people that I've briefed personally they knew that they were going to get thumped but at that time it was essentially going to be a southerly buster. 45

Q. But that's what you thought was going to be a southerly buster developed into the storm that we are talking about?  
A. Well yeah. 50

Q. Okay that's fine, no-one for one moment is alleging that therefore you should've seen it as a storm, I just want to get sequence of events?  
A. One thing we did see on there was I alerted them to as east coast cyclogenesis that the low broad low pressure area 55

up off in the southern Coral Sea that essentially worked its way down into the Lord Howe area and there was one of the models that was you know alerting me then to essentially you know where the low was going to form somewhere in that area say from Gabo Island northwards. But it was only an alerting mechanism because at the time it was one model of four models that we generally look at where essentially even though they're divergent we selected on the day that the GASP was essentially evolving the pattern as best as any of the others, hence we're around with a buster.

5

10

Q. The GASP, is that G-A--  
A. S-P.

Q. That's the American one is it?  
A. No that's the Australian, Global Simulation Proposal.

15

Q. So do I understand it you take the models and if we have a preponderance of models putting forward a particular hypothesis on the weather that's the one you go with or what's the situation?

20

A. Essentially its the task of the forecasting shift supervisor to look at the four models and decide which one to run with whether it's one in total or a mix, it could be a mix yeah it's a difficult job.

25

Q. Well if we have three models predicting the one outcome do you generally go along and say "Well I've got three models predicting this and therefore on the balance I accept that." is that--

30

A. There's a good chance that that's what we run with yeah.

Q. Yes right I just wanted to understand it, now you also warned of thunderstorms?

A. Yes.

35

Q. And you warned that it's not only the lightning that can kill but the winds as well?

A. That's correct.

40

Q. Other than predicting a thunderstorm is there any way that we can say what the winds are likely to be?

A. Well yeah I think people that race around the New South Wales area particular Sydney are aware of the very intense wind gusts that can evolve from thunderstorms and I suppose whenever thunderstorms are forecast one should be aware this is going to be the case.

45

Q. Now you also warned of the east Australian current and you said that it can kick up seas of 7-8-9 and 10 metres which is not chicken feed now what would bring that about, what were you saying to them there?

50

A. Well essentially probably it's just that bad seaway can be kicked up when current opposes wind--

55

Q. Where would that be at?

A. --you can go back through time and you can see where Sydney to Hobart race meets have been devastated, you know battered by that situation, big, big, big waves.

- Q. Where were you actually warning them that that was likely to occur or was that just general?
- A. Well essentially down the New South Wales coast and I did say there that in particular if the buster came through early closer to Sydney were the current was running its fastest you've have a bigger seaway there then you would say further south. 5
- Q. Now is it - well in your experience going down to the Sydney to Hobart have you encountered 10 metre seas? 10
- A. Yeah in the 1993 race.
- Q. Well was that as devastating as what this storm was on the fleet?
- A. No there was - there was one - one person was in the water for say about five hours before that, picked up but there was a lot of damage to boats. 15
- Q. Can we therefore extrapolate from that that the seas that this fleet encountered must've been bigger than 10 metres or is that not possible? 20
- A. Well there's a chance with similar winds that that could've been the case.
- Q. Now you also said that you had something down at the office and perhaps you'd better describe, you were upstairs I take it at the CYC when you gave that briefing? 25
- A. Yes, yep.
- Q. And downstairs what was the office downstairs? 30
- A. Sorry outside, normally the - we have the sailing office downstairs and that's where normally pamphlets are put along the counter there and outside the office there's a notice board and on the notice board generally forecasts and the colour sea/surf temperature imagine. Just going back to that 10 metre wave bit you're looking at maximum wave heights not significant wave heights, going back to the '93. 35
- Q. Maximum wave heights?
- A. You're looking at maximum you know like total wave yeah. 40
- Q. I see and I'll come back to that shortly when we deal with the Boxing Day, you said to them that you'd be there from 7.30 onwards on Boxing Day, at the CYC?
- A. Okay. 45
- Q. Now in fact you got there a little bit later and we'll deal with that as well. Then you went on and you started to give specific weather forecasts, I think you were talking about you said the southerly about 20 knots? 50
- A. 20 to 30 knots with stronger gusts.
- Q. And stronger gusts was it?
- A. That's correct. 55
- Q. Is that - that was with the--
- A. With the change yeah due up on the Boxing Day.
- Q. And was that the only mention that you bring home to

these people about stronger gusts or do you - you simply expect them to understand that what you're giving is the mean wind?

A. Yeah well Bureau are advised by the International Convention and in forecasts mean wind is the determinant average wind speeds forecast and then the gusts are inferred from those average speeds.

