NEW SOUTH WALES CORONER'S COURT

STATE CORONER: J ABERNETHY

WEDNESDAY 22 MARCH 2000

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

Mr A Hill assisting the Coroner
Mr R Stanley QC for the Bureau of Meteorology
Mr R J Weber for the Cruising Yacht Club of Australia
Mr T Elsworth for the Australian Yachting Federation
Mr O'Halloran for the Lawler Family
Miss C A Needham for Mr Winning

PART HEARD

CORONER: The appearances are basically as before. Mr Morahan or Mr Peoples aren't here but that's all right. Ready to proceed?

HILL: Yes ready to proceed. I recall Mr Lumtin.

<PAUL PATRICK LUMTIN(10.10AM)
RESWORN, EXAMINATION CONTINUED

HILL: Q. Mr Lumtin yesterday we'd got to the state where you had gone aboard the four man raft, do you recall that?
A. Yes.

Q. That's where we'd got to in your evidence. Now I want to take you back prior to that and indeed to the Christmas eve of 1998. Did you attend the briefing at the CYCA, the weather forecast briefing?
A. No I didn't, no.

Q. Why not?
A. I was on holidays so I discussed that with Richard and Steamer and they were both going to attend the briefing.

Q. So was that--
A. Sorry John Stanley.

Q. Stanley?
A. Yeah.

Q. So Mr Stanley attended, do you know that or not?
A. I'm pretty sure that he did, I'm not 100 per cent certain but at that time I believe that he and Richard

attended the briefing, yes. I'm 100 per cent certain that Richard did attend though.

Q. Were you the navigator and radio operator on board the Winston Churchill or one of them?
A. Well as two of the crew members have previously stated, a lot of the things aboard the Winston Churchill were done rather by committee with somebody handling the task. Now that didn't mean to say that everybody was handling the radio and doing the navigation. My function on board was to handle the radios and to navigate the boat to a safe passage to Hobart with the advice and input of the other crew so it wasn't something that I did purely by myself. In fact there were a few things done on that boat where one person had the task of doing it so I would carry out the functions of the navigator. I would clock the boat, I would report courses made good, winds etcetera, forecasts and it was a job that was done pretty much by committee with the senior members of the crew. I would operate the radio, I would operate the instruments, I would make logs etcetera etcetera so yeah you could say that it was my job to do it but it wasn't my sole responsibility. There were other people operating radios and there were other people making logs.

Q. I want to take you back to the 2 o'clock sked that occurred on the afternoon of 27th, that's the Sunday?
A. Yes.

Q. Now I think that you didn't actually call in the position?
A. No I didn't, no.

Q. You said Mr Dean did that?
A. That's correct.

Q. Who worked out the latitude and longitude?
A. I did.

Q. You did that?
A. That's correct.

Q. You wrote that down did you?
A. Yes.

Q. And gave that to--
A. John.

Q. To Mr Dean?
A. Yes that's correct.

Q. Now about what time did you work that out?
A. It would have been about a couple of minutes past 2.

Q. And the distress signal, the mayday was given at about what time do you recall?
A. About 3.30.

Q. About 3.30, 4 o'clock?

A. Not 4, it was about 3.30.

Q. About 3.30. Were you able to remember what your latitude and longitude was?
A. No.

Q. That is at half past 3 so that you could say we were at X?
A. No it was - and believe me I tried, it was one of - writing a log down in a lat and long on a sked which was something that I did quite often was just a matter of course. It was a task that you undertook and did and noted to refer back to but it wasn't something that particularly stayed in your mind for any more than about 5 minutes. In other words if somebody had have asked me 15 minutes after logging my last position where are we at, I would probably have to go and look to get an exact answer. I could give them a rough estimate but I would actually have to go back and look at it so it's not one of those things that makes an impression in your mind.

Q. It's not like a telephone number that the--
A. No that's right.

Q. --figures come up once and then--
A. The figures come up, you make a note of it, you are probably more likely to remember the speed of the boat over the last hour or a course made good rather than the actual latitude and longitude of the vessel.

Q. If I could then take you back to the life raft. You got aboard that life raft and there were three others with you?
A. That's correct.

Q. Now what can you tell us about the size of that life raft as far as you were concerned?
A. When I first clambered into the life raft I actually thought it was quite small but suppose anything would have been small so I don't know whether there have been calculations done to say that this is an adequate size for four people but in my opinion, it was certainly too small.

Q. Too small for what?
A. It was too small to stay comfortable in a position for a long period of time. We - as John Gibson had mentioned earlier, they had a square rectangle life raft where they were able to lay their feet out in a sardine type fashion, well we were just a tangled mess and we had - we could never from, you know, in the whole 25 hours that we were in the raft, we really never got into a comfortable position where we were comfortable but after 10 hours my legs were pretty well numb from the way that I had to sit in it and we were kind of forced up on our haunches with our legs underneath us. We actually let Bruce Gould lay in the bottom of the raft because he was injured and wasn't feeling all that well and he's quite a tall fellow so we let him sit down in the bottom of the raft because he was injured and wasn't feeling all that well and he's quite a tall fellow so we let him

sit down in the bottom of the raft and stretch his legs out and then the rest of us kind of sat around so once Bruce was in the middle of the raft sitting there, really it was obvious there wasn't room for three other blokes in there, it was really really small so we were kind of adjusting, readjusting our position all the time, we never actually sat for more than about 10 minutes and felt comfortable so the other thing was that because of - I mentioned that when I jumped into the raft, as soon as I jumped in and everybody else had got on board that there was about a foot of water in the bottom of the raft, well that's probably about a foot of water when the raft is flat so of course when you sit in the raft, the floor depresses into the water and that becomes a little deeper so we were actually on our haunches trying to keep our upper torso out of the cold water trying to avoid hypothermia and that was the position that we were in so it was just a very - it really was a kiddies' swimming pool in the water so if you can imagine four big blokes getting into a swimming pool in the middle of a pool, that's what it was like.

Q. So are you in effect saying that although it's termed a four person raft, it wasn't big enough?
A. I don't think so and it probably wouldn't have had to have been much bigger but it was just obvious that it wasn't big enough for four people. Maybe three, maybe two but definitely not four. We actually heard a comment from the Navy - not the Navy divers, the helimed divers that came and picked us up, when they jumped into the water, they were quite surprised to see that there were four people in there, they actually thought that it was a one man raft and when he swam up to us, he actually said, gee there's four of you in here, so they were surprised themselves at the size of it.

Q. Now the raft was lashed to the other raft at one stage?
A. Yes it was yeah.

Q. You recall that?
A. Yes.

Q. What happened?
A. How did it come about to be lashed together, is that what you're asking?

Q. Yes?
A. After the other guys got into the raft, we paddled, we had two little paddles on board, two little white paddles and what we did was we attempted to get as close to the other raft as we possibly could, knowing that we had an EIPRB so knowing that our EIPRB was going to be our only ticket home in terms of us being found in that sort of condition, we figures that it would be good to have the two rafts together and we talked about this, it would be good to have the two rafts together so that we've got one EIPRB, they find everyone at once so we paddled over and I think that the other guys may have paddled as well towards us, I'm not sure, but we certainly did and we got the two rafts together and it was very confused quick operation because

the wind was howling outside, it was just a white storm of water across - of spray across the water so it was very difficult to hear, it was just a constant howl of wind and the doors were flapping and the rafts were moving so it was, you know it was a panicky kind of throw a rope over, would like to try and tie it up, but I mean the first thing that we noticed was that there was nothing to tie it onto so that was quite difficult and I still don't even remember how we tied them up but I'm sure that we must ave tied it around something, whether we tied it around a bit of flap or a piece of existing rope or whatever so we tried to tie them together and I do recall having some string on board which was a very thin type of nylon coated string and I think it was similar to the string that was actually tied to the boat when we deployed the rafts and I remember it being orangey colour and I don't know where it came from, I don't know whether it was on the boat, on the - sorry I don't know whether it was on the raft or whether it came from the boat. My guess would be that it didn't come from the raft because at that stage, that early stage, we hadn't opened the supply bag on the raft so we hadn't actually unpacked anything so the only thing that we had out at that time was that knife that Richard spoke of with that little hook end because that was actually not in the supply bag, that was actually in the side of the raft in the little latch so it was stuck in. So we tied the rafts together and I can remember about three or four pieces of rope or string, you know, haphazardly attached, so it certainly wasn't anything that we thought was going to be stable, it was a very makeshift sort of job and I think that maybe lasted 5 minutes. We got hit by a big wave and the whole thing spun around and it all happened very quickly and then before we knew it, the rafts were no longer together.

Q. When did you last see the other raft?
A. I think the last time I actually saw it was when we were actually tied together because when I first jumped into the raft, my position was on the - I don't know how you mark the position on a round raft, but I was in the - if the door is facing that way, I was in the back left hand corner of the raft, Michael Rynan was on the back right hand corner, Richard was sitting on the left hand side of the door and Bruce was sitting on the right hand side of the door so sitting where I was with the flap down, it was flapping around and I think we half tied it up at that time, it was very difficult to see outside, you would get a glimpse so I certainly wasn't in a position, even if they had have been right next to us, to see them in any case.

Q. When were you told that the other raft had gone?
A. Didn't have to tell me, nobody had to say anything, we knew when we broke apart. I think we might ave had certain discussions about whether anybody could see the raft but I don't remember that so I think that pretty much once the other raft had broken away and we had realised that we weren't being slowed by sea anchor, then we figured that we would separate because we weren't actually sure that we had a sea anchor, we didn't actually have a drogue on board as

such and for some reason we may have thought that we were being slowed down by some sort of device attached to our boat that was already there, it just felt like that, it felt like we were being slowed down. And then after the boat, after the raft separated, we got hit by quite a big wave, we really knew then that we were skipping across the top of the water with the wind so that it did feel different but I'm still not sure whether we actually had a drogue or not.

Q. I think at some stage the raft you were in was turned over, is that right?
A. Yes.

Q. Do you recall that?
A. Very well yes.

Q. Do you recall what time of the day or night that was?
A. Yeah. The first time we got tipped over it was still daylight and that was around about 8.30 because I remember looking at my watch.

Q. That's 8.30 at night?
A. Yeah 8.30 at night.

Q. What happened?
A. Well it caught us by surprise really. Most of the waves looking outside of the door I figure were around about 60 feet in height, they were just enormous and still now you know it gives me a shiver to even think about how big they were and that was the average height. I mean every wave was around about 60 feet but about one in every - as the winds got stronger and I don't know how strong the winds are because we're in a raft but they were certainly significantly stronger than when I saw the last 68 knot reading on the page and as the winds got stronger, these big waves would come more frequently.

Q. Can I just stop you there. Did you just say, when I saw the last 68 knot reading?
A. Yes that's right. Well when I say I saw the last 68 knot reading, when I was on the boat before I went down, I saw a gust of 68 knots on the wind gauge. That was the highest reading that I actually saw and when I came back after we had been knocked down, the wind gear was broken so I had no idea of telling what the winds were then but they were certainly stronger than when - before I went down.

Q. Now going back to the raft, you're saying that winds were certainly stronger than the last 68 knot reading that you had seen--
A. Yes I remember seeing a 68 knot gust on the wind gauge. I particularly remember that because it actually startled me because I've never seen 68 knots before, I don't think I've ever been in 68 knots so I particularly remember seeing that and I do remember at the time what the winds were like and in the raft or when - actually after I got up and when we left the boat, it seemed to me that the winds were quite a lot stronger than what they were before I went down so at

that stage, going back to the raft, I would guess that most of the waves were around about 60 feet in height, just at a guess and about one in every fifteen or twenty waves, in the beginning you could hear from - you could hear them from a mile away and they were like a big locomotive train, it was a big thundery sound and it was - I clearly remember that because nobody on board said anything about it, we just looked at one another thinking, my God what the hell is that, and the waves would get closer and closer and as the waves got closer obviously the top of them were breaking so the wind was blowing the spray from the top of the wave onto the top of the canopy so the shower of water on the top of the canopy would increase in sound so it would build up to a big thunderous roar and then finish with a big smashing of the wave onto the raft so you know it would take about 15 seconds or whatever but it would just get louder and louder and louder and the wind would get stronger and the water would become you know more frequent. And then just crash and you generally heard these waves coming, you know, you could hear them and I don't know, we must have gone through about ten or twenty of those and some were bad, some would just miss us, like you would hear the wave coming, you would hear it coming and then all of a sudden the wave would just break on the other side and we'd go over the top of a full wave and we'd all breathe a sigh of relief and - but the particular wave that hit us at about 8.30, I don't think we heard it, I really don't even think we heard the thing coming because it really did take us by surprise. And the reason I say that was because I distinctly remember the thing hitting us and when these waves hit us, the flat raft actually turned into a folded pancake so that the whole raft would actually flip like that and we would hit each other and the whole thing would collapse and I do remember tumbling in the water and I actually think that we tumbled for quite some time under water and the reason I say that was because everything went silent and I knew that I was under water and I could hear bubbles but I couldn't hear the wind any more and I couldn't hear the waves any more, I could just hear silence and I knew that were under water so my guess is that this enormous wave hit us, tumbled us for some time and then actually threw us under the water so I believe that the life raft is actually under the water and it hit us so quickly so that we actually tumbled upside down in the same sitting position that we were so that when the wave receded, I was actually still sitting upside down with my face pushed into the bottom of the raft under water with everybody else on top of me and of course me on top of everybody else, we were just in a big tangled mess and--

Q. Was that when you lost the equipment, the bag out of the raft or--
A. Yeah. We'd been knocked around quite a bit before we tipped over for the first time and what ad happened was, when we first got into the raft, I realised that there was this water in here that I didn't like very much and I said to Richard, I sad, look we've got to get tis out of here because it's cold and let's try and keep dry, so let's try and keep the raft in good nick, so the first thing I did was

reach for the ration bag which was a long bag about that long.

CORONER: Q. A bit under a metre?
A. Yeah bit under a metre yeah, it was quite a long bag and it was about that round. It was like a sleeping bag but a longer version and it was made of nylon and it had a little string tie at the top of it so--

Q. Just so we've got an idea for the record, about 30 centimetres diameter?
A. That'd be about right yeah. So first thing I did was I thought, well let's try and find a baling bucket, obviously they've got a baling bucket in here so we're pulling everything out and you know there was bandaids and seasick tablets and all sorts of things in there and you obviously know what was in the raft and I got to the bottom and there was no baling bucket, there was a foot pump in the bottom but what I did pull out was three sponges and they were vacuumed packed sponges in a packet about so big, about a cake of soap.

HILL: Q. About?
A. About the size of a cake of soap, they were packed into a little plastic packet, vacuum packed so the air was sucked out of sponge obviously for space saving purposes so I thought well obviously this is how we have to bale and we kind of looked at one another and thought, gee that seems a bit odd but if that's what they've got in there, it must work. So we pulled these sponges out and we opened the door out. Now at this stage, we've still got about a foot of water in the raft and there were certain things floating around. You know we tried the hand, you know, here you hold the flares and you hold the water and you hold the bandaids whatever but it was, gees where are we going to put everything, you know there's nowhere to put it and you actually have to pull everything out to get to the bottom of the bag so anyway that was a problem and so we started to bale with these sponges and what we'd do is soak up a little bit of water with the sponge and we'd open the door of the raft and try to squeeze it and it wouldn't just blow all of the water out of the sponge back in the raft but it would blow a lot more water in so it was a useless exercise, it just wasn't working. The wind was way too strong. So then what I did was I pulled Bruce Gould's sea boot off and he has one of those fancy sea boots which looks good but it's not rigid, it's just a floppy thing so we tried to bale with that and that didn't work and then we finally started to use Michael Rynan's sea boot so we got the two sea boots in action and started to bale out and we were fine. Now during the time that we had about a foot of water in the raft, it was actually quite heavy and you could feel the floor being quite heavy but as soon as we baled the water out of the thing we felt very comfortable but gee we were really getting blown around because obviously the whole thing was a lot lighter and that was when we got tipped up for the first time. So I think it's relevant that I say that the raft was so much more unstable with the water out of it than it was

with 2 feet of water in it and that led to our decisions later down the track so we were tipped up, we were upside down and we were trapped.

Q. I just want to stop you there because you say that the raft was more stable with the water in it?
A. Mm.

Q. But how was that as far as you were concerned?
A. Well after we got tipped up for the second time, we realised that it was again after we'd baled most of the water out of the raft and we got tipped up again. So after we were uprighted the second time, we then had - well the raft was full, it was full of water so we were sitting down and we had water up to our chest.

Q. But what I want to hear from you is how did that feel. The reason I'm asking that is the manufacturers recommend that the raft have a certain amount of water in it for stability purposes but I want to know how you felt having to sit in that water?
A. Well apart from being pruned, it wasn't uncomfortable but out main problem was that we didn't mind sitting in the water if the water was the right temperature. Our main concern was that it was a choice between getting hypothermia or getting tipped up again and we talked about that and I said to Richard, I said, look I think that this raft is so much more stable with water in it, I don't think we should bale it out and Richard said, well I've never ever heard of anybody getting hypothermia of the arse so let's get up on our haunches and sit in the water and tough it out, that's what he said. So that's what we did. So we kept the water in the raft and we didn't get tipped up again.

Q. Now both occasions it was tipped out, Mr Winning went outside and righted the raft?
A. Mm.

Q. Now in order to do that, he would have to go down more or less duck dive down and then come up on the outside?
A. Mm mm.

Q. Did you know how to right a raft?
A. None of us knew how to right a raft and the discussion that occurred while we were upside down is still very clear to me as well because Richard and Michael Rynan started to talk about a tether line because previous to Richard righting the raft from the outside, we actually made quite a few attempts to right it from the inside of the raft which were quite useless and it was a very hurried thing because we knew that we were running out of air but we thought we'll try that first, obviously we're going to try everything before we try sending somebody out and then Michael and Richard started to talk about a tether line, that's what they call it, they didn't call it a righting line, they call it a tether line and Michael said, gee you know I'm sure this must have a tether line on it the same as they have on something that he mentioned that he used to race and I don't

particularly know what that was but he mentioned that.

Q. A boat was it?
A. Sorry?

Q. A type of boat--
A. Yeah I don't know whether it was a type of boat or a type of dinghy but certainly something he mentioned said had that type of line and it's specifically for the purpose of righting it and Richard then replied, yeah well I'm pretty sure that this must have something on it, it would obviously be silly if it didn't. So that's when we decided that we'd have to undo the door and get out.