5

Q. Okay so it's taken as understood by the recipient of what you say that they will understand that what you are giving them is an average wind and they must add 40 percent on top of that for gusts?

10

A. That's correct and it's written in the various literature that is made available and also can be bought at bookshops.

15

Q. Now before I go on to the next stage which is the Christmas Day and the Boxing Day is there anything you want to draw our attention to in that particular video that we've seen?

20

A. Well in general I was drawing the competitors attention to reading, keeping their weather eye open, the safety aspect, essentially having to log the weather and look for trends and just keep the weather eye open and be aware of forecasts.

25

Q. So I think in fairness you said that you would be fine tuning it--

A. Yes.

30

Q. --over a period of days?

A. That's right.

Q. Now as far as you're concerned that would be going through the network, the radio network from the Young Endeavour is that how you understood this?

35

A. Yeah special race forecasts yeah are sent routinely to the Young Endeavour as well as other places and I think you'll be alluded to later on as to where forecasts do go.

40

Q. Now I want to then take you - did you work on the Christmas Day?

A. Christmas - Christmas Day I did work yes, I had Boxing Day and the following two days off.

45

Q. Now was there any communication between you and any one in the CYC on Christmas Day?

A. The only - the only communication was the outlook that was sent down to the club.

50

Q. What was sent down?

A. The weather outlook that's actually in the report, that was actually to set the scene so for handicapping purposes.

Q. Right so that was sent down when, is that Christmas Day we're talking about?

55

A. Yeah we're talking about Christmas Day now.

Q. That's all right and did you send that down?

A. It would've been, I can't remember who physically faxed it, it was sent yeah.

Q. Now who has the contact with the CYC are you the person?

A. No essentially the contact is made between the race director and the shift supervisor, the forecasting shift supervisor.

Q. Now who is the race director as far as you are concerned?

A. As far as I'm concerned it's Phil Thompson's the race director.

Q. Now he's the race director of the CYC?

A. That's correct.

Q. Did you speak with him at all on Christmas Day?

A. Not to my knowledge no.

Q. Now how do you - well have you ever contacted him?

A. I have spoken to Phil in the past yes.

Q. By telephone?

A. Generally it's person to person and occasionally by phone yes.

Q. And I take it you, when you require him you ring up the CYC office or what?

A. Ring up the sailing office yes--

Q. The sailing office?

A. --or the switchboard.

Q. The sailing office or the switchboard?

A. That's right.

Q. Now I'm going to take you to Boxing Day you came on duty at what time?

A. Well we got to work a bit after 6am.

Q. You say we?

A. There was Brett Gage and Jeff Smith and myself we were - we volunteered to look after the weather stand at the Cruising Yacht Club on the Boxing Day so we attend - we get in there early, there are lot of charts to run off but earlier we did have a person - our colleague who was on overnight did copy some of the charts that we needed but there was a lot of work that needs to be done before we can essentially go down to the club.

Q. This is to make up the packages to hand out to the vessels?

A. Yeah make up the packages and actually get briefed as to how the weather's panning out, you know the fine tuning.

Q. This is the fine tuning so what would the package contain?

A. The package contains a mix of information, the later surface analysis, there was a GASP model run is included in



there, significant wave or wave height forecast charts whether it be swell wave, sea wave, wind forecast information out of one of our high resolution models. General information, tidal information, where to get weather information from so it's probably about 30 pages at least.

5

Q. Now and these are in little packages?

A. That's correct.

Q. And you run them off?

A. Yes.

10

Q. Now I also take it that it's got the day's forecast in it as well?

A. Yeah, yeah the special race forecast, the latest special race forecast at the time goes into that yes.

15

Q. Now on this particular occasion I take it you were going in to make up the packages and be down there by I think you said 7.30 at the CYC?

A. That's right yes.

20

Q. Now that didn't eventuate, what happened, tell us?

A. Well in a nutshell our photocopier at work couldn't handle the load and so I contacted the Cruising Yacht Club, the sailing office to arrange with Andrea Holt to actually have Jeff and Brett go down to the office before me, go down to the club sorry to have this run off, she agreed to run them off, they have a more heavy duty photocopier than ours. They were run off so Brett and Jeff set off, they started to run off the packages and then some new information came to light and the earlier special race forecast, the say the 5M issue was updated to - well from a strong wind to a gale warning.

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30

35

Q. All right look let's just stop there, first of all Andrea Holt?

A. Yes.

Q. She's at the sailing office of the CYC?

A. That's correct.

40

Q. You spoke with her?

A. Yeah I just said that at the time "our photocopier had broken down could we come down and use yours."

45

Q. Had you spoken with her at any previous occasions?

A. Well you know in the past from time to time but--

Q. So you knew who she was?

A. Yes.

50

Q. No question about that and who and what is she, what position does she occupy?

A. She would be, like the clerk in the sailing office I suppose for want of another term.

55

Q. Influential or not as far as you're concerned?

A. She just does all the work that's assigned to her so

Phil, Phil Thompson and his deputy are essentially the - well Phil's the race director.

Q. Now so Brett Gage and who else was it?

A. It was Jeff Smith.

5

Q. Jeff Smith?

A. Yes.

Q. They go off there and you continue on, now what comes in and from where that makes you change or upgrade what was earlier I think a wind warning was it not, what was it?

10

A. Yeah the wind warning was upgraded from strong to gale and essentially the deciding mechanism there was early upward from Professor Lesley's HI-RES model.

15

Q. And what did that show?

A. They were showing say gale force winds developing on the south coast.

20

Q. Was it not started to get up into the storm?

A. Not at that stage no.

Q. Not at that stage?

A. No.

25

Q. That's Professor Lesley's model?

A. Yeah not whilst I was in the office.

Q. So you then have a gale warning and what do you do?

30

A. Well with a gale warning the special race forecast was updated, I rang again the CYC Sailing Office and spoke to Andrea and told her that "Stop, stop running off the packages I'll be faxing down the latest, the amended special race forecast." because she wanted to hand out the latest to the participants and I actually rang or I told her then to - I'm not sure whether they had a mobile phone but anyway I spoke to Brett to say "Stop handing out any - stop handing out packages." they hadn't started to hand them out at that stage, "Stop it and wait for the amended special race forecast to come down." which subsequently was faxed down and was included with the analyses and prognoses etcetera and the packages were run off and handed out.

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Q. What time would that have been?

45

A. Well it would've been somewhere say 9 say nineish, 9.15-9.30, somewhere in that slot.

Q. About 9 or 9.15 thereabouts?

A. Yeah somewhere in there I'm not sure.

50

Q. Now did you tell Andrea Holt that it was going up to a gale warning?

A. Yeah it was - I told her then that we'd amended the strong wind to push it up to a gale warning.

55

Q. Would she know what that meant or did you tell her to pass it on to anyone?

A. Yeah well I told her to hold on until we faxed down the

forecast, the forecast would've explained everything.

Q. Did you ask her to draw anyone's attention to that?

A. Well essentially people were waiting in line so once the new forecast was made available down there at the office yes they were briefed on the gale warning etcetera, etcetera, etcetera.

5

Q. Now was it Mr Gage that was handing out that?

A. Brett, Brett and Jeff were there, Jeff is essentially in charge of the laptop that we had that was set up on our stand to interrogate the latest observations from down the coast and bring in latest weather maps. We had a display that Jeff and Brett set up with all the latest model output charts etcetera, general information on the reverse so yeah Jeff and Brett would've been handing out the packages and saying "Yeah you know there's a gale warning current, blah, blah, blah, blah, blah."

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Q. Who was in charge between Brett and Jeff?

20

A. Brett.

Q. Brett would've been?

A. Yes.

25

Q. Now did you - what did you do then after you'd faxed this off and it's gone up to a gale warning what do you do?

A. Well after having - after having dispatched that information to the sailing office I then jumped in a cab and went straight down to the club to assist in the briefing process.

30

Q. Where exactly is the Bureau?

A. The Bureau is actually up on the corner of Foveaux and Elizabeth Streets, Sydney near Central Station.

35

Q. So you jumped in a taxi and went down, what happened after that?

A. Well I arrived and helped the guys with briefing the crews.

40

Q. And what were you doing, what were you saying to them?

A. Well we were highlighting the - highlighting the gale warning that was current and just - like some - some participants just roll up, take the package, ask one or two questions, some sort of want to get involved and we talk scenarios and there are quite a number of people that we spoke to that said "Well you know if this low comes off say south-east of Gabo Island we could have another 1993 Hobart race on our hands."

45

50

Q. And what did you say to that?

A. Sorry?

Q. Is that what you said to them?

55

A. Yes, yes that's right. So we're going through different scenarios.

Q. Did you speak with any - did you speak with the race

director Mr Phil Thompson at all?

A. Probably only to pass the time of day.

Q. So there's no to your memory--

A. That's right.

5

Q. --no direct conversation about up into the gale warning, is the gale warning in your opinion a serious matter as far as the fleet's concerned?

A. Well yeah the gale warning is the next step up from a strong wind, gale average wind speed is 34 to 47 knots.

10

Q. So it's just in there, can we be any more specific than that?

A. It's determinate average wind speeds in that range yes.

15

Q. So it's just in that range, that's as close as we can get?

A. Well that's essentially what the gale warning's issued for then you look into the special race forecast to find the wind speed range that's being forecast.