Q. And go out, all right. And Mr Winning did that and he did that on two occasions?
A. That's correct.

Q. If I could take you to some of the aspects with the life raft. It was holed at one stage, is that correct?
A. Yes.

Q. How did that happen?
A. At about 3 o'clock on the morning of 28th, 26th, 27th, 28th, the weather had abated quite a bit and we still had a bit of water in the raft and I remember it was - it wasn't as loud as it had been for the previous say 5 hours outside and that is water on the canopy and I distinctly remember the time, it was around about 3.30 and we could actually start to see light, I didn't actually think you could see the light at 3.30 in the morning but when you're out, so far out, you can actually see the sun starting to come up so it started to get lighter and there was a noise, hissing noise, the sound of the nitrogen canister inflating the raft and it went very quickly, it just pssst, like that. We all looked at one another and said, did anybody hear that and gee, I don't know what that was, you know, that sort of thing. And then soon after that, there was another, pssss, and you could hear the canister emptying so you could hear a distinct hissing noise and then it emptied and then it stopped. And we said to one another, gee I really think we've got a hole in the raft somewhere. So for the next half an hour or so, we kept feeling the side of the raft. We felt the main ballast and the roof and it didn't seem to be going down and then I stuck my head down to where I was sitting close to where I heard the hissing noise and I could hear every now and again a bubbling sound so there was definitely a leak and I could definitely hear it. I didn't know where it was coming from and I certainly wasn't going to go out and have a look so I figured that we'd had a hole somewhere and the only thing that I could think of at that time was that during the night, I had felt something hitting me from behind and somebody else did too on the raft and I don't know who it was, I don't know whether it was Michael or Richard or Bruce but we certainly felt this thing hitting us and I didn't know whether we were running into debris or whatever but at the time I thought, gee it's quite possible that this nitrogen canister is housed in a steel can, it's

come loose and it's hitting us and if that thing is flopping around, well it must be connected to the raft somewhere so it may have a leak there, that's what I thought at that time. So we looked around frantically. Now the raft was going down pretty quickly and we weren't overly concerned with that because there were two layers of ballast on the raft, one was a rather thick layer on the bottom, it was about that thick and there was another smaller layer on the top.

Q. Are you talking about the tubing are you?
A. That's right yeah, that one there has two tubes roughly the same size. Well ours had a large one on the bottom and a smaller one on the top which also formed part of the canopy and it was only the bottom one that was going down, the top one was okay. So I figured to myself, well that makes sense, you know, obviously it's hooked into that section. I didn't know how on earth one canister could blow up two compartments and only one of them go down but anyway I wasn't asking too many questions at that time and what began to happen was that the bottom ballast actually fully deflated and the top ballast was actually keeping the raft level with the top of the water but it had turned into a big football shape cone so rather than sitting, we were now standing and we were - you know Richard's head was here and somebody else's head were here so we were all quite close standing in this big football and we had the water up to here. So we thought for a while well, you know, we're still floating and you know we're not having much luck here but obviously if we stay like this we're not going to drown, we're still breathing so we'll cop this for a while and then I think it might have been about an hour later that the weather started to pick up again and I said to Richard, I said, if we get tipped up again like this, there's not going to be any hole - there's not going to be any air in the top of the floor, like we're just going to be in a big beach ball, you know, and straight away Richard said, yeah that's a pretty serous sort of thing to think about and then from that point on, Richard made it very clear that we have to get this thing blown up no matter what and very very determined that that's what we do and of course we were all very determined to do it so at that stage our main priority then was not baling the thing out but we've got to get this thing pumped up because the weather is starting to pick up again, we'll probably get tipped up again and we certainly don't want to go through what we went through before so that's when we - at that stage we didn't have many of our supplies left but we luckily enough had the foot pump for some reason and the foot pump came with - yeah it was a foot pump, God knows why it was a foot pump but it was a flat bottom pump with a little round thing on the top.

Q. So it wasn't a hand pump?
A. No it was a foot pump yeah and it was quite difficult, it had a very strong spring in it so it was actually quite difficult. Bruce couldn't pump because obviously he'd broken his hand and dislocated his finger and it was left up to the three of us so it was a very tiring thing because

obviously it's easier with your foot than it is with your hand so - but the thing was that the foot pump came with a rubber cord and it had a little white connection on the end of it which was pretty much like the end of - have you seen a recorder, you know a recorder that you blow, an instrument, and at the end of it, it's got a plastic with a little bit of - with a little hole in it but it's flat so it's a flat thing like that with a hole in the end of it. so it appeared that it was meant for something but we didn't know what and of course when we tried to put this plastic thing in the lug, it was putting a round hole into a square - a square peg into a round hole, so it didn't go in and then we realised that it must have had another connection to go with it. So we looked frantically for the connection, we tipped the raft upside down and of course there was stuff everywhere but we couldn't find this little thing and--

Q. I just want to stop you there before you go any further. So there was the pump, a separate item the hose?
A. Yes.

Q. And then there must have been another item which allowed the connection?
A. Yeah the hose was connected to the pump and on the end of that hose, there was a little white flange thing with a hole in it and that was it and it didn't go into anything.

Q. Well what's your opinion of having a pump in a life raft that has three separate components?
A. I think that in a life raft, they should connect the pump to the hole that it's going into and strap the pump to the side of the raft so you don't even have to put it in.

Q. It's already in situ?
A. Ready inserted so it should be a connection that can't come off and there should be a pump there so if the raft does have to go down, sorry if the raft does have to be pumped, then all you do is pick up the pump and start pumping. You shouldn't have to worry about putting things together and assembling this and assembling that and I'm sure it would be quite a simple thing to do, you just put a hose in, you put a pump on the side and make it a hand pump that you can use.

Q. Much like the knife that's secured to the tubing on the inside?
A. Yes.

Q. Sorry you were saying that you were trying then to fit this on?
A. So we tried to fit the pump - sorry we tried to fit the hose into that hole and there was just no way that it was going to go in. I mean that plastic flange on the end of the hose was physically bigger than the hole we were trying to get it in and because it was made of white nylon, there was obviously no way of pushing it and making it seal, it was putting plastic against plastic. So then the next thing I said to Richard was, why don't we try and camphor the end

of the nylon piece with the knife, in other words, instead of making it a square end, why don't we try and make it a cone shaped end. So we picked up the knife and we were all so cold, we were shivering, our hands were mainly numb so you know we couldn't even write our names, let alone try to cut the end of a hose, so we tried to do it but obviously none of us could even hold it so that didn't work. So then one of us, I don't know who it was, pulled the end of it out and we tried to stick that in so we just tried to stick the end so it's just a rubber hose now, didn't have anything on the end of it and we tried to create a seal over the hole. In other words ,if it's a rubber thing, you should be able to push it hard enough. So we pumped and we get about ten pumps - sorry out of every ten pumps we'd get two that we could hear go in and we persevered with that for a while because we figured well if out of every ten you get two in, then it's obviously going to start working. So we persevered with that maybe for about an hour and then I don't know what made Richard do this but he got the end of the hose and we were all quite frustrated and he just put it in his mouth and put a big lump of spit on the end of it and it went straight in and it actually went, the whole thing went in, so we were rapt, so somebody held it there and we pumped and within half an hour, we had the whole thing pumped up again.

CORONER: Q. And stayed pumped up?
A. Sorry?

Q. Did it stay pumped up or you had to keep pumping?
A. No we had to keep pumping constantly yeah.

HILL: Q. And I think there was problems with the floor you said at one stage?
A. Mm.

Q. What was the floor, what was the problem?
A. Well originally - okay well yeah the main problem with the floor was that when the main ballast went down, the whole thing filled up full of water and we were standing on the floor and of course the floor was shaped like that, it was shaped like a big cone and what had happened was that where we were standing on the raft in that particular shape, the floor had started to come away from the bottom of the ballast.

Q. From the inner tube?
A. Yeah from the inner tube so the floor was actually separating and I knew that it was because after we baled the raft out to a certain point so what we were doing from now on was baling it out so the water was about up to here, after sitting in it for about half an hour or so the water would change in temperature just slightly, we'd get warmer because we were sitting in the water obviously but I could still feel colder water coming in after we'd been in that position so I knew that the water was coming through there. So the water was coming through at one stage quite rapidly and we - after we decided the sponges weren't working we

used the sea boots and I just happened to have an old plastic bag with me that I had with a shirt that I had on the boat and this old plastic bag was about that size and--

Q. That's about?
A. What, about the size of that. And it was just a normal plastic bag.

Q. What, do you say--

CORONER: Twenty by thirty.

A. I just happened to have this bag with me so we started to bale with that, so the amount of water that was coming in we were just keeping up with this - keeping up the water that was coming in with this bag and a sea boot. And it was a fairly constant job and you know you'd bale, bale, bale and then you'd get tired and then somebody else would take over and so you'd start pumping and so I was just bailing and pumping and bailing and pumping.

HILL: Q. With the floor starting to come away, was there a risk of it coming fully away from the inflatable part?
A. Sure, yeah, I suppose so. I mean if it had started to come away then - and when I say it was coming away, I don't mean that, you know, I could see a big gaping hole in there, I could feel water coming through it, so I knew that it had fallen apart somewhere there. So yeah, I mean I suppose at the time I was aware of the risk of the floor falling apart. I was more concerned about a hole that had developed underneath where I was sitting, it was about ten centimetres long and it was just a clean rip.

Q. That was in the floor?
A. Yeah, that was in the floor itself. And I don't know how that came about but I still think that it had something to do with that gas bottle that was floating around because I did feel that hit me a couple of times. I don't think it was the aerial from the EIPRB.

CORONER: Q. Did it seem to get any bigger, or stay about ten centimetres long?
A. No, it didn't - it didn't seem to get any bigger. Well actually I didn't really - what I did was, I saw the hole there because I could feel the cold water starting to rush in and it was just getting more and more and more and I thought gee I'm feeling cold because I was shivering. And I just got up and as soon as I got up all this water started pouring in the raft. So I sat back on it and it kind of stopped. I said to the guys, I said well what are we going to do here and anyway we had a look at the hole and we obviously weren't very happy about it, so what we did was, I got - I got one of the sponges that were still floating around, I don't know how it was there and what I did was I jammed the sponge in the hole and then folded it over and then sat on it and stayed there and it seemed to work. So it didn't seem to get bigger, no.

HILL: Q. I think that at one stage you looked for the repair kit, is that right?
A. Yes. Yeah, just after I noticed that hole there actually.

Q. Where was that?
A. Richard had lodged the repair kit, he'd actually stuck it in the roof, so in between the canopy material and the top rail. So he'd put the repair kit up there and I didn't even know that he'd done that and anyway when I asked where the repair kit was, Richard said oh gee I kept that, it's in the top. So I thought gee that's great and it was a bit of good work that, keeping that kit. So I pulled it out and I really was expecting to be - I expected waterproof tape or some whiz-bang multi-part glue that could be done underwater or whatever, I don't know what I was expecting. But I pulled it out and it just looked like a normal repair kit and I thought that's okay. I got the patches out then I read the glue and it said please make sure the surface is clean and dry before use. So I threw it out the door.

Q. So when you say it looked like an ordinary repair kit, an ordinary repair kit, what, for a bicycle tube or something?
A. Well yeah for a kid's pool or a lilo or something, yeah. In fact that's what it looked like. You know you get a repair kit for a lilo and it's got a tube of glue in there and a little round patch, that was what it was.

Q. That was it?
A. Exactly, yeah.

Q. Were you expecting some sort of canister that might - like they use for flat tyres that you can sort of spray in or something?
A. I actually thought that they'd put some waterproof tape in there. I thought that would have been the most logical thing and then maybe some sort of glue that you could put over the top of it that was resistant to water.

Q. Sealant?
A. Yeah.

Q. Now flares. Were there flares aboard the life raft?
A. Yes there were.

Q. And I think some of those washed out at some stage did they?
A. They did yes.

Q. Now why did it wash out?
A. Well after we got tipped up for the first time - you have to imagine that when you get tipped up by a wave you're not going to hold on to the ration bag and I think we'd put most of the stuff back in the ration bag and at that time we still had most of our rations, we still had most of them and I think we'd maybe ditched some bandages or some other bits and pieces. I think Michael took some sea sick tablets and then ditched those and then what we had was we had some biscuits - there was a torch in there that was sealed in a plastic bag and inside that plastic bag there was a set of batteries in another plastic bag and when we pulled that out they were both full of water. So the plastic bag that had the torch in it was full of water and the plastic bag inside the plastic bag that had the batteries in it was full of water so I think we tossed that, that was not going to work. There were a few other bits and pieces but we kept the flares, we kept the biscuits and we kept the water. Now after the first time we got tipped up, going back to how Richard got out, we had flaps on the life raft similar to those ones there I think, they had flat cotton ties.

Q. Is this--
A. Yeah, that's them, yeah, flat cotton ties. Now we tied them up in simple bows so there must have been ten ties around the door so just put a bow on it so that obviously it's going to come out easy enough. Well when the raft tipped up I was originally in the position in the back of the raft. Well Richard and I ended up near the door somehow when we got up and we were underneath, it was kind of dark so it was hard to see but we ended up near the door so when we decided that we were going to go out I had to go down and undo the ties and I think it was Bruce and myself trying to undo the bows that we tied into the door. But the problem was and I'd never thought about it until then is that they're cotton and they're flat and when they get water in them they obviously expand and they lock.

CORONER: Q. So double bows?
A. Well we had just done normal bows but what I'm saying is

that the normal bow that we did got wet and the cotton must have expanded somehow and we could not pull the bow out. It really was hard to come out and I don't know why and I don't know whether it was because we were fumbling or whether we were underwater or whatever but whatever we did we couldn't get these simple bows undone. So we ended up having to rip the door out. So I'd taken the top of my jacket off and gone under the water and was ripping the door out. So after Richard got out and after we righted the raft we couldn't put the door up any more because we had to rip all of the ties off. So that was a real problem and of course after that anything that we had inside the raft, we were getting tipped around so much like we'd go down the face of a wave and we always had the door facing to the leeward side of the wave so that we didn't get filled up with water but we would surf down the wave on an angle like that and of course the whole thing would fill up with water and things would wash out and there was just stuff going everywhere so it was quite difficult to keep the rations together. After we got tipped up the second time the bag went so the bag was gone, that bag that we had was actually gone and I was really disappointed because I was hoping to be able to use that to bail with. So the bag disappeared out of the raft simply because we didn't have a door to keep it in there. I think we were pretty lucky to stay in it ourselves and the only flares and supplies that we had left were what we had jammed into our jackets. Because what we did was I think after the second time we sat down we said look this is no good having all of this stuff floating around so we said right, you hold that, you hold that, you hold that, you hold that and I think somebody had flares, somebody had two or three flares. I think I had two flares, Richard had a thing of biscuits, I think Bruce might have had some water, I did have some water as well so you know I mean we divided up what we thought was going to be important and kept as much as we could on our bodies.

HILL: I think later on during the afternoon of the 28th you saw an aircraft is that right?
A. Yes that's right.

Q. And what happened?
A. Well when we saw the first aircraft we - none of us was brave enough to acknowledge that we were actually hearing an aircraft because we'd been hallucinating pretty much all day and hearing helicopters and aircraft and seeing boats simply because I think - I mean we're all shivering, we're all very cold so probably hypothermic, we were all dehydrated, very thirst and we were really, really tired because we'd been up for so long and I don't know what it was but you know, even myself, I was sitting near the door and I could bet my house that I saw a boat on the horizon and sometimes the waves would make funny noises, you could hear helicopters. As Richard said I think maybe a lot of wishful thinking with your mind but that was happening quite a bit and I'm sure at least all of us said something throughout the day, you know, I've seen a boat, I've hear a plane, I've seen a helicopter, blah, blah, blah. So when the real plane came we all kind

of looked at one another for a second to see whether the other one would say well you know I can hear that. And it wasn't until maybe after about ten seconds or so that one of us actually said, gee I can hear a plane. So what we did was we got the flares out. Now the problem with the flares is that when you've been in the water for 20 odd hours or 22 hours and that, it was 25 hours at that time, you're just numb, you know our legs were totally numb, you can't feel your legs, your hands are numb, you're tired, you can't write your own name, it's really hard so the operation of removing the flare out of the plastic bag and then unscrewing the end of it and then pulling the cable out and pulling it and letting the flare go is actually quite a complicated thing. So it wasn't as if we saw the plane, boom, boom, boom, let the flare go, it was really quite difficult and you know we're fumbling and trying to - getting the plastic bag undone was just a monstrous task so it took longer than what we thought to get the flare out and of course the plane passed us. Our door as I said was facing on the leeward side of the weather so the plane was passing us from behind and by the time we got the flare off the plane was at our 2 o'clock, heading away from us.

Q. Now what sort of flare was this that you put up?
A. It was a rocket flare.

Q. And the colour?
A. Red.

Q. What was the weather like at that stage?
A. At that stage I think there was about a 1500, 2,000 foot ceiling in the clouds and the swell was - yeah the whether was still pretty messy, I think the swell was still around about five metres, five to ten metres and - but the wind certainly wasn't as strong. So there was a very big swell but I think there might have been only 20 or 30 knots of wind at that time.

Q. Now I think that plane disappeared but then it came back is that right?
A. Mm, mm.

Q. And what happened on the second occasion when it came back?
A. As soon as the plane came back that was quite good because we still had our door facing to the leeward side of the weather so he came back facing us. So we could see the plane off in the distance and that gave us enough time to get the next flare out and take the plastic bag off and unscrew it and let it go. And I think we let him have the flare at about - he was at about our 1 o'clock when we let him have the flare and anyway the plane passed and we actually thought that he didn't see it. Because the flare went up quite a way but I actually jumped up to see that the flare had gone up and was looking for the plane but I was sitting on the hole so it started to fill up again so I had to sit back down again. So I sat back down and the plane went behind us and we could hear the plane going off into

the distance and it seemed like an eternity and we thought well he hasn't seen us and then I could hear the pitch on the props change, I could just hear the change in the pitch of the motors and I knew that he was turning and he turned around. So I can only assume that he saw the flare.

Q. And I think he put his landing lights on at one stage to signal to you?
A. Yeah I didn't actually see that. I saw that he had his lights on, I didn't see him switch them on but that's what the guys said yeah.

Q. And then later on you were picked up by helicopter?
A. That's right.

Q. And all taken out and you've told us that the person that came down on the wire to take you out thought that in fact that this was one man left?
A. Mm, mm.

CORONER: Mr Stanley any questions?

STANLEY: Yes I do sir.

Q. Mr Lumtin you told us yesterday this was the second Sydney to Hobart race you've been in and you understood, indeed you've told people that your task was to be the navigator and that you understood required you to be able to plot the position of the boat from time to time for the purpose of advising the skipper and also the radio control. You were also in charge of the radio but you were not there 24 hours of every day, is that the position?
A. Correct.

Q. Insofar as anyone on the boat had the responsibility to receive forecasts that was your responsibility was it? I'm afraid you have to answer, you're just nodding.
A. Yes, yeah.

Q. And was it necessary for you therefore to be able to understand what a forecast meant? Did you see that as part of your role?
A. I think my role was more a role of function rather than a role of decision making. So in terms of interpretation of the forecast and consequent decisions related to that interpretation, no I don't think that was my responsibility.

Q. So does it follow then that you saw your position or your responsibility as being that of relaying what the forecast that was given to the boat to the person who had to make the decisions, principally the skipper?
A. Well once again there wasn't any one person assigned the task of making those decisions and I can't say that my job was to relay that information to one person.

Q. Did you see it as your job as being involved in control of the radio to receive the forecasts?
A. Yes.

Q. It wasn't your decision you say to analyse those forecasts and make decisions as to what should be done consequent upon them?
A. No it wasn't my decision and I don't believe it was any one person's decision. A lot of these forecasts and a lot of the discussion--

CORONER: Q. No, no, no, forget about the collegiate thing. Mr Stanley accepts that--
A. Okay.

Q. --doesn't matter who you're relaying too but what he's saying is, is it important - did you see your role as to relay?
A. Sure.

STANLEY: Q. And you had to relay accurately?
A. Yes.

Q. Did you in fact understand the forecasts?
A. To the best of my ability yes.

Q. What knowledge, what experience did you have in understanding the weather?
A. Well my understanding of the weather that was forecast was--

Q. No I'm asking you just as a general question, before you went on this race--
A. Yes.

Q. --what was your experience and knowledge about weather conditions and reading and understanding forecasts?
A. Well I'd done two ocean races before, quite long ocean races, with Richard and the other crew. I spent quite a bit of time with a gentleman named Dick Hammond(?) on a Sydney to Southport race and he went through a lot of stuff with me. So on the job training yeah.

Q. Had you ever done any reading?
A. Not any specific reading no.

Q. I mean I'm not sure whether you were in court, I don't think you were, when Mr Batt gave evidence and he referred to and produced a number of books. Perhaps if I could just read them to you and you could tell us whether you've ever heard of them or read them. Weather for Sailing by Ray Sanderson(?), have you heard of that book?
A. No.

Q. So obviously you haven't read it?
A. No.

Q. Heavy Weather Sailing by Kay Adlard Coles(?) and Peter Bruce(?)?
A. No.

Q. Have you heard of the authors?

A. No.

Q. Deep Sea Sailing by Errol Bruce(?)?
A. No.

Q. Windwaves Weather for New South Wales Waters issued by the Bureau of Meteorology?
A. I can't say I particularly remember that book no.

Q. Offshore Yachting, the magazine, do you subscribe to that?
A. I don't subscribe to it but I have read it yes.

Q. You're aware are you that it was the magazine of the Cruising Yacht Club of Australia?
A. No.

Q. You weren't aware of that?
A. Well when you say it's the magazine of the Cruising Yacht Club--

Q. That's what it says on its cover?
A. Okay.

Q. Are you a member of the club?
A. No I'm not, no.

Q. Well are you able to tell us whether you read the article in the December/January 1998 edition of Offshore, the article entitled To be or not to be, a guide to weather prediction at sea with a Hobart Race bias by Kenneth Batt, had you read that?
A. I think I may have read that but I don't particularly--

Q. Would you like a look at it?
A. Yeah I can have a look at it.

Q. Perhaps just to see if it refreshes your memory?
A. I think I may have read it. I don't particularly remember reading that.

Q. It's the sort of article though that as a navigator that you're preparing to navigate in a Sydney to Hobart race you would say reading an article like that may be of some assistance?
A. I would say that reading an article for somebody who is responsible for interpreting and making decisions on the information I give them should probably read it yes.

Q. Well did you in fact understand the import of the forecasts that were given to you, irrespective of whether it was your function to decipher them or not or interpret them, did you know what they were saying?
A. Yes.

Q. What was your understanding and I appreciate this may be a difficult question because I'm asking you about your state of mind along time or a significant time ago. As best you

can tell us, what was your state of knowledge as to what a storm warning was? If a priority storm warning was issued in December 1998 what did you then understand by it?
A. Then I would've understood a storm warning to be a warning associated with the conditions that were forecast. So if it's a storm warning with winds from a certain speed to a certain speed and a sea from a certain height to a certain height then I would understand that to be a storm warning with those conditions attached to it. So in this case I think we originally had a gale warning, a gale warning--

Q. We'll get to the gale warning in a minute.
A. Okay, yeah.

Q. If you had nothing more than if you were simply told there has been a priority storm warning issued, that's all you knew?
A. Yes.

Q. You knew nothing more, what would that have meant to you?
A. Well nothing because I would've obviously asked what the prevailing conditions were attached to that storm warning.

Q. So just to make it clear--
A. Yes.

Q. --the fact that a storm warning was issued in itself meant nothing to you, you needed to have more information?
A. Yeah well I mean what's a storm warning without any information. It doesn't give me any indication of the size of the sea and it doesn't give me well - it gives me an indication I suppose if you look at the Beaufort scale, I mean if you look at a Beaufort scale and you look at a storm condition as apposed to hurricane or gale conditions it would give you an indication of what the winds would be and I think on that scale a storm warning is 48 to 55 knots or something thereabouts. So - and but I don't - yeah so--

Q. I think you've--
A. With a storm warning by itself yeah I would understand that it's around about that area but of course I would want to know what the forecast winds were going to be and what the forecast sea was going to be and of course that would be a much more complete set of information rather than just a storm warning.

Q. If in December 1998 you'd simply been told that a gale warning had been issued--
A. MM.

Q. --what would that have meant to you?
A. Gale warning. Once again a gale warning is obviously less than a storm warning in my mind, that is my understanding of it.

Q. Was it then?

A. Yes, yes it was then, yeah, yeah. So a gale warning is a warning that you get before a storm warning obviously if the weathers increasing so yeah. I know it's a long time ago but I can't - in my mind a gale warning would've been I suppose in the order of 30 to 40 knots of wind and an appropriate sea with that.

Q. Had you ever before this occasion ever sailed in conditions where a storm warning had been issued?
A. No never.

Q. So you had no idea, no experience, no actual experience of what it would be like?
A. No not at all, no.

Q. Was it therefore a matter of significance to you that a storm warning had been issued?
A. Not really because from the general discussion aboard our boat and with the crew both prior to and during the race a storm warning with 40 to 55 knots and a four to five metre sea, which is I'm pretty sure what we got, in the forecast were sailable conditions. What we ended up with, winds up to I think, well I saw 70 knots and a 20 metre sea was not sailable. So I think that--

Q. Well I think you've answered my question?
A. Yeah.

Q. Did you in fact know that a storm warning had been issued before the boat went down, did you know it at the time?
A. I can't remember.

Q. You were interviewed by the police only a day or two after the event, on the 29th, weren't you?
A. Mm mm.

Q. And you made a lengthy statement in response to questions that the police asked you. I suggest to you that in that statement you indicated that the highest winds that were experienced, that you experienced and I'm taking it - do you have it with you?
A. Mm.

Q. Page three, the top of the page. You're referring to the time just before you went down to have a sleep, do you check that?
A. Mm mm.

Q. Could you read the sentence commencing on the second line?
A. Mm mm.

Q. At that time?
A. Mm mm.

Q. Would you mind reading it out loud?
A. Sorry sir.

Q. Page 3 on the second line and you--
A. The second line. At the time we were experiencing--

Q. At that time?
A. At that time.

Q. We were experiencing?
A. Yeah we were experiencing winds up to about 55 knots and about a four to six metre swell.

Q. So the weather was quite rough, that's what you've said?
A. Yeah. It was rough yeah.

Q. Then a little further down about ten lines further down do you see the sentence commencing, at the end of my shift?
A. Mm mm.

Q. Do you see that?
A. Yes.

Q. When you're saying the end of my shift you're referring to the time just before you went down to have a sleep and John Dean took over your--
A. ..(not transcribable)..

Q. What do you say there, at the end of my shift with respect to the wind?
A. I say here, at the end of my shift the wind started to increase a little. It was kind of gusting up to around 60 at the time.

Q. At that time?
A. Yeah. So I was a bit unsure at that stage at what it was gusting up to because I think I said kind of.

Q. You said it was kind of gusting?
A. Yeah. Obviously wasn't quite sure at that stage.

Q. To around about 60 and can I take you to page 12?
A. Mm.

Q. In answer to question 23 - question 23 you answer it in relation to the time that you were in the bunk. You say the sea did build up, yeah the sea built up. The winds did build up a little. I think they were gusting to 60 knots. So they weren't gusting too much more and consequently around about 50 knots. So yeah the sea had built up quite a bit, more than we'd expected and more than had been forecast?
A. Mm.

Q. I suggest to you that the highest speed that you mentioned to the police in that statement was gusting and I emphasise the word gusting up to about 60 knots?
A. Mm.

Q. Is that correct?
A. Well obviously not because I do remember the alarm going

off and I do remember setting that at 60 knots and it was going off. So I'm - obviously at that time my recollection was not correct. It was certainly not correct.

Q. You had set the alarm at 55 knots had you?
A. Mm.

Q. Why did you set it at 55?
A. Because I think the winds were around about 45 to 50. Usually if I set the alarm it was when the winds were at a stage where somebody would have to make a decision as to what sails we had on board and it was really just done as a matter of a quick discussion. Listen I put the alarm on 55 knots because these winds are increasing. So it would be appropriate for you guys to know if the winds are going to go above 55 knots yeah. Yeah. So that's why the wind alarm was set.

Q. Does it have to do with safety or is it to do with speed of the boat?
A. I imagine it's got to do with both.

Q. Whether it's on 55 or 60, do you say that was your decision or that was the decision made by others?
A. I don't think there was any particular decision made. I think that at the time as I said the winds were building and building more than expected I would imagine and as the winds were building I think there must have been some discussion as to what speed to set it at. So I wouldn't have made that decision by myself. Certainly because I wouldn't have - it wouldn't have been my job to make a decision as to what the wind alarm gets set at. So somebody's obviously said something. We set it at 55 knots. The crew have agreed and then at 55 knots it was constantly going off so I set it up to 60.

Q. If I can just come back to where I was at before. Your task as the receiver of the forecasts?
A. Mm.

Q. You had obviously pencil and paper at the desk that you received the radio messages from?
A. Mm mm.

Q. Did you when you received the forecast at the skeds, did you write them down?
A. Yes I did yes.

Q. Were you able to write them down word for word?
A. No never. As much as you can try you could never write them down word for word but I would write the main details down yeah.

Q. What would you regard as the main details?
A. The main details - basically what would happen was we would all sit around the radio and I would just make a note of it - of the main details that would be sea height, wind speed type of warning.

Q. Perhaps if I could just read to you from the transcript of the sked that was given at 8pm on 26 December, that's the night of the race?
A. Mm.

Q. It starts off, there's a priority storm warning for coastal waters south of Merimbula?
A. Yeah.

Q. Would you have written that down?
A. Yes.

Q. You would have written that down would you?
A. Yeah I'm pretty sure I would have yeah.

Q. Gale warning for coastal waters south of Broken Bay?
A. Would I have written that down? I'm not sure. I think I probably would have written - certainly would have written down the storm warning.

Q. You said that it was your task to relay what was there?
A. Mm.

Q. Who would you relay it to?
A. Well at that particular time I wouldn't have been relaying it to anybody because everybody was sitting around the radio. So I do remember Steamer being there, John Stanley. There was about three or four other crew there, yeah so--

Q. What about the skipper?
A. I can't remember.

Q. Moving now to the later part of the sked after the boats had given their positions. The transcript reads, here is the weather issued by the Sydney Met Bureau at 1450, Saturday 26 December. It is for the area Sydney to Jervis Bay. I'll leave out the synoptic situation. It then goes on, a cold front is over central Victoria. Warnings, repeat warnings. There is a storm warning current south from Merimbula and there are gale warnings, repeat gale warnings current south from Broken Bay. Did you hear that?
A. Yes.

Q. Did you write it down?
A. Yeah I probably would have - yeah I would have written it down yeah.

Q. What did that mean to you, warnings, repeat warnings. What were you being told do you think?
A. Well I was being told that there was an imminent storm.

Q. Did that cause you any concern?
A. It may have caused me concern personally.

Q. That's what I'm asking you?
A. Sure.

Q. Because you'd never been in storm conditions had you?
A. No that's exactly right.

Q. Then the transcript subsequently goes on. The outlook for the next 48 hours, gale to storm force west winds south of Jervis Bay expected to moderate Monday evening. 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 late tonight, changing to west north-west 40 to 55 knots late Sunday and expected to last until Monday night?
A. Yes.

Q. And that ends the weather?
A. Yes.

Q. Would you have written that down?
A. Yes I distinctly remember that yes and I did write that down.

Q. Would you take what you'd written down to whoever--
A. I distinctly remember that - I do remember that last paragraph. It was written down. It was written down in as best form as I could write it down in the boat but everybody was sitting around and after that forecast there was a small discussion about the weather and I think the result of that discussion was yes well everything seems okay, we can sail in 40 to 50 knots in the forecasted sea. I think which we were expecting about four to five metres. We can do that okay and we're going to be in for a rough couple of days.

Q. Do you say the skipper was involved in that discussion?
A. I imagine he would have been yeah. I can't specifically remember him being involved in that discussion. I do remember John Stanley being involved in that discussion and a couple of other crew but John was really the bloke that I looked to for that sort of advice you know.

Q. So there was no doubt that the people on your boat knew of the fact of a priority storm warning as described there at 8 o'clock at the latest on the day of the race?
A. Sure.

Q. That particular sked forecast wind speeds of 40 to 55 knots, correct?
A. Mm mm.

Q. You said yesterday that you realised that the speeds given are average?
A. Mm.

Q. Do you know what they represent, how they're estimated or calculated?
A. Mm.

Q. What do you believe them to be?
A. I think it is an average wind speed measured over a minute.

Q. Over one minute?
A. Yeah I think or ten minutes I think it is.

Q. I being an average it obviously follows that there will be some higher speeds and some lower speeds?
A. Yeah being an average I understand that there are some high speeds and some lower speeds and therefore that's why the forecast says 30 to 40 knots or 40 to 55 knots because it is an average and obviously 40 to 55 knots is saying that the average is in between that so about 45 knots. So it can be below or above.

Q. That's your understanding is it?
A. My understanding of the prevailing wind conditions. Now that doesn't mean that I don't understand that there can be gusts over an above that and it certainly doesn't mean that I don't understand that that weather forecast is not pinpoint accurate. But I certainly wouldn't expect too much outside of that.

Q. You said yesterday that with winds of 40 to 50 you would expect gusts up to 60 or winds up to 60?
A. No gusts.

Q. Up to 60?
A. Infrequent gusts yes. It could happen yes. That's the way I understand it.

Q. Is that just a rule of thumb for you or is it worked out in any particular way that you say it's a 20 per cent increase?
A. It's not worked out any particular way. I think it's just a bit of commonsense really. If the forecasted average is 30 to 40 knots then you'd be silly not to expect a gust up to 50 knots, a gust, an infrequent gust. But generally don't expect it to be the predominant weather. So if it's only a gust, it's only a gust. And of course you get the same lulls on the bottom side I imagine.

Q. Mr Lumtin how do you assess the total height of a wave from the bottom of the trough to the top when you're given in the forecast the height of the seas and the height of the swell?
A. Well I've been told that the height of the swell is from the trough to the top of the wave, although I know that there are some wave measurements that actually take the whole wave from the bottom of the shore but I understand a four to five metre sea to be from trough to crest four to five metres.

Q. Let me put this to you. In some of the skeds, in fact I think in all of them, there are both estimates or forecasts as to wave heights and the swell and for example the sked or the special race forecast issued at 12.09 on 27th which gives the storm warning current from Merimbula, it gives waves two to three metres, rising to four to five metres and it gives a swell rising to three metres. So if you've got waves of let's take the upper limit, four to five metres and

swell up to three metres, how would you determine the total distance of the wave from the top to the bottom?
A. Well in my experience I've really only judged the wave height by the sea height and that is four to five metres. So I'd expect four to five metres from the crest to the top of the wave.

Q. You wouldn't take any account of the swell at all?
A. No, probably wouldn't no.

Q. So if you saw that, that would mean to you that all you would have to meet were up to four to metres high?
A. That's my understanding but once again it's--

HARRIS: Q. Mr Lumtin I just have an area of confusion that I'd like you to clear up for me. The sked at 1405 hours on 27th Mr John Dean did that for you?
A. That's correct yes.

Q. The prior sked, 0305 did you do that one?
A. I can't remember but I assume I would have yes.

Q. You assume you would have?
A. Yeah. I can't particularly remember that sked no. There were some skeds that I did and some skeds that I didn't.

Q. By 1405 on 27th that was only the third sked of the race wasn't it?
A. Yeah.

Q. Thinking back now--
A. Yeah I probably would have done the previous sked yes.

Q. You're confident about the 0305?
A. Not confident no.

Q. You're not sure?
A. No.

Q. If I put it to you that Mr Dean did that sked, what would you say?
A. It could be possible yes.

SHORT ADJOURNMENT

<PAUL PATRICK LUMTIN
ON FORMER OATH

HILL: Q. Mr Lumtin it's come to my attention that Mr Lawler had in previous races pulled out of a race when a gale warning was issued. Do you know anything about this?
A. About Jim pulling out of previous races?

Q. Yes.
A. No.

Q. That in fact he would advise people to pull out of races when the wind got to 50 or 55. Are you aware of that at all?
A. No.

Q. What did he say that you recall about the storm warning and these winds?
A. I recall that after all the information was relayed to the senior members of the crew that there was a discussion about those winds and they were certainly aware of those winds but nothing more than well I think we're going to be in for a rough time but we should be okay. I certainly don't remember anybody at any stage saying listen, I think we'd better pull out here because this is going to be way too rough.

Q. Was there any disquiet among the senior members of the crew, from Mr Dean and Mr Lawler, about the storm warning?
A. No, not at all. John and I - John Dean and myself often spoke on the boat because we were pretty good friends and we'd done a bit of sailing together on the Winston Churchill before and I've a lot of respect for John as a sailor and I kind of look up to him as well as other people in the crew and the chats that I would have with him were nothing more than yeah, I think we're in for a rough time. I would chat with John Stanley and no, there wasn't - there wasn't any disquiet, no. No, I think everybody on board were aware that we were going to be sailing into some rough weather and I certainly didn't realise or understand what we were going to be sailing into because I'd never sailed into 55 knot winds before so I didn't really know what to expect. So my reliance on the other senior crew members was 100 per cent, I was really in their hands experience-wise.