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Q. It's just that the old Beaufort scale used to divide it up to a Force 7 which was a near gale which would take you from 28 to 33 knots, then you had a gale of Force 8 which was 34 to 40 and a Force 9 which was a strong gale from 41-47 they seem to be more specific in the last century than what we are now, why?

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A. The - it's been International Convention that set up the wind warning system at sea. It sort of based - based somewhat on the Beaufort scale but not wholly solely and when you see that the strong wind through to - through your different gales.

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Q. But can we actually forecast and say "Look it's going to be between 28 and 33 average wind speeds."?

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A. Well essentially the forecasting comes to the decision as to what will be the forecast wind speed range and then the warning is essentially based around the forecast wind speed range. Say for example if sustained wind speeds were being forecast 50-55 knots a storm warning would go out to cover that situation.

40

Q. So what you're saying is the heading Gale is one thing you must then actually go to the wind speed that's spoken about is that--

45

A. Well you know a gale warning yeah as you say the gale warning is the alerting mechanism and straight away a person would sort of say "Right sustained wind speed is 34 to 47 knots so you know we'd better look down further."

50

Q. You see it's a range of about 25 kilometres an hour isn't it, between 34 and 47 if you take - and that's knots and what that's equivalent to about 1.8 kilometres--

A. Yeah well from a marine point of view we work in knots only.

55

Q. Yes I understand that it's just there's a huge range there and I was wondering why?

A. Well I can't answer that you know I wasn't involved with setting up the wind forecasting system, the warning system as such.

Q. Now we then go up into the storm range, now the storm range as I understand it goes from what 48? 5

A. 48 plus.

Q. Well this is where I do have some difficulties because you see the pamphlets you hand out and I realise what my learned friend was putting to the witnesses yesterday but this - it's that pamphlet Mr Coroner that one there, you see that says Definitions and Terminology and it's the just under the vessel and it says 'strong wind 25 to 30 knots'? 10

A. 33. 15

Q. 33 I'm sorry, remembering this is a 10 minute average, "gale force 34 to 47 knots; storm force 48 to 63 knots; hurricane force more than 63 knots." would you accept that if I had read that and I started getting winds above 63 knots that I would be justified in presuming that there should be a hurricane warning? 20

A. The hurricane warning is essentially only issued for tropical waters in severe tropical cyclone warning, in severe tropical cyclone situations. In the mid latitudes say roughly south of 30 south in the Australian region the storm warning is the ultimate. 25

CORONER: Q. Well why put it in a publication like that? A. Sorry. 30

Q. Why put it in? A. Well that covers, covers the whole Australian region.

HILL: Q. Well look you don't issue a hurricane warning you issue a cyclone warning? 35

A. Like the cyclone warning system essential warns coastal and island communities whereas ships at sea are warned by the International Wind Warning System where within 60 nautical miles of the coast in coastal waters you have available, say in the tropics, right are strong, gale, storm, hurricane, south of the tropics in the Australian region within coastal waters, strong, gale, storm, storm is the ultimate. 40

Q. Well how am I to know that the winds are going to be say of hurricane force, how am I to take a storm from 48 knots which I can handle quite well in my yacht to being a storm that is going to be devastating say into the 80 knots, how do I know? 45

A. Well personally upon receipt of a storm warning I'd be expecting determinate average wind speeds 48 knots plus so I'd be reading on further to see whether they have, the forecasters have sort of defined a wind speed range but 48 knots plus you know that's a lot of wind at sea. 50

CORONER: Q. It's a lot of sorry? A. Wind at you know to cope with at sea. 55

Q. Yeah that's right, especially if you're half way down a race track.

HILL: Q. You see people in Australia understand - I withdraw that, look if this had been up in the 55 to 60 knot average speed would that not get you into the lower cyclone bracket if it was say up in north Queensland? 5

A. Yeah the cyclone warning system is separate from what we're looking at here, we're looking at middle latitude weather. 10

Q. Yes I realise that but look people in the street know that if you say a storm is coming they may even go up onto the balcony to have a look at the clouds and the lightning and things like that but if you say a cyclone is coming they usually go down in the cellar, you understand people have a different concept of these two words-- 15

A. I understand it yeah there could be a difference yes.

Q. Well if we had a wind force and I don't care whether it's coming from the centre and spiralling out or spiralling the other way the reality is if we have a wind force that's between say average wind speeds of 50, 55 and 60 would we not if that was on land and it was in Queensland we would be in the lower cyclone bracket? 20 25

A. Yeah I think I'd better hand it over to Jeff Love who'll be coming up later on. Jeff's probably best - better equipped to handle that sort of question. As far as I'm concerned in the middle latitudes the storm is the ultimate warning at sea. 30