Q. When the weather forecast at 8pm on the 26th came through, was Mr Lawler present listening to the radio?
A. I think everybody was sitting around the radio.

Q. There must have been someone on the wheel?
A. Yeah, I think Richard was on the helm and generally what would happen is that the senior members of the crew would sit around and listen to the radio sked and that was a priority to do that, just to make sure that everything was noted and make sure that they heard everything and that that always happened. I would make notes of the radio forecast just really not to pass on to anyone but just in case anybody would miss anything but that generally didn't happen. And we would all sit around the coach-house. So yeah, everyone was there and everyone listened to it. And I think that what would happen - I suppose after that, normally with things like that, is that the senior members of the crew would probably have a chat about it between themselves or one and the other and Richard would be appropriately briefed as to the situation and a decision would be made by all of them.

Q. When did you know that a gale warning had been issued?
A. When I heard it on the forecast.

Q. When was that?
A. I don't particularly remember at what forecast but I do remember hearing a gale warning, yes.

Q. The gale warning was issued in the morning before the race started?
A. Uh hmm.

Q. Were you aware that when you were heading the Heads, when you were going out into the open sea, that there was already a gale warning forecast?
A. I can't - I can't remember whether I knew that then. I expect that I would have known it but it really wouldn't have meant a lot to me, simply because I wasn't the person who was making the meteorological decisions on the boat, I wasn't the one interpreting weather forecasts, so I was--

Q. Well who--
A. So to me it didn't mean a lot and a 55 knot wind really didn't mean a lot to me then either.

Q. Who was it that was interpreting the weather forecasts?
A. I know for a fact that John Stanley had a fairly lengthy session with Mr Batt I think the morning of the race. Now, John in I think everybody's eyes is a very, very experienced sailor. You've got Bruce Gould who was also a very experience sailor and these guys knew what was going on. So in a way it didn't matter what I thought a gale warning meant or whether I thought the weather was going to be bad or good because simply I've never been in a 55 knot wind before. It was really my job to make sure that the information that was received in the forecasts we received were given to the right people to make decisions and that's what was done. So I mean if I - if I handed John a weather forecast, which quite often happened on previous races, we would use the internet and the bureau's site to download forecasts and other relevant information and that would be handed on and they would make decisions on that information. So as far as I'm concerned, a gale warning didn't really mean a lot to me and a storm warning really didn't mean a lot to me either, apart from I thought, well, you know, this is probably going to be quite rough but the executives of the boat, if you like to call it that way, are happy with the weather forecasts and happy with the situation.

Q. When the words storm warning were read out, Mr Lawler was there?
A. Yes.

Q. Mr Stanley was there?
A. Yes.

Q. Now, you're sure about that? I want to know.
A. It would be silly to say that I actually remember them being there at that weather forecast but it would be very unusual for them not to be there.

Q. Alright, fine. And Mr Dean was there?

A. Yes. Once again this is--

Q. You believe so?
A. I believe very strongly that they were there, yes.

Q. And they were the senior seamen aboard the vessel?
A. Certainly, yes.

Q. Anyone else?
A. Michael Rynan would have been there, John Gibson. Most of the crew were there at that time, because that was a fairly important thing when the weather forecast came through and particularly that 8 o'clock forecast. I do remember most of the crew being around for that.

Q. When the words storm warning, bearing in mind that even you knew that this was the highest warning that one was likely to get, what was said? Were there any expressions of--
A. For me personally at that stage with my limited understanding of the conditions that we were about to sail into and of course my relative lack of experience compared to the rest of the crew members, I would have thought that the weather that we travelled into should have been a hurricane warning or a cyclone warning or something. I mean if those words were said well I certainly would have been--

OBJECTION (COLEFAX).

CORONER: You're not answering the question.

WITNESS: I'm sorry. Okay.

LEGAL ARGUMENT ON OBJECTION.

CORONER: Q. The question really is after - it's very specific.
A. Yes, I understand, your Worship.

Q. After the term storm warning was read out, if I recollect it correctly, what was said? And in particular what was said by those - what you call the executive, Mr Lawler, Mr Dean and Mr Stanley, Mr Gould perhaps?
A. Uh hmm, yes.

Q. What was said, to your recollection, during that sked?
A. To the best of my recollection I believe what was said was we are going to be in for a rough trip.

Q. By whom?
A. I don't particularly know who said that, in fact I think that was the general consensus and I think quite a few people said that.

HILL: Q. I understand a general consensus. Someone said we're in for a rough trip--
A. Uh hmm.

Q. --or I think we're going to be in for a rough trip. Did anyone if you like affirm this by making a comment?
A. I can't remember who said what and I can't remember exactly what was said but I can remember the nature of the conversation that took place. The nature of the conversation that took place was somebody saying we're going to be in for a rough time, somebody else saying yes, I think we might be and at the end of that conversation the whole crew were aware that we would be in for a rough time but it would be okay.

CORONER: Q. Can you remember Mr Lawler saying - in particular saying anything?
A. No.

HILL: Q. Was Mr Winning still on the helm at that stage?
A. I can't remember.

Q. Were you ever present when anyone discussed with the skipper, Mr Winning, the storm warning?
A. I don't particularly remember a discussion between any of those gentlemen with Richard, no.

Q. You've told us that you were not, and I don't mean this disparagingly, not overly experienced as a navigator?
A. Uh hmm.

Q. This was one of your first trips, is that correct?
A. It was my third actually.

Q. Your third trip?
A. Yes, third ocean race, yes.

Q. As a navigator?
A. Well really second as a navigator, yes.

Q. Was anyone set over you to - so that you could be monitors as it were?
A. Yes, Richard and I both did it together.

Q. Richard?
A. Richard Winning, yeah, so we both double-checked and he would - it was a learning process, I mean I was responsible for the functions as I've described before and Richard would supervise me.

CORONER: Q. What role did Mr Dean play in all of this?
A. John's functions were really that of looking after the mainsheet on the deck, so I understood John's function to really be on deck with the other sailors. So John didn't have any particular responsibilities in terms of keeping logs or radio skeds or any of that sort of stuff.

Q. Why was it Mr Dean who took over the 2 o'clock sked from you?
A. Because John came down into the coach-house and he came down quite often as we would have a chat about how things are going and I was sitting there and I can't remember how

it came about, whether he offered or I asked but he was there and he said look, I can finish this up for you, no problem at all.

HILL: Q. He saw you were tired, did he?
A. Yes, yes.

Q. Were you basically looked upon as the junior of the crew?
A. Yeah, Michael and I were, yes. Yeah, there were a couple of us but I - not the very junior of the crew, I'd done like I said two ocean races before but yeah of course I was certainly not as experienced as the men that were around me, no. That includes John. John was one of the - John Dean was one of the men that I looked up to and learned a lot off.

Q. What position was Mr Lawler?
A. I don't think the sailing crew had any particular responsibilities. In other words I don't think that there were any designated positions. So Jim, Mike, myself included, in fact any of the sailing crew, apart from Steamer who was sailing master, didn't really have any designated positions. I spent most of the night before up on the bow with Mike Bannister helping to reef sails and change sheets et cetera, et cetera. So there wasn't any particular responsibilities, so in terms of Jim's position I don't think he had a position.

Q. And Mr Bannister, he was also part of the--
A. Same.

Q. --sail crew?
A. Yes.

Q. Mr Stanley you said was the sailing master?
A. Yeah, they called him the sailing master, yes. So he's pretty much calling the shots on the boat in conjunction with Richard.

Q. In what way?
A. Well I suppose you could say that Richard's the boss and he's the right hand man, if that's the way it works.

Q. Alright, what did he decide, which sails went up, did he?
A. Mm, yeah, pretty much. We would take instructions from John Stanley on board the boat with regard to, you know, what sails to put up, when to put them up, when to bring them down, general operations manager on the boat.

Q. Was everyone aware, including Mr Winning, of your inexperience--
A. Yes.

Q. --as the position of navigator?
A. Sure. Yes, I mean I wasn't - I wasn't looked upon as the person to make decisions in any stage of the race at

all. Everybody was aware of my inexperience with regard to everybody else on board so no, I was certainly - I was certainly never ever left with anything that required any decision making on board the boat and that included any interpretation of meteorological information. My job really was simply as navigator to plot the course of the vessel and report all the information that I had at hand to the executive crew. That was what I did.

Q. Who appointed you as the navigator?
A. There were really no appointments. I don't think - I don't think there were any appointments that were ever made, it was basically I was the one who understood the electronics of the boat probably better than most other people in terms of the operation of the GPS, the operation of the radios, the operation of the wing gear et cetera, et cetera. So I kind of took over the job of doing all that sort of stuff. So most of my time was spent taking logs, taking positions, working out courses, making sure that we were keeping courses, reporting that information back. So if you call that navigating or you call that whatever, that's what I was doing and that's how I got that position.

Q. Alright but who brought you aboard the vessel? Who said you're going to be on the crew?
A. Richard.

Q. Mr Winning?
A. That's right.

Q. Did he give you any explicit instructions as to what he wanted you to do aboard the vessel?
A. Well yes we did talk about me doing those specific tasks that I carried out and with the 1998 Hobart, because I'd done two ocean races before and had carried out those tasks, that is, you know, collecting the information, making sure the information got to the right people, making sure the equipment was working, reporting any malfunctions, reporting any deviations on course et cetera, et cetera, I'd done that before and when the '98 Hobart came around it was expected that I would do those things again.

Q. Had you any specific training--
A. No.

Q. --as a radio operator?
A. As a radio operator I have a radio operator's licence from flying aircraft, I have a fixed wing endorsement, so I fly aircraft. But not a particular marine radio operator's licence, no.

Q. The radio operator's licence that you have, was that part of obtaining an aircraft licence?
A. Yeah, I've got an endorsement, restricted endorsement on an aircraft, yeah, flying single engine aircraft.

HILL: Yes, I have nothing further.

CORONER: Thank you. Mr O'Halloran, have you anything?

O'HALLORAN: Yes, thank you, your Worship.

Q. Mr Lumtin, notwithstanding the fact that you had the important job of navigator, your experience in ocean racing was as you said inferior to that of senior members of the crew?
A. Absolutely.

Q. Mr Lumtin, do you recall making a statement to the police shortly after the Hobart race on 29 December in which you were asked a question about the crew and it's on page 12 of your statement there if you wish to look at that document. You were asked the question "any problems with the crew, did they all do their jobs". Answer "yeah, yeah, no, terrific. Look, my experience is nowhere near as their experience in ocean racing, in fact I'm one of the learners, not one of them, one of the teachers, the experience that those blokes have is well revered in yachting fraternity". Now, would it be fair to suggest to you Mr Lumtin that when you're referring to "those blokes" that you would be specifically referring to John Stanley, Jim Lawler and Bruce Gould?
A. Sure.

Q. So in the company of men of this calibre you were quite prepared and happy to accept their judgment on matters?
A. Absolutely.

Q. And to defer to their judgment?
A. Absolutely.

Q. You're aware of the term a watch captain are you not?
A. Yes.

Q. Who were the watch captains on the Winston Churchill do you recall?
A. I think the watch captain on the Winston shift was John Stanley and on the Churchill shift I think it was Richard.

Q. Was Mr Lawler a watch captain to your recollection?
A. I don't think so, no.

Q. Now, I don't want to rehash evidence that you've just given but I take it your view and your recollection is that from the 8pm weather forecast on 26 December right through until roughly 4 o'clock on the 27th when the boat got knocked down that you were in no doubt at all that the senior members of the crew and by that I specifically refer to Mr Lawler, Mr Gould and Mr Stanley, were well aware of the weather forecast?
A. I understood that, yes.

Q. And they obviously were in a position to observe the sea conditions?
A. Yes.

Q. And there was never any dissension or disagreement about the tactics about remaining in the race?
A. No.

Q. Now, just one other short matter, Mr Lumtin, from your evidence yesterday. You told his Worship that when the incident happened at about 4pm you were on the starboard side of the vessel in your bunk?
A. No. Yes, yes, I was, yes.

Q. And you were thrown across onto the port side?
A. That's correct.

Q. I think the words you used were that you heard a bang like thunder?
A. Yeah, it was just a roar.

Q. A yacht sailing to windward in fairly fresh conditions makes a fair bit of noise, does it not?
A. Yes.

Q. But I gather what you're saying is that - I put it to you that the noise that you heard was far out of proportion to the noise one would ordinarily expect in working to windward in those conditions?
A. Yes, it's a noise you would expect to hear of a boat falling into a sea, quite a loud thud, yes.

Q. A noise consistent with a boat falling a distance onto its side into a trough?
A. Yes.

Q. One other issue I wanted to clarify with you is that I think you said yesterday that virtually immediately after you landed on the port side of the vessel you were aware of a lot of water in the boat?
A. Yes.

Q. I think you were in some doubt as to whether - I think you said that the floor planks of the vessel had risen up--
A. They'd dislodged, yes.

Q. --and that you - dislodged, and that you were aware of food floating in the--
A. Mm.

Q. --in the bottom of the vessel. Now, can you be more specific as to where in your view that water came from so quickly?
A. I think the water physically came in through the door.

Q. The companionway?
A. The ..(not transcribable).. door.

Q. The main companionway?
A. Through the companionway, yes.

Q. Rather than welling up from the bottom of the boat?

A. Sure. And the reason I think that is that if that much water was able to find its way into the boat so quickly then it would have continued, should - if there had have been a hole but it didn't - it didn't continue at that volume. There seemed to be an initial amount of water which was quite significant and then it continued to fill up. So I think that the water physically came through the companionway and also the same with the coach-house and I also think that the coach-house - because the coach-house windows had smashed where John Stanley was, John talked about a rush of water coming in to where he was. Well, the coach-house is actually connected in a way to the companionway at the front, so I imagine that there was quite a bit of water from the back of the boat that also made its way into the front.

O'HALLORAN: Yes, thank you Mr Lumtin.

CORONER: There's nothing arising? Thank you Mr Lumtin.

<WITNESS RETIRED

HILL: I call Mr Stanley.

<JOHN MICHAEL STANLEY(11.16AM)
SWORN AND EXAMINED

HILL: Q. Mr Stanley, would you give the inquest your full name?
A. John Michael Stanley.

Q. And your address sir?
A. 47 Berringa Avenue Seaforth.

Q. Your occupation?
A. Waterfront manager.

Q. Now, you have experience in sailing?
A. That's correct.

Q. Perhaps if you could just tell us, how long have you been sailing?
A. Forty years.

Q. How long have you been deep water sailing?
A. Since approximately 1970.

Q. You have been involved in Sydney to Hobart races?
A. Correct.

Q. How many?
A. The last one was my 16th.

Q. And the last one was when?
A. Being 1998.

Q. What position have you usually occupied aboard vessels?

A. Like every sailor starting off in ocean racing you start in the bow and you work your way back and basically that's where I did start as a bowman and as I gained experience over the years, and age, you're allowed to walk further back into the boat and bring on younger people into the bow and so the process continues.

Q. Weather. You have heard undoubtedly the statement made that the weather forecast gives winds but only gives winds of an average?
A. That's correct, yes.

Q. And that you then add on to that, or you should add on to it up to 40 per cent to take into account gusts?
A. I'm now led to believe that, yes. I've never heard of that once myself ever.

Q. You'd never heard of that?
A. No.

Q. When someone - when a weather forecast came over and it said for an example winds 30 to 40 knots, how did you understand that, what did you understand that to mean?
A. That the front - usually it was a front that they were talking about, that the winds would be from 30 to 40 knots, the average being half of that and then you would normally yourself from experience look at probably 10 knots, 15 knots maybe gusting. But the average would be 30 to 40 knots, so the average would have been 35 knots, possibly 40, gusting 45.

Q. So in that--
A. Perimeter.

Q. If we get a very bold statement of an average wind of 40 knots, that's what comes over, it simply says wind 40 knots?
A. Yes.

Q. Would you add onto that an amount for gusts?
A. Yes, I would possibly say go to 50 in gusts.

Q. You'd go to 50 in gusts?
A. Yes, I wouldn't - if they said 40, I'd possibly say - possibly could get to 50 but it mightn't even get to - it could get - only get to 30. I mean they're giving their best analysis of what they think will happen.

Q. You went to the briefing for the 1998 Sydney to Hobart race at the CYC?
A. No I did not. Richard I believe - I thought Richard and Paul were going but apparently Paul--

Q. Paul?
A. Paul Lumtin and Richard Winning. I didn't go. I took the boat over with Richard the afternoon of Christmas, Christmas Eve. I arrived - I heard the forecast, I didn't go to the briefing but I arrived down at the boat on Boxing Day.

Q. Now, I want to stick with Christmas Eve at this stage.
A. Okay, sure.

Q. You brought the vessel Winston Churchill from where?
A. From Woolwich marina.

Q. To where?
A. To the CYC.

Q. Who was with you?
A. Richard Winning.

Q. And what time of the day was that?
A. I think we arrived to the CYC at about 5 o'clock, 5.30.

Q. So how long were you with Mr Winning that afternoon?
A. Richard came down to Woolwich marina in the afternoon, probably around approximately 2 o'clock, 2.30. We then proceeded to take one of the tenders that we had at the marina because it was the quickest way to do the vittling for the boat which was all the dry food and what have you, we took one of the tenders across to Birkenhead, we did all the shopping that was necessary that afternoon. We then came back in the tender, I tied it up to the bow of Winston Churchill then we offloaded all the groceries and necessary supplies for the day, for the trip and we - I packed them away and we left there at around about 4.30.

Q. When you tied it up to the bow, the tender that is to the bow of the Winston Churchill, did you see the port side of the bow?
A. No, but we'd had the boat on the slip prior to the race, in fact the boat went up - it went back in the water if my memory serves me correct the day before. So the boat was up on the slip for its final inspection and for a clean hull, which is what we - we had the privilege of being able to do that, Richard owning the marina, which is a very nice privilege to have. And so the boat was up and cleaned down the prop, a new propeller was fitted to it, because we'd had a process done to the propeller which is an experimental type of thing where - I won't go into that. The boat was cleaned down and the boat comes up in Woolwich marina, it comes up bow first, so the bow comes right up into the shed on a slipway. Across the front of the boat there is a gangplank situation where people are walking past all the time and then out along the side of the boat to the marina itself. The area that you're talking about was at eye level for anyone that walked past. We had at that time in the marina something like 15 tradesmen working there. So those 15 people walked past that boat probably four times a day.