Q. You've said this in your statement at page 34, do you have a copy of your statement?

A. No I don't. 35

Q. Well - and you've talked about cyclones there, perhaps do you have a copy of that for him. I'm looking at page 34 but I'll get you a copy so that - I've got a copy, it starts over at page 33 the bottom of that, one could assume you were asked this question, "One could assume that there were - would be very similar then to a cyclone." and your answer to it was "Well the winds that are wound up by a cyclone are of similar pressure, they're on a par, lows that move through the southern ocean on their regular basis of pressures on a par if not lower, lower than that central pressure, much lower at times." You were asked this question "Do you feel that perhaps warnings should have been that warnings should be given in regards to cyclonic conditions instead of storm warnings?". "No we forecast using International terminology and that's what we're taught to use, you know we classify it as a very intense low." And question "And for that region that would be the maximum that you would forecast is a storm warning even though the conditions experienced in the tropics would be cyclonic?" and your answer "Well the cyclone, tropical cyclone warning is separate to this.". Answer "You know we would have - or the Bureau has use of hurricane force winds but they're only - that hurricane, hurricane winds warning only issued in relation to severe tropical cyclones so outside of the 40 45 50 55

tropics a storm warning is the ultimate then it's 48 knots plus average winds."?

A. That's correct.

Q. What I want to ask you is that if we had winds of 55 to 60 average right would that not be a cyclone in the northern part of Australia? 5

A. It might be in the northern, in the northern tropics but in the middle latitudes you know it's a storm warning-- 10

Q. No I understand that--

A. --and if that question was ever put to me again I'd just say well cyclonic is just another word for a low, like cyclone equals low equals depression. 15

Q. I understand all I'm trying to do is find out why when we are educated by everything from the television even to the weather to fear a cyclone that's when it moves down into our latitudes that we are we're not given the same sort of warning, we're told that it's a storm? 20

A. Well at sea a storm warning covers the situation for the winds that's International Convention.

CORONER: Q. And so this is the same in temperate latitudes off the coast of say Canada and America, USA? 25

A. That's correct. So it's--

Q. And out of cooler parts of South Africa and South America on our - in our hemisphere?

A. Yeah that's right so-- 30

Q. None of them use hurricane or anything like that?

A. Sorry.

Q. Storm is the maximum? 35

A. Storm is the maximum it's International Convention around you know around the world that that's the case.

HILL: Q. So what you are forecasting is for all of the maritime people out there not only Australians but vessels from the US, Europe, the Argentine, etcetera? 40

A. Yeah.

Q. And they understand that?

A. They understand that. 45

Q. But the special forecast was for the Sydney-Hobart race and they were by far the vast majority would've been Australians and they would've understood cyclone would you agree with that? 50

A. Well not have - like being a middle latitude forecaster I'm quite happy with the terminology that they used, that's what I've been educated to use.

Q. No that's fair enough I just wanted to understand why it is that the pamphlet talks about hurricane force but we don't seem to use it except in the north of Australia when it becomes cyclone, is that correct? 55

A. Sorry could you repeat?

Q. That is correct isn't it, even though the pamphlet talks about hurricane force we don't actually use it except when it goes to the north of Australia but then we don't call it hurricane force we call it cyclone is that--

A. No at sea, at sea, vessels at sea would be receiving a hurricane warning with wind speeds equal to a greater than 64 knots like average speeds. 5

CORONER: Q. But only in the tropical--

A. Only in tropical waters if there was say a severe tropical cyclone the mainland Australia on the off lying islands they'd be listening to a severe tropical cyclone warning or watch to obtain the relevant information but mariners are taught to understand that International Wind Warning, Maritime Wind Warning System. 10

HILL: Q. Right now I understand that the Beaufort scale is gone we don't divide things up as much as they did before is that your understanding?

A. Well as far as my career's or as long as my career's been in the Bureau we've used average wind speeds in forecasts not Beaufort numbers it's only to my knowledge in the UK that they use Beaufort numbers and to my knowledge they're actually coming away to follow say Australian practice, getting rid of the Beaufort. The Beaufort scale was originally put in place to - yeah so that the mariner at sea could actually look at the sea state and relate that back to a wind speed range and hence a Beaufort number. 20

Q. Yeah because it used to tell you various things such as I mean even the Beaufort scale that we have, I think the one that you point out there for instance the Force 7 which was a near gale that used to say "Smacks remain in harbour and those at sea lie to.", now a smack was a sloop, a fishing vessel? 25

A. A fishing vessel yes. 30

Q. Now I think yachts developed from those did they not?

A. I think that would've been the natural progression yes. 35

Q. And then when we got to a Force 8 which was 34 to 40 knots "All smacks make for harbour if near.". So the Beaufort scale it was quite descriptive, people knew this is time to leave, this is time to get out, we don't have anything like that? 40

A. Well there's the Beaufort scale still in use like people can still look at the Beaufort scale, it's there but-- 45

Q. Now going back to the CYC on the day you go back to the Bureau and I think that something makes you upgrade to the gale warning, what happens, the storm warning I'm sorry? 50

A. The storm warning. The new model, the new MEESALAPS(?) wind model run becomes available--

Q. That's the-- 55

A. The High Resolution, this is the Bureau High Resolution model and yeah it was the output from that that essentially initiated the - well it initiated the storm warning after like a storm warning is not taken lightly, there's a lot of



thought put into that by the shift supervisor at the time in consultation with Victorian colleagues. Anyway to top it all off yes the storm warning was issued.

Q. All right well when did the computer model bring this up, what time was that approximately? 5

A. It would've been around about oneish, about 1.

CORONER: On the 26th. 10

HILL: Q. So what did you do?

CORONER: Q. On the 26th?

A. Yeah Boxing Day. What did I do? 15

HILL: Q. Yes?

A. Well my attention was drawn to the output and--

Q. Who drew your attention to that?

A. It was Brett, Brett Gage and yeah. 20

Q. Now I want you to be as candid as possible, what did you say, what did you do?

A. Well I saw it and said well to put it crudely "It's going to be a shit fight in Bass Strait." looking at that model output and it conjured up thoughts of the 1993 race that I was one of the steerers, like helmspersons on 'Solbourne Wild Oats' as well as the weather strategist and it just brought back memories of being quite uncomfortable at sea so yeah I got quite emotional within sort of you know tears welled up and I felt for you know my colleagues at sea. 25 30

Q. What did you do then, what happened next?

A. Well essentially the storm warning was issued and then I - after it was issued I went out into my office and sat there quite - quite emotional about it all. 35

Q. I think you said that in fact you were feeling quite ill about it, this is in conference?

A. Yes, yeah because it brought back memories of the '93 race for me. 40

Q. Now that would've been about 2.15?

A. About 2.15 yeah. 45

Q. So it's just over an hour after the race has begun, what happens next?

A. Well essentially as soon as you know the storm warning was put together Brett, myself and Peter Dundar decided that you know we should be warning, we should be giving people such as AMSA, the CYC, Eden Coast Patrol a heads up you know to put them on notice that the storm warning was coming and-- 50

Q. Now I think in fact the computer itself once you tell it to do so as it were it actually faxes off to certain people these weather forecasts is that right? 55

A. Yes the forecasting system is programmed to fax products

off to various clients for want of another word.

Q. Now the situation was that I think Brett Gage then telephoned people is that right?

A. That's correct we elected that AMSA should be rung and they would then in turn notify the Navy, of course the Cruising Yacht Club and I put out a call to the Cruising Yacht Club to the sailing office and eventually the phone was - it wasn't answered in the sailing office so I rang the general number and it was picked up by I think Lorraine was her name.

Q. Someone named Lorraine?

A. Someone named Lorraine.

Q. In the general office?

A. In the general office and because on our check-list we did not have Phil Thompson's mobile number I rang up in order to get that number, she couldn't help me.

Q. What did you say to her?

A. I told her that we were issuing a storm warning for the race and we were anxious to have Phil Thompson's mobile number since we don't have it on our check list and she said "Well sorry I can't help you there's no-one else in the office." so then what happened I rang--

Q. Well did she understand what a storm warning was?

A. She didn't really understand the gravity of the situation.

Q. Now had you phoned her after Brett Gage phoned her?

A. I phoned - I phoned initially and then Brett followed up later but before Brett actually rang I rang the CYC, sorry the Sydney to Hobart Race Media Centre and hoping to speak with Peter Campbell but he wasn't there and I assumed that they were you know on the start boat following the race. I obtained someone in that office who was unable to help me but--

Q. Male or female?

A. A female, I can't recall the name and told her then that a storm warning had been issued for the race and didn't - she didn't have a grasp of the situation as well.

CORONER: Q. So this is a female in the media office of what?

A. The Sydney-Hobart race, sorry the media centre.

Q. What the press centre?

A. Separate from the sailing.

HILL: Q. So is that part of the CYC organisation to your knowledge or not?

A. Well the media centre essentially controlled the media to do with the race yes.

Q. And where were they located?

A. They're essentially co-located at the Cruising Yacht

Club.

CORONER: At the Cruising Yacht Club.