Q. This would have been on 23 December?
A. Yes, yes, we'd say the 23rd.

Q. How long was it up for?
A. I think from memory about possibly three days, two days, three days.

Q. So it was taken down on the--
A. Twenty fourth - 23rd, yes, it was - it would have been down on the 23rd probably up there for the 22nd, maybe the 21st as well, I just forget the actual date.

Q. What was the purpose of putting it up there besides the propeller?
A. To clean the bottom of the boat and to have an inspection of the hull.

Q. Who did that?
A. Myself. Who was there at that time? There was Frank Salvagi(?) who was one of our first class tradesmen in the place who had recaulked the boat. There were half a dozen tradesmen basically there.

Q. What portion of the hull did you personally inspect or did you leave that to the tradesmen?
A. No, I generally inspect the boat myself.

Q. Did you do so on this occasion?
A. Yes, yes. Yes, the boat - the boat was in very sound condition. In fact, the time that it was up for its refurbishment which was nearly eight months normally a boat of that construction up for that period of time out of the water, they have a tendency - the planking dries out and it shrinks. And quite often with boats of that construction over that length of time, when they're put back into the water they take some time for the timbers to swell and for the caulking to work properly. In Winston Churchill's case it was inch and one quarter Huon Pine. When that boat went back into the water approximately eight months later we had the floorboards up to observe what would happen and how much water would come on board and there wasn't a drop after eight months. So it was a very sound well built vessel.

Q. You took it over with Mr Winning?
A. That's correct.

Q. In the afternoon of the 24th?
A. Yes.

Q. To the CYC. I think it was - how was it berthed?
A. We - I'd rung up and made reservations for a berth which they didn't have so they said to us that we were able to come alongside what they call the crane berth which is alongside the slipway, which is where they bring yachts in of all various sizes to take masts in and out but because the work had finished, that berth became available for us and it was a very handy berth for us. So we then proceeded to move into that area and tie the boat up and that's where it stayed until we left.

Q. Did you hear the evidence of Mr Bascombe?
A. I did after the event was all over of course. I mean--

Q. Yes, yes, no, I understand that.
A. I mean I heard it some time, must have been June or

something like - I just can't recall the actual--

Q. We're at cross-purposes. Were you present in court when Mr Bascombe gave his evidence?
A. No, sorry.

Q. He says that the Winston Churchill was alongside the slip and starboard side to the wharf?
A. That's correct.

Q. That would have been correct?
A. That's correct.

Q. He's described what he thought there was a black line and it appeared to be the caulking, something missing, above the water line for about a foot in the I think it's called the rabbit line, just behind the stem and some cracking along where the paint - where the planks meet each other?
A. Yes.

Q. He says that he spoke to some people aboard the Winston Churchill, he's not sure whether it was two people aboard and one on the wharf or the other way around. First of all, were you on the vessel at about 9 o'clock on the morning of the race?
A. I would have - I was off and on the boat about three or four times that morning. There was - there's always a lot of people around at the start of a Hobart race and a boat like Churchill does gather a lot of people around it and there was quite a few people on board at all times of the race just looking and viewing the vessel. So as I say I was on and off at various times doing different chores. No-one actually spoke to me in regards to what you're talking about.

Q. What time did you get there, to the Winston Churchill, on the morning of 26 December?
A. I would have thought around 10 o'clock, that's normally when I try and get there by, possibly half past 9, 10 o' clock. I'm just not 100 per cent sure.

Q. Did you see Mr Batt that morning?
A. Yes I did.

Q. What time was that?
A. Possibly half past 10, 11 o'clock maybe. I had - I wanted to see Mr Batt for two reasons, one was the weather, because I hadn't been to the briefing and the second reason was that we had a photograph on board, two photographs on board Winston Churchill. One was a classic shot of Percy Coverdale who was the designer and builder of the boat and the second photograph was the crew that sailed the first race in Winston Churchill. I was led to believe that there were no names on the photograph so I didn't know who they were. I do get quite involved in some of the history of the yachting and I find it quite interesting. So I was - I would have liked to have found the names of the people in the first crew and put their names underneath the

photograph. I was led to believe that Mr Batt's uncles, two of his uncles, were in the first crew. They're a famous - pretty famous yachting family, the Batt family. And then I went over and I introduced myself to Ken Batt and we had a talk and first of all we talked about the photograph and he said yes, my uncles did sail on that boat and I said when we get to Hobart would you mind helping me or if you can give me some information on who I could ask. He said I'd only be too delighted--

Q. If I could take you back before that, was there anywhere on the land or the wharf where you would have seen the port bow area of the Winston Churchill?
A. Sorry, anywhere on the land?

Q. On the land or the wharf where you would have been able to see the port bow area of the Winston Churchill?
A. If you'd walked down the slipway you could have observed that, yes.

Q. Right, so someone coming from that direction would have seen it, towards the port side?
A. Yes, there's a walkway opposite, I mean there were hundreds of people walking past there, would have observed the whole side of the boat on the port side.

Q. How far away would that have been?
A. From here to the back of the room or a bit further, just a little bit further, 10 feet further than the back of the room, approximately.

Q. You didn't come that way?
A. No, I didn't, I came from the club side.

Q. Can I take you back to Mr Batt. You then had a conversation with him about the weather?
A. After the initial conversation about the crew and that. We then - I said okay, what have we got and what are we looking at. He had a three day forecast in front of him and there was another sailing chap there called Michael Bell that was with me who then I let Ken go and said what are we looking at and what are the conditions going to be like. And he proceeded to tell me that it was going to be a nor'east breeze and that we'd have a nice run that afternoon down the coast and it'd probably get up to 25 knots. He then said that there's a front, there's a front building, there is a front building down south and we're not 100 per cent sure which way it's going to go, we're not - but from my experience of what I can read into these charts, which are sort of projected charts of what they do these days, I believe there's three of them. There's the Weather Bureau and I think there's an English model and a French model or something to that nature. The one he had was a three day projection. Now there was a low forming down at the bottom and that there was a front there. I said well what intensity are we looking at here and he said well, at this stage it looks like it'll be about 40, 50 knots of breeze and I said how long is it going to go for, that's one of the

things that anyone that's done a lot of Hobarts always likes to know the intensity of what these lows are, because it's the time - it's the time difference or it's the time lapse of a front that's very important. I mean if it's a 10 hour front that goes through, you're through that quite fast. If it's going to blow for 20 hours, it's different, if it's 30, 40, 50, 60 and so on it makes a lot of difference. So we looked at it and he said basically well this front's forming. I can't be 100 per cent sure and I took that as being fair because I mean he's not - he's got a crystal ball there, he can't really tell. So you - sorry.

Q. I just want to go back and are you sure about the time on this like half past 10?
A. It would been around 10, half past 10 because I didn't - I'm sure I didn't get there till 10 o'clock and it was after that.

Q. He said that there was going to be wind at least 40 to 50 knots. When was that going to be?
A. That was what he suspected from the front that was - that we were going to get the next day. He then said to me that what he thought would happen is that the wind had back to the west which I thought a little bit unusual because we - you don't usually get the breeze back into the west but he was the weather man and I wasn't going to question that at all. So I said well how long do you think this front will be and he said you'll probably get maybe 30, 40 hours of this front and that's basically where I left him with that information that he'd just given me.

Q. Did he say anything about that there was presently a gale warning?
A. No, not to my knowledge. I mean 50 knots basically is a gale warning. It's - it is a gale warning but I mean that - when you talk about weather to sailors it's more to the point of how fresh, how long is it going to blow for and in what direction.

Q. What did you--
A. I mean we don't specifically talk about gales and storms the way that it's been discussed here in sailing terms.

Q. What did you understand when he said winds 40 to 50?
A. A gale but to me it was - well it was - well if you want to talk specifically what is it, it's a strong wind and it's a gale force wind.

Q. No I want to know what you, did you imagine there would be further winds more than 50?
A. No not from what he was telling me no. I assumed from what he was telling me that morning that was the top of that - the top of that depression was going to be you know 40 to 50 knots.

Q. Would you add gusts on top of that?
A. Possibly get to 60.

Q. Sorry?
A. Possibly get to 60 yes.

Q. Possibly get to 60?
A. If it gets to 50, there's a chance it's going to get to 60 but that's basically where you - the parameters of what yachtsmen look at.

Q. Did you discuss that weather forecast with Mr Winning?
A. Yes with Mr Winning, with Jimmy Lawler and with Bruce Gould.

Q. When was that?
A. When I got back to the boat, 11, 12 o'clock.

Q. What did they say about that?
A. People like Bruce Gould and Jim Lawler basically - and myself we do our own homework. We need to be quite comfortable in ourselves what we're looking at and we do discuss what we ..(not transcribable).. or what we can see in it and it's just a general discussion and there was a front coming and I mean when you go to Hobart and the number of times that those people have been to Hobart it was quite normal to expect a front and quite normal to expect a front of that proportion.

Q. What did Mr Lawler say about the weather forecast?
A. Specifically I can't be exact. I mean we just generally said well there's a front coming and it's the usual stuff. I mean as you do, as yachtsmen of experience basically expect. I mean it's not going to be nor-easter all the way and it's not going to be - it's just going to be a front.

Q. He was more than a yachtsman though wasn't he, he was a deep sea sailor?
A. Yes and so was his brother who I've done a lot of sailing with.

Q. But he's also been on ocean going vessels, not yachts but big vessels?
A. Yes, yes in his job yes.

Q. Did he express any disquiet about 40 to 50?
A. No it was - it was something that we expected. We were also quite confident of the boat in those conditions. It was a - it's a yacht that was built for the ocean and not around the harbour so we felt comfortable with it.

Q. The other crew came on board, Mr Lumtin. What was his position to be?
A. As in previous races that we'd had was - I'd say with Paul this was going to be the second Hobart. He'd done the Southport and he was one of Richard's friends and he was sailing on board the boat in a position where we thought he'd be most suited which was with instrumentation and with his flying experience and things like that. So we went down that with the first Hobart race he was there with coaching from various people along the race that year. The Southport race we ended up with a very experienced crew on board and I invited Richard Hammell(?) to come with us and along with - there was a very experienced crew. Probably one of the most experienced crews I've sailed with, without naming them all. But I said to Richard, who I've done a lot of ocean miles with, I said would you mind letting Paul navigate but you give him all the instructions that you think is necessary to further his career in this field. So what we were trying to do was educate Paul in navigation and proceeding as you do in boats with people which haven't got the experience. It's a thing that - what you should be doing and always which is what we try to do is educate people and passing knowledge on.

Q. The vessel got under way and ran down the coast?
A. Yeah.

Q. Quite happy about that?
A. Yes.

Q. I want to take you to the radio schedule, the sked, that was at 8pm that night?
A. Mm.

Q. Were you present over that--
A. Yes we generally do in that situation. I'm just not quite sure who was steering at the time. That afternoon I made sure that everyone who I wanted as steerers on the vessel, everyone steered the boat that afternoon including young Michael Rynan who I'd invited along as the bowman for the race. He was a very competent young boy but I made sure that he steered the vessel for at least an hour and a half so that he could get a feel. As we went into the evening the breeze freshened but it was very comfortable and it was very - well it was just very enjoyable. About 8 o'clock I'm not sure who was steering it. I could have been steering but I remember when the sked came on. You always on a vessel - anyone with experience will make sure that they tune into the forecast themselves. They just listen. One person is allotted to basically write the stuff down. In this case that was Paul and then one person who's basically allotted to give our position at the time but generally everyone listens because they all want to draw their own comparisons to what they're listening to.

Q. I'm just going to take you back a bit. You were the sailing master aboard the vessel?
A. Yes.

Q. Perhaps if you'd explain what that position entailed?
A. Well I was basically the most experienced person on the boat in regards to knowing the boat. I'd been responsible for advising Richard on refitting the boat and helping him make the decisions of which way to go and who to get to do the work. So I knew the boat extremely well and - but I had done the most number of sails on the boat in regards to races. So that put me in the most experienced position as knowing the boat. So also at the time - and I was working for Richard with ..(not transcribable).. at the time and I was also experienced in the people that possibly were available for the race. So Richard I would have said, well Richard have you got any preference as to who you'd like to go on board the boat and he said well I'd like John Dean to come who had done the previous race with us and also done the Southport race with us and he said Paul Lumtin. No-one else in particular he said. Whatever you can think is suitable for the race. So I then proceeded to ascertain the rest of the crew.

Q. So you got the rest of the crew and who was that?
A. Well I saw Jim down the club.

Q. That's Jim Lawler?
A. That's Jim Lawler yes when Richard decided he'd like to do the race again. The year previous in Hobart after we'd finished we were the first one into the dock and Jim came in on his own boat that year and rafted up alongside us. So we did have a sort of interesting time together down there and I've known Jim for many years and I admire his ability and as I said before also his brother Bill who passed away some years ago.

Q. Have you sailed with Mr Lawler at all?
A. Sociably. I hadn't actually raced with Jim but I'd acknowledged all of his racing.

Q. Are you aware that in 1993 he pulled out of the race because of the gale warning?
A. Well that's - that would have been his decision and what that was based on I've never spoke to him about that. It could be based on any number of reasons. It could be a crew that are seasick and you know you don't - unless I sat down and questioned Jim of why he made that decision I really don't know why.

Q. ..(not transcribable).. that perhaps--
A. Yes sure. I mean there's a lot of things come into consideration there.

Q. The information that I have is that he wouldn't sail above 55 knots and would advise people not to sail above 55 knots. Does that reflect the Jim Lawler that you knew?
A. Not really. Neither Jim nor Bill. Jim or Bill would say in conditions - if they were in boats that they thought were safe enough and with crew that were good enough they would sail in any conditions.

Q. Was there any disquiet with Mr Lawler about--
A. Jim was a very quiet person as was Bill but we would - you know we would generally chat. We had a very - I mean one of the things that I enjoy sailing with is people that are not panic merchants and people who I do admire and get on with the job and if we think there's a thing that needs to be discussed well it's discussed but we basically knew what was on the horizon and we went sailing. That's basically the way we did it but no at any stage did Jim or Bruce Gould say anything different.

Q. What about Mr Bannister? Did you bring Mr Bannister aboard as well?
A. Yeah Mike actually heard that the boat was going in the race and I've known Mike for some years and he'd known Richard. He actually came down and I - it might have even been a conversation which he had with John Dean which he knew very well. He came down to work one day and he said are you going to Hobart and I said yes Mike we are. He said would you like me to crew. I said yeah I'd love to have you on board and that's basically where that came from.

Q. Had you sailed with him previously?

A. I'd sailed with Michael possibly on one or two occasions but I'd raced against him years gone by in 18 footers and things like that. I'd known him - been around for many years as John Dean yes.

Q. You knew John Dean as well?
A. Yes and I've done - John had done all the races on the boat.

Q. If I take you back to that sked at 8pm on Saturday 26th can you recall who was there?
A. Well as I said before I can't specifically say that he was there, he was there but generally what I'm saying is that the radio being where it was positioned in the boat which was in the back doghouse area there was an area two foot, nearly three foot square over the top of the motor which went through into the cabin inside. Now if you've ever been on an ocean race when a radio sked comes up you'll quite often hear that it's very quiet because people are listening to positions, wanting to know where the opposition is and also the weather. So generally speaking what happens is that anyone that's interested will make - will hear that the radio skeds on and will then proceed to listen to the radio sked. Now where exactly they all were at the time I can't be precise.

Q. I suppose that the crew would be gathered round the chart because after all it is a race and you'd want to know who was up with who and--
A. Well yeah in Churchill's case you would have had two people because it can only basically take two people at the chart but you could have up to two people. Also you could have two either side sitting on the bunks so you could - theoretically you could put six people quite comfortably into that after ..(not transcribable).. then people - when you're racing down wind which we were that particular time, the breeze is coming from behind so you would have had people sitting just inside the companionway. So it could have been possibly the whole crew listening to it or maybe one person sleeping but generally everyone was up because it was such an easy condition with the spinnaker up.

Q. What about the wheel. If you were at the wheel would you be able to hear the radio?
A. Yes you can.

Q. When the weather forecast came over storm warning. Did those words have any magic in them for you?
A. Not really no.

Q. What was it that you were interested in from the weather forecast?
A. Once again it's the strength of the wind, the direction of the wind and the outlook, the predicted outlook of what the synoptic pattern is going to do.

Q. I think the forecast on that night would have been between I think 45 and 55 knots of wind. What would you

having that forecast have put on for gusts?
A. Ten knots max. Ten knots.

Q. So you were expecting up to 65 knots in gusts?
A. Possibly.

Q. What were you expecting?
A. I was expecting what they basically said, 45 to 50. Which is what I'd been told previously by Ken Batt but that was the morning so that was an upgraded - at 8 o'clock at night it is an upgraded weather check and things can change. So basically what they said was what I expected.

Q. Are you saying you weren't really thinking about gusts?
A. No I just generally listened to a - if it's 45 to 50 you take that aboard and then you relate from your own experiences what possibly extra you could get but I mean so you can say okay you allow ten per cent or you might allow ten knots or something but it could get a little bit more. It mightn't even get to that but quite often it does. You pull at the top.

Q. In the gusts, how long were you expecting a gust to last?
A. Gusts generally speaking if - in a squall which is what we call a squall or a gust you might get that for 30 seconds, 40 seconds, 50. Cloud formation is relevant to a gust. When you're out in the ocean and you've basically got a weather pattern and if it's rain affected you will look at a cloud and you will know that in that cloud is going to be some extra pressure involved in them because there's something pushing that cloud. So quite often and from my experience from years gone along ..(not transcribable).. the angle of wind from that cloud used to be 10 degrees. So you used to always get the gust at a 10 degree angle from that cloud. Quite often there would be an increase under that cloud. The cloud would pass over and then it would usually settle down to where it was prior to that.

Q. But you were expecting gusts I think you've said up to 50 seconds is it?
A. Yes it can be 50 seconds. It can be a bit longer. I mean there's no set time for a gust.

Q. But I want to know what you were expecting you see. I think that your wind alarm went off at 60 on occasion is that correct?
A. Yes I didn't get too involved with it. Paul would do that sort of operation. He looked after that side of the electronics part of it. I quite often much preferred to observe with my eye what the weather's doing.

Q. Had you been in that sort of wind before?
A. Several times.

Q. Were you getting the gusts that you thought or were you getting--
A. What time are we talking about? When are we talking

about?

Q. Just prior to when the vessel actually gets knocked down?
A. Can we take it back a bit for a second?

Q. Yes alright.
A. We sailed that night and what you generally tend to happens if it's going to come from the south-west it'll back to the north if you've got a spinnaker up you'll wait till it starts to back, you will then go into a jibe situation and head towards the shore so that it puts yourself inland before the breeze goes to the south-west.