Q. So I suppose the Cruising Yacht Club gives them a room 5  
or something or an area to use?

A. Yeah, yeah they have an area within the club to use so  
the assumption was then that she would contact Peter  
Campbell or she was told to try and get hold of Peter  
Campbell, tell him that the storm warning had been issued 10  
and the assumption was that he would then liaise with Phil  
Thompson if we couldn't get him beforehand so I - I left - I  
hung up feeling quite upset about not being able to talk to  
anyone at the club about the storm warning and that's when  
Brett rang again. 15

HILL: Q. All right and so you've spoken with two people at  
the CYC, one in the general office--

A. Yes. 20

Q. --and you think her name was Lorraine and then another  
female in the media office?

A. Yes.

Q. And you were after John Campbell? 25

A. It was after Peter Campbell.

Q. Peter Campbell?

A. Peter Campbell's the media director. 30

Q. He's a?

A. He's the media director for the race.

Q. Do you know if he's a full time employee or what's the  
situation? 35

A> No I think Peter, well to my knowledge Peter's a free-  
lance journalist who is - who does a lot of the media for  
these larger ocean races at least along the eastern seaboard  
and he's the editor of the Offshore Yachting which is the  
journal of the Cruising Yacht Club of Australia. 40

Q. Now I realise that you've said you wanted to speak with  
someone about the storm warning and it seems to be coming  
through that there's some sense of worry, you're upset,  
you're ill by it, what exactly were you going to pass on,  
what were you going to do? 45

A. Essentially the information that the storm warning had  
been issued.

Q. Yes and what you expected them therefore to have the  
same feeling about it as what you were displaying or what? 50

A. No essentially to pass on that information and in turn  
they could be looking for the warning and the up - the  
update race, special race forecast reflecting - reflecting  
the newer conditions. 55

Q. But wouldn't that be passed on by the Young Endeavour?

A. Well the Young Endeavour would've been in receipt of  
that but we - Brett and I sort of went over and above what

is normally - what's normal policy where we took it off our own bat to actually do this.

Q. Yes but why?

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CORONER: Q. That's right, why?

A. Because of the gravity of the situation.

Q. How?

A. The upgrade from gale to storm.

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HILL: Q. Yes but look--

A. Because the storm warning as I said earlier is the ultimate at sea.

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Q. Well Brett Gage has said in a statement that he feared deaths would result?

A. There was a private conversation that I can vaguely remember between Brett and myself saying "Well you know there could be, there could be a death in this race." but considering the conditions, the wind conditions and the forecast wind and sea conditions you know we saw in the '93 race how easy it was for people to go overboard, we see it time and time and time again so.

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Q. Well look if you - you've sat here today and you've heard Mr Evans and the weather forecasts that were given to him over the radio, you've heard the transcripts being read?

A. Sure.

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Q. Now between what you're telling us and what we've heard from Mr or we've seen written about Mr Gage's opinion at 2 o'clock you have Mr Gage who is worried about people being killed in this and you yourself feel ill when you look at the 8 o'clock schedule that night and the weather forecast the urgency seems to have disappeared?

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A. Sorry the--

Q. Well the urgency that you're showing at 2 o'clock about a storm warning does not - is not reflected--

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A. But we have - we have faith in the coastal radio station such as Sydney Radio, Melbourne Radio, Penta Comstat, the Coastal Patrol as a Coast Guard station as to actually relay that information as they do according to their schedules.

45

Q. Well I realise that but look that faith may well be misplaced on some occasions because the reality is this that part of the transcript and I'm reading from tape 3 page 40 is this "Coastal Patrol Eden here is Telstra Control.

Telstra Control Coastal Patrol Eden we've got a gale warning which I will broadcast to the fleet now if that's all right with you over." Now this is well into Sunday and they're answered this "Yes that is affirmative Coast Guard Eden I

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was just going to pass something else onto all the fleet firstly." and then that's passed on. And then after Telstra Control gives their message they then say "Eden Coastal Patrol if you'd like to go ahead now with that gale warning over." And it comes back "Roger that Telstra Control, Coastal Patrol Eden now going ahead with a gale warning an

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upgrade from a storm for all Victorian coastal waters east of Wilsons Promontory.". See they're upgrading from a storm warning to a gale warning now what I want to know is you've got a sense of urgency at 2 o'clock on the afternoon of the race and somewhere that sense of urgency seems to have disappeared by the time the sked comes around at 8pm that night? 5

A. No it hasn't because we have faith as I said earlier in the other stations that can broadcast that information, that's not up to us you know whether someone at Eden has upgraded from a storm to a gale, in fact they were rung and told that a storm warning was on the way so they'd already received it as Brett spoke to them. 10

Q. Well they're going backwards aren't they for a start, you don't go from storm to gale you go the other way around? 15

A. You go from gale to storm.

Q. Yes?

A. And that's a well-known fact. 20

Q. But can you not see that you have a sense of urgency, you yourself feel ill at 2 o'clock in the afternoon and by 8pm there is just a normal broadcast for a forecast, a weather forecast, storm it's true and it means something to you but the urgency seems to have gone out? 25

A. It's not - not the urgency has gone out of it from our point of view--

CORONER: No, no-- 30

HILL: Q. No not from your point of view--

CORONER: Q. --I don't think it's suggested - he's not implying that. Perhaps you can put it another way, it's you've felt a sense of urgency at 2 o'clock but somehow the communication has gone so it's just become another weather forecast? 35

A. No but the thing is--

Q. By 8 o'clock? 40

A. --we did get through to well Eden Coastal Patrol and AMSA.

Q. Yes, yes you did. 45

A. So essentially no things hadn't come to a halt and as far as we were concerned it was up to Eden Coastal Patrol for example amongst others to broadcast that new--

Q. But that sense of urgency you felt and Mr Gage felt seems not to have been communicated to the fleet? 50

A. But essentially the - they spend the first race sked, official race sked was 8pm that evening now it's something I preach people should be monitoring every single coastal station that they can to keep abreast of any changes in warnings and forecasts. 55

HILL: Q. All right well I put it to you this way you contacted AMSA and the reason that AMSA was contacted was to

effect rescues isn't that right?

A. Essentially they were put on notice.

Q. Yes to effect rescues?

A. Well Brett actually made the call so he's probably best to talk about that. 5

Q. All right well why would you contact AMSA?

A. Why because essentially they're the - they're the Marine Safety people. 10

Q. They pull people out of the water when boats go under?

A. Mm.

Q. Isn't that what their job is? 15

A. Well essentially they monitor boats in distress.

Q. Right they monitor boats in distress?

A. And if need be yeah they could dispatch a helicopter or some other vessel to assist. 20

Q. And the Eden Coastal Patrol what do they--

A. The Eden Coastal Patrol they can broadcast that information over their VHF service. 25

Q. The information of what?

A. Information re the storm warning, vessels within VHF range could actually obtain that information and it was assessed that yachts or leading yachts would've been down into that area. 30

Q. Well look under the old system the Beaufort scale if you had a gale of 34 to 40 knots, at sea or near the coast "All smacks make for harbour if near.". In other words you get out of the storm? 35

A. Essentially that's Admiral Beaufort's interpretation back in 1805.

Q. Yes and they had - look can you not see that your urgency that you felt has not been communicated to the CYC, do you not understand that? 40

A. Well essentially with our - say our severe thunderstorm warning system what we do we have people with a target to get a heads up they do then subsequently receive the advice or warning by fax. 45

CORONER: Q. But isn't it fair to say you wanted to do more than the usual and that's why you got onto the CYC?

A. That's right. 50

Q. And you tried?

A. We tried and then--

Q. But for one reason or another communications failed your intention was to get the CYC to do more than the usual about your concerns? 55

A. Well at least to look at the--

Q. And consider about - consider other options?

A. Well you know that was up to the race--

Q. Of course--

A. --race officials.

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Q. But you wanted to particularly alert them orally, verbally?

A. Yes. So then we console ourselves in the fact that the facts would've arrived in the sailing office.

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HILL: Q. I'm not suggesting that you would tell them "You must call off the race or you must take all 40 footers in." or anything like that but you've had a sense of real danger in regards to storm warning and you want to communicate that to the CYC--

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CORONER: Q. To be sure that they knew that what you felt was the position?

A. That's correct.

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CORONER: Just leave it at that. Would you step down you'll be needed in the morning sorry.

<WITNESS STOOD DOWN

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CORONER: All right is there anything else Mr Hill.

HILL: Not at this stage. I think that it may not be before half past 10 tomorrow morning is that it?

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CORONER: Yes look you're excused till 10.30 tomorrow I've got a commitment with the Chief Magistrate which I've got a date I just can't break it thanks.

INQUEST ADJOURNED FOR FURTHER HEARING TOMORROW 15/03/00 AT 10.30AM.

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CERTIFICATION OF TRANSCRIPT

I/We the undersigned being (a) Sound Reporter(s) do hereby certify that the within transcript is a correct transcript of the depositions sound recorded at NEW SOUTH WALES STATE CORONER'S COURT, in the matter of

5/98 - EVENT OF THE 1998 SYDNEY TO HOBART YACHT RACE

INQUEST INTO THE DEATHS OF JAMES MICHAEL LAWLER  
MICHAEL BANNISTER  
BRUCE RAYMOND GUY  
PHILLIP RAYMOND CHARLES SKEGGS  
JOHN WILLIAM DEAN  
GLYN RODERICK CHARLES

PART HEARD

Heard: 14 March 2000

Dated at PENRITH  
this twenty-first of March 2000

<u>NAME</u>	<u>PAGES</u>	<u>SIGNATURE</u>
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