Q. Right.
A. The breeze didn't do that. The breeze stayed in the north for a long time. In fact we didn't jibe. The breeze freshened from the north up to about 25 true knots and we took the spinnaker in. It was getting a little bit too fresh for the spinnaker, full size spinnaker so we took that down. We then decided - I said well I think it's possibly time that we did go inshore to be in front of this predicted front that was going to come. I elected - I wasn't 100 per cent confident of jibing. I mean jibing a vessel like that is quite easy but at the same time you can build up a lot of load when you go out of a jibe and into a jibe. So I said to the boys well I'd rather play it safe here, let's granny and by grannying I mean you're sailing down wind and you don't just change that angle and the sail from that side to that side which puts a lot of strain on the boat. We actually turned the boat into the wind and we turn around that way. Which is a lot safer operation for the vessel and the people. Which is what we did. We then proceeded to - the breeze had actually then started to go to the north-west and we then had - no prior to that we poled our spinnaker - I'm sorry poled our headsail as a spinnaker. Then the breeze started to turn. We took that down and we put up a number 3 headsail and it freshened a bit more, we put one more. I think we put a reef in, one reef in. Now the next morning at around about 9 o'clock in the morning we had - possibly earlier actually. It would have been early. It would have been about 8, 7 or 8 when there's good daylight. The breeze actually lightened off a little bit and we proceeded to take one reef out. We had two reefs in at the time. We took one reef out and we actually set another sail which is underneath. It's on the inner forestay. So we had another sail set. That lasted for about possibly one hour and then it started to freshen again and so we then took the number 3 off and sailed with the staysail and we reefed again. We had two reefs. The breeze then started to freshen and it started to freshen from the south-west. That would have been about 11 and it was quite comfortable. Churchill is a boat which because of its construction and its timber construction is a very sea kindly boat. In fact when you're downstairs sleeping on Churchill or trying to sleep and it's blowing 30 knots you'd swear blind that it's blowing about five knots or the winds actually starting to drop out because it's that type of boat. It's not a noisy

boat at all. It's a lovely ocean going vessel.

Q. So what time did the wind freshen from the south?
A. It kicked from memory probably around 11 in the - where we were about 11.

Q. 11am on 27th?
A. It got fresh and then it just freshened as the afternoon went on but only gradually, very slow building.

Q. That's the Sunday. If I could take you back to the Saturday night. What sort of seas were you expecting?
A. Expecting sorry?

Q. Yes what were you expecting from that weather forecast?
A. I think it was - I think the forecast from memory was a four metre swell which is what you expect with 40 to 50 knot breezes. I mean once again you're looking at that wind strength and you relate that to a sea condition.

Q. Was there anything said about that forecast by any of the experienced crew?
A. No not really. I mean--

CORONER: On the Saturday night?

HILL: Q. On the Saturday night?
A. No not really. I mean we'd done it quite a few times before and it was a normal procedure to expect. Sou'westerly changes which do get to that strength.

Q. Was Mr Winning informed of the forecast?
A. Richard was informed all the time. I mean Richard doesn't have to be informed because he knows when these things are happening. He's - I've got a lot of respect for Richard in the sea actually with the little amount of experience that he says he's got he's a very capable sailor.

Q. But I want to know whether he was informed of the forecast?
A. Yes.

Q. Did you inform him?
A. No I didn't no. Paul possibly--

Q. Who did?
A. He spoke to Paul quite a bit. I mean if there was any problem we would have talked about it but we all were - we all knew of what the conditions - the forecast was and we proceeded to carry on with the--

Q. The next morning I think there was a 3 o'clock sked, that's in the morning, this is Sunday morning?
A. Mm.

Q. Were you around for that?
A. 3 o'clock. I can't recall to tell you the truth.

Q. At any time after the 8pm Saturday scheduled sked to the 2 o'clock the following Sunday afternoon sked did you hear anything from any other yachts or were you told of any messages from any other yachts--
A. No.

Q. --about the winds?
A. No. No Paul tended to do the skeds and he did switch over to his Weatherfax machine which is what - he would go to another channel. I didn't get involved in that too much. I let him play around with instruments because he quite enjoyed that side of--

Q. Were you told of anything?
A. No. No I wasn't.

Q. You never heard any other yachts. Did you see any other yachts the Sunday morning?
A. Not really no. You very rarely do see a yacht in the Sydney Hobart unless you're along the coast or running - you don't - you'd see a few but you wouldn't see too many. You spread out pretty fast.

LUNCHEON ADJOURNMENT

Q. Mr Stanley just before lunch we were talking about the morning of Sunday 27 December. You didn't hear any other radio messages or anything like that about wind up ahead?
A. Not that I can recall.

Q. Moving up to the 2 o'clock schedule. Mr Dean I think took over from Mr Lumtin for that?
A. Mm.

Q. Do you see anything in that at all?
A. No. No it was just the way that the boat operated and everyone was involved in - we didn't run it like the Royal Australian Navy. We ran it along the lines of everybody being involved in the race and that's the way it was.

Q. It had started to get a bit rough I think the weather or rougher at about noon on that Sunday?
A. Yes it freshened. We had a reef - two reefs in the mainsail from memory and we had a storm jib on. It freshened. I'm not quite sure what the wind speed would have been. It was possibly 40, 45 but there was very little - well there was a sea but it was very comfortable. The boat did handle conditions like that very comfortably. From memory a reefing line broke and we dropped the mainsail and just secured it. I did that with the help of - I think Jim was up there with me and I just forget who but basically when something does break, people just react and get on with it and we handle the job that way.

Q. Nothing unusual in the breaking of a reef?
A. No it's just a rope that's chewed out and hasn't been reinforced enough.

Q. I want to take you along further just before the time that it's actually knocked down or that's my assumption. Is it correct that in your terms it was knocked down?
A. Well what was happening from about 2 o'clock the conditions were deteriorating fast and we were in - and I talked to Bruce Gould and Jim who are the two most experienced guys and Richard and I said, we're comfortable but tonight is going to be very awkward and I said we should just assess the situation and we were comfortable. We all felt comfortable with the conditions. I went down for a rest, Jim went down for a rest, so did Gouldy go down, Bruce Gould. Those sort of people with that experience know that the night is going to be the hard part of the race. They - we knew we had four hours, five hours at daylight sail so we then looked at resting and getting ready for that night situation. I was contemplating what to do during the night. I knew the boat was capable of possibly heaving to because of its long heel and its design. There was a possibility that we could heave to. I was going to basically get up at some stage, probably around 4 o'clock and say to the boys, listen, see what are we going to do here. How do you think we should handle it and that would have been with Richard, Bruce and Jim. As it turns out after the event, after we're back upon land, Bruce Gould was lying in his bunk contemplating exactly the same thing and I'm sure Jim would have been thinking the same. It's knowledge that people of that experience know that the night time is what - where the problems lie and the problems as we could see what was developing it was the sea was going to be the biggest problem.

Q. I put this suggestion to you that basically at about 2 o'clock, 3 o'clock you had a vessel, the Winston Churchill, which was a good sound vessel as far as you were concerned?
A. Yes.

Q. You were in rough weather but the vessel was capable of handling that?
A. Yes.

Q. You had what appears to have been a very good crew on board?
A. We had a sprinkling of good experience and younger people but that was a mixture.

Q. But as to the younger people that's really part of seamanship that you train them up?
A. Well that's right. I mean that's - the two people that I was responsible for myself on that vessel was John Gibson and Michael Rynan. I'd personally invited both of those people on board and it was their first Hobart. So I had to watch those boys. So Michael, a brilliant young kid, and when I gave him the chance to come to Hobart as the bowman he jumped at it and was very excited. I just believe that very few kids get the opportunity to have this experience and so I believe it's good to pass on knowledge and teach people about your experience and knowledge.

Q. But even those - I'm sorry?
A. It's alright.

Q. Even those, if I can use the words, inexperienced crew members were not totally inexperienced. It's not as if they were absolutely green?
A. No.

Q. I mean they had been taking part in ocean races. It was fresh conditions?
A. You've got to be there to appreciate what we're doing here. There was Gibbo, John Gibson was seasick. I think Mike Bannister now and again I saw him poke his head up but nothing serious. So that wasn't a problem. The boat downstairs - in those conditions you don't need people on deck. It's actually dangerous to have people on deck, not like the modern boats which sit everyone on the side of the boat. I think that's ridiculous but on this vessel it's not necessary so you put people down below decks and you rest them and when you need them you then bring them up on deck. There would have been - the people that would have done most of the work that night was myself. I would have steered a lot of the night if I was capable of doing as much as I could. The next person possibly would have been Bruce Gould and then it would have been Jim Lawler. The watches that I'd organised was with the people of knowing each other's capabilities. One watch was run by Bruce Gould and I put Jim Lawler as 2IC. So I let Bruce and Jim make their own decisions on their own watch and if there was any - they needed to say what do you think about a sail change or what do you think about this, they would just then ask me. Otherwise I would just let them with their experience do what they thought was best.

Q. So the situation was this, as far as the helmsmen were concerned you first?
A. Yes.

Q. This is in order of experience?
A. Experience.

Q. Then Mr Gould?
A. Well Bruce and Jim are very much on a par. I've sailed with Bruce more than I'd sailed with Jim so I did know that - and the number of races that he'd already done. But as I say they're on a par.

Q. In effect whenever there was a new person if I can use that term, inexperienced person, there was always a senior experienced sailor with them, even to the extent of Mr Gould watching the radio sked by the sound of things?
A. Yeah.

Q. There was Mr Winning?
A. Yes.

Q. He was at the helm I understand when the vessel actually was hit by the wave?

A. That's correct. John Dean and Richard Winning and I believe Richard was steering.

Q. Who else was in?
A. John Dean.

Q. Who was the helmsman do you know?
A. Richard.

Q. Your assessment of that situation with Dean and Winning at the helm?
A. You can tell when there's a problem. If you're downstairs in a boat and you've got X amount of experience, you can tell whether you've got the wrong sails on or you can tell when the conditions are getting unmanageable purely by the motion of the boat. In this instance the motion of the boat with a storm jib up and the mainsail lashed down, was not a problem. The problem was going to arise in the dark when you couldn't see the road wave and it's the road wave which takes you out of play. There was a speech made by Alan Paine in the early 80s and it was put together. Alan had started to get worried about the lightness of boats and the construction. Alan then compiled all the facts and figures of what happens in Bass Strait off the oil rigs. He put all this information together and he was the guest speaker along with Brian Mitchell one night at the Ocean Racing Club dinner. It was I think '82, I might be wrong but the early 80s. Brian Mitchell was the first guest speaker and he had us in fits of laughter and that year he was coming home with Colin Betts on Ragamuffin because he enjoyed his sail. After the laughing stopped, Alan got up and he then proceeded to tell us what happens in Bass Strait from this information that he had derived from the Bass Strait oil rigs. The oil rigs had been put in there with all this windometer gear and wave readings and he said, he started. I just forget the basic fundamental - this is to put you in the picture. He said you'll get a sou-west change will come through. He said and it will be 30 knots and it will blow for 20 odd hours and he said you will get a sea - a wave height of - this is just being - I haven't got the exact figures because I never got a copy of this speech. But he said you'll get a wave height of three to four metres. He said every 50th wave will be three to four times that size.

Now if that sou'westerly blows then for 40 knots and increases to 50 knots, he said 'that rogue wave, the sea height will go up another metre', he said 'that rogue will come down from basically 1 in 50 to 1 in 30'. Now the rogue wave he's talking about is not a wave the length of the beach coming from a quarter of a mile, it's a sea condition that basically comes out of nowhere and it can only, it might only be 500 metres long. When you're sailing those conditions you can actually see a breaking wave in front of you and can see a breaking wave behind you and there's nothing where you are, so you're basically forced to sail up and down and around these sort of things. In the night time it gets harder so you do need very experienced people steering a boat.

Q. Can I just stop you there, before you go, so basically what you were doing at that stage during the daylight was conserving, resting your most experienced helmsmen for the real test which would have been the dark?
A. That's correct. And that's what we automatically do because we know the night time, we're in situation here at 2 o'clock of, there's no point in turning around because going that way is just as bad as going south. Going north and going so were exactly the same because of the wind angle. There's no point in running off because it's a long way off course and it's just as dangerous because waves can actually break on top of you, coming from behind. So we were quite happy to maintain what were doing but the real problem was going to be night time. We're now locked into a situation of a big sea situation and a wind that's up around 50 knots.

Q. Now the wind just before the knock down, were you expecting that speed of wind, the strength?
A. Well, we'd been told it was going to be around 50 knots and this front was going to come through. The thing that I could see was a problem was how long now was it going to blow for. I mean it had been, it had come in that morning and I could see that we had to get through that, it was going to blow that night.

CORONER: Q. To answer your question, you're expecting those sorts of winds but you're worried about the length of time of the blow?
A. Well the length of time and how bad the sea condition was going to get. The sea condition was the thing that was really starting to become obvious that it was going to bad, I mean it proved itself later.

HILL: Q. As far as the plan, the conservation of your helmsmen etcetera, was Jim Lawler consulted about this at all?
A. Well Jim in his own mind and experience would have known what we were had to do. I mean I was at the back of the boat, as I said I didn't get at chance. At 4 o'clock or whenever, at some stage, I was going to right boys how do you think we should manage this tonight. Mean it's, you don't make decisions by yourself when you've got experienced people around you like that. You consult and put all your

experience together and you then come up with a game plan.

Q. So basically you'd go to bunks with the idea that about 4 o'clock you'd all meet?
A. We had 4 hours of daylight saving that I could recommend--

Q. You were in your bunk when the vessel actually rolled?
A. That's correct.

Q. Went over?
A. That's correct. I was lying on the starboard side of the aft coach house, little dog house, whatever you'd like to call it. The motion of the boat wasn't a problem, we were handling - the occasional whack on the side of the hull you would feel, which would be the top of wave which is normal. I didn't see the wave but the motion of the boat was that all of a sudden this wave came out of nowhere with Richard and he's basically tried to drive up and over the top of it, put the bow into the top of this wave so that you give the boat the least amount of exposure to the wave. You don't want it side on, you want to be able to get it up and over the top of it.

Q. You've been told that that's what Mr Winning did?
A. I could feel that's what he tried to do.

Q. You could feel it. Is that what you would have done?
A. Yes, my word. As he's got to the top of the wave, the wave is obviously so big that's literally picked the boat up. Now the boat is 25 tonne, it's picked the boat up and its basically slammed it down into the trough in front. It had of done that to do the damage that happened because the first thing that happened was, opposite me were 3 windows which were 350 square, three of them in a line, which were 2 foot 6, 800 inside the side of the boat, so the water's got to come across 800 before it hits those windows. Now what had happened was, the water came across, it hit those three windows and then a stream of water which was the size of that window then came another 3 feet across and got me. Now you're talking of a lot of force and a lot of water. The moment that water subsided I could hear help from Richard and John Dean. I didn't have a harness on but I could see that there was life a risk so I went straight out of the companion way and I observed the two boys, because we have a split backstay and was explained yesterday, and both of these boys had been thrown out and around the backstay and back around them again, and they were literally hanging with their feet 2 foot off the deck, no one at the helm. As I came up I also looked forward and I observed 6 to 8 feet of the bulwarks completely gone.

Q. Just on the port side?
A. The port side. Now the bulwarks are beams which would be approximately 80 ml square, there's just the ribs that join onto the main ribs of the boat which come up approximately 300 ml, they're something like 400 centres. In 8 feet you've got so many of those, you've then got inch

and quarter planking, 2 planks on the outside attached to all that, on top of that you've got a 6 by one and a half capping with a stainless steel bar which is 60 ml by 10 ml. Now 6 to 8 feet of that was completely gone at deck level.

Q. Including the stainless steel bar?
A. No I'm not sure about, I think the bar actually might have been the only thing that was left because it extended for so much longer where, it would have been badly bent if it was there. But I mean the force, to throw 25 tonne of boat into a wave like that, that's what happened.

Q. If I could take you to the rib section, the vertical parts, they were snapped off?
A. Yes.

Q. Were there holes where that had been?
A. No, they'd actually sheared it off right there, they came up there, they were just sheared off, all gone, and that was the deck.

Q. Did you see water inside the main saloon?
A. Well I'd just been covered by 3 columns of water that square, 4 foot long, all that water would have come down, that would taken every instrument inside that aft coach house, it would have drenched everything, it would have then run down across the top of the motor and into the main cabin.

Q. So it would have gone into the main cabin?
A. Yeah.

Q. Did you go in and see water in the main cabin?
A. Well, what I did, was I untangled the boys but, untangled the boys so that they were back on deck making sure that they hadn't hung themselves or whatever. Now that took me probably, like Bruce Gould I think from memory was one of the first guys to come up out of the hatch, but it took me something like, probably nearly 3 to 4 minutes to untangle the 2 boys because of the conditions. I mean you've just been thrown around and you're hanging on yourself because you've got not harness and here you are trying to unwind them around the backstay. We did that, we got them organised. I then went down the main hatch because I said to Richard we've got to get this motor started, I'll have to down, you start the motor, I'll have to go down there and change the pumps over because I knew we had a perfectly, we had a mechanical pump which I needed to change the valves over to put that pump into action after the motor was turned on. Now when I went down there I observed the floor boards as you've heard and water in the bilge.

CORONER: Q. Did you get a sense of where the water was coming from at that stage when you went down there?
A. No. No, you couldn't tell, in fact I spent quite some time down there later and still couldn't find it, because you've got all these inside lines.

Q. I understand that?
A. No there wasn't.

HILL: Q. But she was taking water, no question about it?
A. Oh yes. There's water there and, there also would have been some water in the bilge because from memory we'd pumped the bilge at 10 o'clock in the morning. I mean you're getting natural sea water seeping in a boat, so that the bilge will have water in it prior to this happening, so there's an amount of water there in those conditions. It's natural. So when I went down Richard started the motor and it went for 2-3 seconds and that it was it. The angle of heel of the boat with the storm jib still up had the leeward rail in the water, the port leeward rail was still basically in the water on the angle of sail that we're on, so that the water then, if you look at a parallel plane, was up over, starting to get over, up to bunk level and the batteries, the house batteries and motor batteries, was on the port side unfortunately. If they had of been on the starboard side they would have been dry batteries because they would have been that much higher out of the water. So when the motor didn't start I though this is not good, I then proceeded, Bruce Gould was then steering at this stage, Richard and Bruce and Jim were up at the back, I was downstairs trying to ascertain where this problem was, I couldn't find it but, in those situations you always take a maker or a point on a boat and see how much the water's moving in so that you know what rate of water you're taking. It was moving fast. I then said to the boys, we've got to get organised to get the rafts up and at the same time the boys down the back were talking and the mayday, Bruce Gould said we must get a mayday out. That's when Richard and Paul went into that aft coach house to try and operate the radio equipment and I stayed downstairs in the forehead cabin with a view of getting the rafts out, and also moving the sails so I could get all the vests out because I knew exactly where they all were.

Q. Tell me this, did you hear the mayday being given?
A. Yes, I did.

Q. You could hear that?
A. Yes. That's one thing on the boat with the open plan that it did have, like radio skeds and things like that, you could hear it, you could hear things happening. On the VHF radio which is what they finally got out on, you could hear it quite plainly. And I was probably in the middle of the boat trying to ascertain where this problem was.

Q. Did you hear the evidence - no you weren't in court with Mr Bascombe?
A. No.

Q. Okay, but you know that what he is saying about what he thought was a black line, whether it was missing calking or putty etcetera. Now if you accept that, in your opinion did that have anything to do with this vessel foundering?
A. None whatsoever.

CORONER: Q. He rated the, as you heard, about a foot long the missing, about the size of a pencil?
A. Yeah, which would be the putty, be the putty of the top of it, which is, I mean, if that was a problem we wouldn't have even got to where we got to. We wouldn't have got out the Heads, and at the same time I would not have, I mean I don't sail and I know Jim Lawler and I know other people do not sail on unsafe boats. So, I mean, that wasn't an issue as far as I am concerned.

HILL: Q. In your opinion, as far as you're concerned, even if that was as described, it had nothing to do with the foundering--
A. It's a cosmetic piece of putty with black paint that was possibly missing.

Q. All of you got the life rafts out and you'd got the life jackets out, you knew where they were?
A. There was one chap downstairs, I forget who it was, but I knew quite, when we did the rebuilding of the boat we had a ladder and the ladder was egress in and out of the boat. Alongside that was an apartment where both of these rafts were located. And in the rule book you have to be able to get that raft from that position on deck within so many seconds. Well the first one on top, which was the Valaisse(?), I just pulled straight out and put straight on deck, I mean that wasn't a problem. We designed the boat to be able to do that within seconds, within one third of the time of what they had on pic. We also had put them down there because we believed that that is the safest place to carry a life raft on a boat like that because in bad conditions it's quite easy for rafts to be swept off a side of a boat if they're not lashed down properly.

Q. The life rafts were launched?
A. Life rafts were put on deck, only put on deck, that's all we did until such time as I could see that we really had to launch them. Now, in that time I went and got all the flotation devices, the boys then looked after themselves in regards to what wet weather gear they wanted to put on or what clothes they wanted to put on, all I had on was a pair of shorts and a t-shirt and a doona thing, just a sleeveless doona, that's all I had, I was just too involved in just getting the gear organised for all these people.

Q. Well you'd been in your bunk prior?
A. I had, so I'd just gone out to get the two boys off the backstay, then go and work, then hopefully get the pump going but unfortunately the motor just didn't start. So I stayed down in that forehead area, we got the life rafts out, put them on deck, they moved them down to the aft part of the boat, in the same time the mayday was sent out and I was getting the lifejackets. Then I came up said 'Richard we, we're going to sink, we need to, we're going to have to launch these life rafts'. Now, once again it was a round table discussion with people like Jim Lawler and Bruce Gould and Richard and we knew from experience that the worse thing you can do is launch a life raft when the boat is going too

fast. There's every possibility that if you launch too earlier it will inflate and then the tether will break because there's too much pressure on it. From the Fastnet disaster and from other correspondence that you'll read over time and photographs and things like that, you have to be very careful how you go through that procedure.

Q. Did you have any life raft training or anything like that?
A. I observed life raft inflation and I had a basic look at some of the contents that's in some of them. At yacht clubs they do seminars but I haven't actually been in one until that incident. So we then talked about it--

Q. If I could stop you there, what's your opinion about yachtsmen being physically trained in life raft procedure?
A. Not as good as what it should be that's for sure, I mean that was proven.

CORONER: Q. What is your opinion of having it done for entrants into the race?
A. Oh I think it's, it should essential, especially in a category one race.

HILL: Q. They should be trained in that?
A. I believe they should have some sort of training, yes.

Q. So liferafts--
A. Well we talked about that, and we all agreed that they will not be launched until the decks are awash and the boat is at its slowest speed. In that same time we dropped the headsail to take the speed of the boat and Bruce was steering and he steered a course which he thought would be the best in the sea conditions, which was basically running with the seas. There's still a lot of water coming around the boat and over the boat so people are looking after themselves, they're trying to get themselves organised for this evacuation. In that time they'd talked about tying the rafts together while I was still downstairs pulling stuff out. So in the final wash of it we came up, and the decks got to a stage where they were awash and we said right, now launch the rafts, so basically they got launched. And people proceeded to jump into the water and swim to the rafts. I was possibly one of the last off Winton Churchill, at this stage it was probably, the decks were 2 foot under water, well just about, it was going reasonably fast at that stage, I wasn't sure, I was a bit like Richard I thought there might have been a bit of neutral buoyancy in the thing and it might have floated so far but that wasn't the case.

Q. Can you give us any assessment of time from the point where the first knock down occurs to when she actually goes under?
A. I would say it would be a good, probably around half an hour, 20, 25 minutes, half an hour, something in the vicinity. Enough time to assess things properly, I mean the guys were just brilliant, I mean there, we didn't have anyone on board that was panicking, it was all done you know

very seaman like manner and, it was just a joy to be with this guys because they showed such experience.

Q. You've heard what was said about the liferafts and you've heard what Mr Gibson has said about your particular liferaft. Is there anything that you want to add to that?
A. Oh, where do you start.

CORONER: Q. Did you hear the evidence of Mr Winning and Mr Gibson?
A. Yes.

Q. You've sat through it?
A. Yes.

Q. What we really want to know, what extra you can tell us that's relevant to this inquiry about the state of the raft, the standard, the condition, that type of--
A. Well it was the first time I'd ever jumped into something like that and I never want to see a fellow yachtsman ever jump in one of things again, especially a Prosover(?). The worst aspect was, if I could use that bit of paper, the worst aspect was, where John had actually got his injuries from my memory was, I swan across to the fourman and there was four people in it and I checked young Beaver who was there, and they also had the EPIRB so I then proceeded across and with, I forget who was the last in, I think I might have been the second last, so we piled into the liferaft, John couldn't get in, we had to pull him in so we pulled John in. We sat in that raft and then we then observed what was inside it and what wasn't inside it. I sat on the left hand side, John was opposite me, Mike Bannister was there, Jimmy Lawler was opposite, the door was there and Deanie was next to Jim. Mike and myself noticed the drogue which was alongside us and it was in a pocket on the side. When Mike took the drogue out he somehow put it over another piece of lacing, whether it was off the canopy I'm not a hundred percent sure but basically what it did, instead of egressing out the window which it should do, it went around another piece of lacing, it went out, they threw it out and I said 'that's caught, we need to fix this up'. Well what had happened was Mike Bannister and Gibbo, John Gibson, started to pull it back in because it hadn't opened at this stage. They started to pull it back in then all of sudden it opened, the parachute on the drogue opened. With that the line just took up, Mike let it go and John kept it for those seconds longer, stayed it, and the line which is probably about 4 ml, 5 ml, just went straight to the bone on both fingers. I said 'let it go', so he let it go. I said to Jim 'have you got your knife', Jim had his knife and this other line that was there which I could see was going to sort of tear the canopy, I cut it. So that line then freed itself and away it went. Now the drogue then is okay, John Gibson's got two really bad cut fingers, so we then took off in that fashion and then we proceeded. Now the rain's started to pour, alongside me was a funnel, it's for catching water or it's an observation thing, I never really did find out, but the water was just pouring in and we were

trying to get the lacing across, this very flimsy lacing on this opening. But we did that and there mile of water and Johnny Dean had the bag along side him and he proceeded to start to look into the back to see what we had. So that went on, he came up with the so called baler which was like a little, it's a like a pencil case that your kids put their colouring in pencils in and you're supposed fill this thing up and throw it out the window. Well that proved pretty useless, so we then, John gave us one of his boots and we proceeded to fill the book up and empty it out. So that was one of the parts. Now we proceeded on for some time and then all of a sudden there was this tremendous bang and I thought 'what the hell' and then all of a sudden we took off and I thought the drogue is broken. Now the drogue is a very important part of one of these things, I could make a comparison. When you're a kid and you go to the beach with your parents and you've got your surfer plane with the two handles and you go and try and catch all the waves, which you do, you go back that far. If you tie a 15 foot piece of rope onto that and then drag the 2 gallon bucket, you're not going catch many waves. This is what the drogue does to a life raft. So once the drogue is broken you're then just a beach ball, you're just at the mercy of any way that wants to come along. And as the boys have explained, the rogue wave would come along about every 20 minutes, 25 minutes you would just hear this incredible thunder, this roaring surf and you'd thing 'god', and you'd sort of hang on. Now with the drogue gone the raft's just off like that, down the wave like that. I was here, John Gibson was here, Deanie was there, Jimmy Lawler was there and Mike Bannister was there. Now we're just off. Now when the big wave hits you it wants to, because this thing is square for a start it wants to lift the back up and it wants to fold you over the top like that.

CORONER: Q. Rather like a body in a dumper in the surf?
A. Exactly. Exactly. Now with the drogue you've got some chance of going up so far but then the drogue takes up and brings you back down again. So you haven't got this drogue.

Q. It's really an integral part of the whole system?
A. My word it is.

Q. In a sea like this?
A. Exactly. So when we started off like this we were cross legged, and we got, there was about, I don't know, three quarters of hour or something down the track, we got this almighty wave and it just lifted us up to the point where it was just about ready to roll us over and we came back down again.

Q. So for you really the worst thing probably with hindsight is the breaking of the drogue?
A. That's the first thing, yes, that's the first thing. In that nearly capsize all our feet were intertwined, as you heard from John and my feet were underneath these other people and I've gone up and my legs are trapped and when I've come back down I could feel that my ankle was gone but

my hips were, in fact my right hip was agony and I bet, I had two total hip replacements some years ago and I wasn't sure whether I'd actually damaged the hip replacement, which was my greatest fear. But I'd really done a lot of damage, so I came down in a fair amount of pain and I said to the boys, I said 'we've got this wrong, we need to sit parallel to each other so that the next time this happens we're not interfering with each other's body's, which is what we did. Then we went on for some time and I said to Deanie, I said 'is there any pain killers in that little thing you've got over there', anyway he proceeded to have a look and, I don't think we did find any pain killers, we had some water and some biscuits, a few bits and pieces, the boys were still bailing. But it got dark and we quite, we just nearly got capsized so many times, but it was about every 20 minutes, 25 minutes, you'd just hear this roaring surf and that just proceeded. But then when we did capsize, I mean we're just out of control, this thing is just vibrating and the noise is unbelievable, and the rain's pouring, it's quite scary.

Q. But you feel really, it's quite likely that if you hadn't lost the drogue you may not have capsized, is that--
A. Every chance we wouldn't have. I mean that just changed the whole turn of the exercise, I mean you're a breach ball, you're away. Now if the drogue had of stayed there, there might have been every chance that it might have pulled the whole thing to pieces as well, I don't know what the design parameters of this thing is. And you don't really know because there's nothing to say what it can do and what can't do. So we got to a situation where we got this enormous wave and sure enough we're over and over and over and then upside down.

HILL: Q. I don't want to dwell on that aspect but the reality was it was difficult to breath, you're heard what Mr Gibson says and a decision was made to make the incision--
A. Well we just, we were just so much safer upside, it was just chalk and cheese, all of a sudden it was like someone turned the lights off, it was, where there, the show's stopped and that's the way it was. Jim was alongside the opening and Jim said 'I can feel the opening, and then we talked about going outside to try and find the strap and right us. Jim said 'I can feel the opening, I've got to untie it all but if I go out or if one of us go out we've got to take our vest off. I was in a lot of pain at that stage so I, I mean I would have loved to gone out and done it myself but I just couldn't do it. So we talked about it and we got another big wave hit us and then the discussion, I mean it was very calm, that's one of the lovely parts of the matemanship between the guys in this raft. We talked about it and it was just very dangerous, I mean if one of the guys had of gone out when one those waves sort of hit, he's gone, he's not coming back. So we then talked and then it was starting to, the air was just starting to, we knew that we were running out oxygen, so we talked about it and I said to Jim, I said 'well what do you think, if we go out there, if we last upsidedown till daylight then have a look at it', and I wasn't sure what time that we had been

upsidedown, I believe it possibly might have been 10 o'clock at night or something. The decision was made to cut it, we put the torches on, I had a torch and Jim had a torch, we had looked around, there was a handle on the inside, one handle on the inside of this thing, there is a line that runs around it you can hang onto but it's, once it again it's like 5-6 ml, like I mean it just cut though your fingers all the time. But there was a handle on the side of it and it had reinforcing, and we looked at it closely and we thought let's make the decision there and if there's any chance when we go back up the other way that, because it's reinforcing either side there's a chance that it won't spread. Well, we cut the opening and cut it about that long--

CORONER: Q. That's about--
A. About 2 inches. And then we deflated down because of the oxygen, a bit went down but that wasn't a problem and then all of a sudden you feel yourself, you could breath was the problem. A wave would come on top, the thing would down on top of your head but it was just a case of, put your flotation on and hanging on the side, I had my through one of those things because I'd had a wet weather jacket so that actually protected from the rope. You could actually push the roof back up again and shed the water off, and be quite happy. Now that was just chalk and cheese that position. So we were quite happy to stay upside down till such time as we thought it was safe enough to go outside. We proceeded along like that for, I don't know, half an hour possibly, but once you'd hear these roaring surf coming at you and one of these ones then picked us up and just rolled us over again and then we ended up right side up. Now in that time of being upside down, our feet in the water and this very drogue like spinnaker cloth as a so called roof, it was basically starting to shred, not shred but the opening was - so when we came right side up there wasn't a great deal of this roof part that was of great use but it didn't really matter because we back up inside the, you know - and we're getting bounced around everywhere, and we got rolled, I think we got rolled again but the floor eventually, with all this movement of water and people and everything, it started to split and eventually it split right across. That was still okay, we were coping quite alright, everyone was just cheering each other up to say you're okay, you're feeling alright my, I mean they were very concerned about myself, injuries, and Gibbo with his hands. We got rolled again and I think we were in the upside down position and I believe it was when this big wave hit us, which was just, came out nowhere, I believe that was possibly around 2 o'clock in the morning, but it's only guesswork at this stage of the game, I didn't have a watch at all.

Q. Mr Gibson says that you didn't hear that wave?
A. No.

Q. Is that right?
A. Yes, that was, that's, we always could hear this roller coming at us, you'd just hear this rogue wave, it was like a

roller coaster, you could hear a train coming and it was, you'd just tense yourself to say what's going to happen here. I mean, how are we going to get out of this one. So everyone just tensed, grabbed, said hang on, hooked each other in that scenario and that'd be okay. This particular time it was upside down, I was on one side of the raft where the roof frame came down, I'd still had my vest on but I didn't tie it on, I've been in these situations before where sometimes these things want to pull your head off and I'm happy to lose it rather than do that damage, so I had my arm around the ring frame, I know Johnny was opposite me and he was really starting to get tired and he tried to get over the top of the tube and I had my arm here and the ring went down underneath, and I was pushing him, trying to get him up over the ring so he could actually straddle the rubber ring and we were doing that and he wasn't too bad and I had my arm there sort of holding him there because I had, I sat here, and we were dozing, we were really starting to feel the conditions here now and every chance you got you just tended to doze, just trying to grab whatever strength you could muster. Everyone was talking, everyone was helping each other, but this particular wave, I'm sure what happened was, we actually had gone right up on top of this wave, the crest of this thing, we must have gone to the top of it and then it broke but with us on the top. Then you are, oh, you're just incredible, I mean the experience of, I just grabbed my other arm like that, I must have done that, it's the only way I could have hung on, I grabbed my other arm and we just went tumbling and tumbling and tumbling and we just went on for a long period of time, I don't know how long but it just seemed forever. And finally I was, finally it stopped and I had my arm around that ring and I came up and I was on the outside of the raft, the raft was around there, I'm still hanging on to this ring. And I grabbed my breath and I yelled out are you all there. The only reply was Gibbo, John Gibson. I looked back and I could see white water for probably 300 yards and I could see two objects, I could see two bodies there with their harness on. One of them did a strobe light. I dived up in underneath the ring and John Gibson was there, and I said 'John we're by ourselves, we can't help these but we can't go backwards, we can't row back, the wind and the waves are just going to take us away, I can only hope that they can hang on until daylight and there's going to be chopper in the air. Unfortunately that was the sad scenario of that. So getting back to the liferaft, we then proceeded on and we, we must have capsized something like 10 times that day, daylight came up, I expected to see a chopper around about 10 o'clock in the morning was my thinking, they're a fabulous bunch of people and they're very very competent. But the day went on and I thought we about, I thought we were travelling, once the drogue broke I thought we were probably travelling at about, possible 3 to 4 knots, so I though you know, we're probably 60 miles, by 2 o'clock in the afternoon, 60 miles from the point of entry. We'd worked out a system of when we were right side up we'd sit opposite each other and when the raft would roll over we'd side the other way, because we had to utilise this only thing that we could use to sit on.

Q. Tell me this, the only thing that remained I understand is the black inflated inner tube part?
A. Yes.

Q. Mr Gibson tells of trying to wave his Mae West best that was a yellow colour I believe?
A. Really that's the only thing that we had of any distraction. I saw a plane the afternoon, it was possibly 3 o'clock. I saw - John had lost a contact lens so he couldn't do a great deal. He had a strobe light and I had mag light which I always carry with me.

In the afternoon, still daylight, I saw a plane and it was probably half a mile north and it was heading east and he went down and I thought well he'll change the pattern and he'll come back, hopefully he'll go south and then come back. Well about, probably about 15 minutes later he came back and he came back on exactly the same flight path and I thought that's not very smart but I did wave this thing and it was useless, so we missed that one. It was a very - it was a small plane.

Q. When you say, "I did wave this thing". What?
A. The vest which was yellow. I waved but to no use. Some time later I was sitting and heading in an easterly direction and I saw another plane. This would have been probably 4 o'clock in the afternoon, maybe a bit later, I saw another plane and I said, "John here comes another plane", because he couldn't see it and I grabbed it and I waved it and I thought as he went past that he turned his light or he flicked his light on the wing and I thought he'd actually seen us and I said to John, "They've seen us, they'll be back, they'll get us." Unbeknown to me he hadn't seen us at all. So we were then moving into the dark time of the day and I was finding it very difficult to sort of go through another night. I could really see it being very tough but just on - it must have been 4 o'clock or 5 o'clock I saw an Orion and a chopper heading east and they were probably one mile south of us and I thought to myself, "They're going to get Richard." It just crossed my mind that Richard's drogue hadn't broke and that he was a lot further east than us and that they were going to go and pick him up, they've sighted him, finally they're going to pick up Richard and what had happened was, they went down there, the chopper went down there and the plane went down there and we waited for a helluva long time and it was dark at this stage and we never saw the chopper again. The chopper obviously did pick up Richard and they peeled off to go to Malacoota but the Orion came back up that flight path and it was a miracle that he did and I saw the lights coming at us as I was facing east and I saw to Gibbo, "Turn that strobe light off", and I got my mag light and I put it onto a very fine beam and I just pointed it straight at this thing and it was unbelievable but he saw these two lights and he saw the two lights and then he proceeded to do a series of waves around us. He would just go out and he would fly back saying boys we see you and this went on for some time and then finally this chopper arrived and it was like something out of Star Wars. This thing just arrived and there was just lights and an 80 knot downdraft off this thing and I said, "Gibbo, here they are", it was quite incredible and anyway this guy came down the wire and he was on the outside and he was just ready to jump into the life raft and I said, "Watch it, we haven't got a bottom in this thing", so he sort of jumped in and kept on going which was a bit of a fright for him. He said, "Are you okay?" I said, "I'm not too bad, take John will you, please take John first." John had managed really well for his age and for the condition he was in. I mean during the day there was blood coming and he always wanted me to say something, I wasn't in a very

talkative mood but I would look at the blood and I thought, well there's got to be a shark around here somewhere, but I mean all these things happened during the day and anyway when this guy arrived, I said, "Can you take John?" Well he put the sling around John and they started to go off and all of a sudden they just went sideways, he just went sideways through the water for something like a hundred yards and I thought that's quite an unusual way to do it but as it turned out the pilot had lost his ..(not transcribable).. control and that he'd nearly lost the plane as well - helicopter. It was only after, since we've met them several times, that they've told us that they wouldn't have even been able to do that night because they'd gained that experience - because it's very hard to fly a helicopter at night time with no horizon, it's just about impossible but they'd learnt from these experiences in Hawaii one year earlier that it was possible, but when he nearly lost it, he gained it again and he nearly sort of dived into the water and he'd pulled them sideways through the water trying to drown them. He finally got them up on board and then obviously what happened was the pilot said to Parsliar(?) who is the chap that came down the wire, he said, "Well it's too dangerous, you can't go back down, the other guy is going to have to get himself out." So I was straddling this thing, hanging onto this thing, about 80 knots and anyway they dropped this drop and they just landed it pretty well right next to me and I thought that's not bad, so I proceeded to put it on and I put another line of the life raft over my shoulder unbeknowing, so I put the strop on and they started lifting me and I got about 25 feet up and I noticed that I was bringing the life raft up with me, I thought, this is just dangerous, so I then put my hands in the air and bailed out back into the ocean and I swam sideways and they dropped the strop and I put it on again and then they lifted me out and the moment I got into that plane John was talking to these pilots and we said, "They've got to be up here, the boys have to be up on this flight path and I would think that they're possibly 30 miles away", and the guy said, "Well we're going to have to take you back and we're going to come back and try and find these guys", but in my own mind I knew that in all those hours the boys had to try and stay afloat, they've got no vest on, was just too late.

Q. Now going back to Mr Lawler, Mr Dean and Mr Bannister, have you got any lingering doubts that perhaps they were not happy with the vessel or the crew or the situation of the Winston Churchill being in a position before it got knocked down?

A. No, there was nothing of that nature and it was never - I mean if people had a problem we were the type of crew and the type of people that, you know, if someone was a bit in doubt people would say something and it would be a discussion. We weren't "gung ho" sailors. We were tyring to do an ocean race in an old vessel and just enjoy the race, so there was never any question of that arising. I mean I asked people, "Are you feeling comfortable?" and it's just the normal thing to do. "You feel okay, are you sea

sick, are you crook?" or whatever and everyone helps each other and that's what happened. Everyone did help each other and they did show some tremendous courage.

Q. You've got no doubt that Mr Lawler, Mr Dean or Mr Bannister, if they did not agree with you, or agree with something that was said by Mr Winning they would have come right out and said so?
A. Yes, most certainly.

Q. No question about that?
A. No question, because that's not the way that we do it. The other - if I could just add to the life raft, I mean when I laid in that hospital, I laid there for five days. I had to the next morning do an interview and the next morning I had to identify two bodies and that was hard work. I agreed to do it because I knew it had to be done and for the families involved in that things just had to happen. I was asked to identify the first body which was Michael Bannister which I did and Michael had a look on his face which was an angry sort of look saying that he was unhappy and that disturbed. I was then asked to view the second which was Jim Lawler and when I saw Jim - I have related this story to young Jim - I saw an unbelievable smile on the man's face which I've never seen in my life before and I have read stories and I've been told that drowning is a very peaceful way to exit life and the look on Jim's face just brought that home to me and that made me feel a hundred percent better and then after the next day or two after that young Jim Lawler rang me and he knew that I'd done a lot of miles with Bill, his father, and he said to me, "Well I wish dad had've gone out that way rather than the way he did", because Bill Lawler unfortunately died of a blood disease and it's a very painful slow death, but that was very hard and I thought to myself why was he I saved? and I thought about it pretty hard. I laid there for a few days thinking about that bloody raft and what you'd do in the case of adding to it and fixing it and Ken Burchall?) and Barb came into see me, they were sailing down the coast and they called into Eden and come up to see me, and I'd done a lot of miles with Ken Burchall in skiffs and eighteens and we'd capsized and I said to Ken, "When we sailed in sixteens and small boats, we use to capsize and something had broke but we'd go back and we'd fix it, so that the next time we went out it wouldn't happen again", and I said, "Ken I just had my first sail in this thing and it's just a joke", and I said, "The things that can be done to improve that are so simple, zippers in floors and velcro", which we've talked about, all these sort of things. After I recovered and I was back at work I was given three pieces of paper from a friend. One of the pieces of paper which is in John Gibson's letter, the first piece of paper read, it was in German, and it was from the manufacture of Pro Saver Life Raft and it said in German which was translated that, "To be used near the coast", and I thought to myself. The second piece of paper was another, advertising Pro Saver Life Rafts and it was in English and it says, "Inexpensive safety factor to be used close to the coast", and the third piece

of paper which was dated 1997 said, "The equipment in this life raft is not IOR standard and asterisk and the asterisk read, "Does not meet ORC requirements" and that said equipment, so I looked at that and thought well equipment can be upgraded and so that one is irrelevant. But I just red when I saw this, so I then walked across to the AYF office which is where I work, near where I work, I walked in and I sat down with Mr Tony Manning from the AYF and I gave him the three pieces of paper and I said, "How does this life raft meet category 1 requirements?" and he looked at me and pulled out the blue book and he said to me, "That's a very grey area, you'll have to speak to Waterways." So I didn't go any further. I walked out of the office and I rang John Gibson. We met that afternoon and I said, "We owe those three blokes - we need to do some work for these three guys that we've lost and I'm not happy with what I've got in my hand." With that, John drafted a letter which you have in your hands. One was sent to Hugo which to the CYC which was passed on to the sailing committee and the third one I hand delivered to Tony Manning from the AYF and that's where those ended up and we've never heard any replies but after going then saying to various people that I wasn't happy with it and I did make some noises. The water police then rang me and asked me would I come down to Launceston to be involved in the tests of life rafts and harnesses and what have you. I was talking to John Gibson and I said, "John I'm going down and the water police are paying my air fare and I really think it would be beneficial if you came down", because I knew there was a lot of doubt in John's mind to what had happened. I had pretty strong reservations in my mind what had happened and I wasn't happy with the raft. My first press conference that I had in hospital I was critical of the raft. The next day in the newspaper the manufacturer of the life raft said that the two life rafts were not designed for those conditions, they were designed to meet AYF standards of category 1 and that they recommend that you should use ..(not transcribable).. Well I thought to myself well it's a bloody life raft, what is it designed for and that's where I started this sort of search of how did this thing get to category 1, so during the course of the trials in Launceston and that and the observations from Tony Blair and the reports, I felt that they did a very professional job down there and that the results are in their findings which I was fortunate enough to read here the other night. The drogue was the thing that we didn't really cover properly down there but I think I've explained the situation.

Q. Now as far as that report is concerned on the life rafts, you have seen that and you've seen what they've said?
A. Yes.

Q. I take it you endorse what they say in there about these particular life rafts and in fact they should be brought up to the standard of the Uniform Shipping Code?
A. Yes and that particular one hasn't got a USL coding.

Q. And in fact they don't even comply with the Safety of

Lives at Sea Convention?
A. I mean those three blokes would be here today if the raft had've been 10 or 20 percent better and that's just - as far as I'm concerned that's not on, it's just - I just don't want to see--

CORONER: Q. Is it a matter of sacrificing strength for speed and weight or weight limitations under the rules?
A. No there's not because I mean in the book they talk about a certain weight limit of 46 kilos. Well the Pro Saver would way 25 kilos. That's nothing. That's not a factor. I mean Richard brought those rafts on a category 1 situation to go out in the ocean. He jumped in the 10 year old one, we jumped in the brand new one and it wasn't worth two bob.

Q. Now one of the benefits of this inquest of course is the looking at the life rafts. Would it be of benefit for instance for the Coroner or for the CYC or any other sailing clubs to have copies of that life raft report?
A. My word.

Q. Do you think that would be of benefit?
A. Well John and myself sat down with the safety officers from CYC, we'd sat down at Middle Hour Skiff Club one afternoon and we proceeded to tell our story. They then proceeded to bring out a report on what their recommendations were after all these interviews. I flicked through it, John flicked through it. We looked at each other and said they obviously didn't hear where we were coming from.

Q. This is the CYCA report?
A. Yes. I just said, "They haven't really listened to what we were saying", and that was something I was very disappointed in.

Q. Who did you sit down with?
A. Let me think, it was Tiggy(?) Dalton, David Lawson and I can't think of - I can only think--

Q. What you're saying is it's right off the mark as far as you're concerned of your experience in those rafts?
A. From my experience in those rafts and from John - I mean I shouldn't be here. I should not be sitting here. I should be with the other three guys. I didn't have a harness on and how I was able to hang on is beyond me but I did.

Q. Now putting the life rafts which I realise the difficulty, to one side, do you see any other benefits that you would like as an experienced yachtsman to come out of this inquest?
A. Well I suppose from my experience I've just heard a lot - I haven't been involved in the whole thing but I can see the factions of the weather being the big issue here and I believe possibly in that area there should be a helluva a lot more emphasis put on sea conditions. I mean Alan Paine

did it in the eighties by getting all that information together. In fact after the Southport race, prior to the Hobart race, I sat down with David Lawson at Southport and I had lunch with him and he said to me that he had - was finding it really hard each year in the Hobart race to get this safety side of it up to speed because of the inexperience of the people and what was happening, what we're doing is we're losing out of seamanship and that people want to go out in the ocean but we're not doing enough of it to get the experience. I said to David, I said well - then of course the legal aspects of the whole thing was starting to really come home where clubs are now saying well we won't be able to do this any more and all these sort of things and I said to David really, I said David get a copy of Alan Paine's speech I said and make that a compulsory handout that anyone who's going to Hobart because it basically tells you what happens in really bad - at the end of Alan's speech he concluded by saying that it might take 100 years but one day you're going to get these particular conditions and he said, and a lot of lives are going to be lost and we didn't have to wait 100 - but the conditions he talked about were actually even a little bit more severe than what we anticipated. But what we actually got ourselves into was a really horrific sea condition. I think there's too much emphasis put on the wind side of it all but it's the sea condition which is the one that takes you out of play and it's this rogue wave. I mean you've only got to read old books on sailing ships and they all talk about the rogue wave and it's just been around for hundreds of years. It is there and it's the sea condition that comes in - and Alan had it, I'd love to be able to - I have been - Warwick Hood and a few others said they've got some sort of copy of it but I've never actually seen this - I spoke to Alan just at Jack Earle's wake, it was just prior to Alan's death, and I said have you got a copy of this - that ..(not transcribable).. because it stuck in my mind so much and he said oh I think I might have something at home or something like that, he was getting pretty fragile at that stage and it's a piece of - it's a speech which if you were there and I think that probably one or two in this room that were there that night they'll never forget.

Q. Alright we'll try and chase that up actually. What about personal EIPRB's?
A. Sorry?

Q. Personal EIPRB's?
A. Oh I think they're a must. I think - I was talking to a few people outside and the way that boats are performing today with the speeds that they're doing I mean even a life raft is starting to get to a stage where it's useless. Because they're travelling so fast these days, I mean every race we had after that Hobart race was very fresh conditions. The Osaka race from Melbourne to Osaka which was run I think around April they actually got into a low depression off Coffs Harbour which was similar to what we experienced in Bass Strait without the sea conditions and one boat sunk and people ended up in a life raft and they

just got..(not transcribable).. The Southport race was a 40 knot downhill race, the Mooloolaba race was a fresh race and the Gladstone race also was another fresh downhill race where people did go over the side of boats. So we're getting to the stage where you really need your personal EIPRB and you're probably far better off to have an inflatable jacket so that when you are flicked out which is quite easily done on these modern boats you've got a chance to survive. Now John Quinn was lost over the side some years ago and he lasted five hours and he was picked up by a tanker. Now he had some sort of ..(not transcribable).. I'm not sure which particular one, but he had an inflatable blister(?) and he was actually picked up by a ship five hours later. So the thing is that if they're going to keep going with lightness and speed and all this aspect they're going to - you have to look at your own personal safety devices, not look at rafts and things like that, you're going to have to look at these sort of categories you're going to have to - around the world guys have got that gear, you put on the harness thing. If you're steering a boat it is - there's trade offs because when you're steering a boat and it's hard work it's very hot so you don't need all this stuff but there's got to be some form of inflation that you could have that you can put personal flotation. I think to me that's got to be the answer to a lot of these sort of things in the future.

SANTAMARIA: Q. Mr Hill asked you some questions about the Boxing Day morning and I think you said it was somewhere between ten and eleven o'clock that you went down to--
A. Yeah I - Roger was downstairs, he was downstairs outside the sailing office and he had his board up and he had his three day prediction thing and that's when I had a--

Q. When you say Roger do you mean Ken Batt?
A. Sorry Ken Batt, sorry.

Q. And I think you said that you - there were two reasons you wanted to see him, the first reason was about the photo, the photos that you had, and I think you said the second reason was because you hadn't been to the pre-race briefing and you wanted to know about the forecast?
A. Yes.

Q. Between the Christmas Day period and Boxing Day morning had you kept track of the forecasts, the publicly issued forecasts?
A. I can't say that I put - well I would have taken note of them yes but I mean to what detail it ended up I just can't remember.

Q. You don't have to be specific about times but as best as you can how long do you think you would have stayed down at the Bureau stand I think we've heard it was?
A. I would have been there with Mr Batt for - well we spoke there for probably a good ten, ten fifteen minutes, because we did talk a lot about the photographs and his uncles being on the first race.

Q. Did you go there with another member of the Winston Churchill crew?
A. No I did it myself and then I walked back to the boat and relayed the information that I'd received to the various crew members who - like the senior crew members yes.

Q. I see.
A. Not everyone really I mean anyone.

Q. We know from the evidence before that there was a weather stand and that there was something of a display with pieces of papers on boards and things--
A. Yes.

Q. --did you see that yourself?
A. Yes.

Q. Did you have a look at what was on the boards?
A. Yes.

Q. What sort of material can you recall seeing on that morning?
A. Well there was a low forming down the bottom but from what I led to believe Ken couldn't really work out where it was going to head and what it was going to do. His professional opinion on that morning was that it was a front and that we're not quite sure what the situation but he did say to me that it will go back to the west and of course the moment you get a forecast of west or north-west a sailor looks at that and thinks right well that's good news. If it's sou'west then it's going to stay sou'west for 30 and 40 hours which is what happened the previous year to the back of the fleet after the leading boats had finished in record time, the front came through and the poor little boats ended up--

Q. Copping it.
A. Copping it and right on the nose and I mean that's it but if it at all says it's going back to the west or even nor'west you look at that as acceptable.

Q. Yes I see. What I was wanting to find out was whether anyone from the crew picked up what's been referred to as a weather pack with some documents do you--
A. Normally they hand them - normally they do hand those things out at the briefing night. Now I don't know whether - I mean they get so much propaganda inside those things about which hotel to go to down at Tasmania and all this other stuff so I never take a great deal of notice. It was probably put on board or something that there was that much stuff that was put on board.

Q. But you don't have a recollection yourself of anyone from the crew picking up documents from the Bureau stand on the morning of the race?
A. No I don't no.

Q. I think you said again a moment ago Ken mentioned that

there was a low forming at the bottom of the front and do I take it from that you knew that the low at this stage was in its formative stage?
A. Well he couldn't really tell me too much at this stage. I mean he just said there was something happening there but I don't know, in my professional opinion says it might - I mean I just forget the actual words of the conversation but the thing was he said it was a front and from I could see it's going to be around 40 or 50 knots and then going back to the west, it was basically what he said that morning.

Q. I think you said about that you thought that was a little unusual?
A. Well only that - yes, yeah, yeah, that did tweak me as being a little unusual but--

Q. But not something that you would have discussed with the others on board when you were going--
A. I would have mentioned that exactly, I mean I would have said exactly what I was told that's the way to do things.

Q. But in any event to the best of your recollection by the time you went back to the Winston Churchill to prepare for the race you were not aware that in fact a gale warning had been issued?
A. Now that night the eight o'clock - the storm warning was issued, the gale warning I'm not sure of, I couldn't be precise about that.

Q. The evidence has been that the gale warning came before the storm warning?
A. Yes.

Q. And it was on the morning of the race--
A. I think when you talk about weather forecasts among sailors you don't put a great deal of emphasis on gales and storms, you tend to put more emphasis on wind strength, direction and the length of the front, how long it's going to blow for, they're the three possibly most important things that a sailor looks at, not whether it's specified gale or storm it's just a general--

Q. The content?
A. Yes it is yes. Sea conditions you sort of know what to expect with the length of the front.

Q. I was interested to her your own rule of thumb or formula or whatever you want to describe it for adding on a factor for gusts on top of the predicted wind speed?
A. Yeah I think if you speak to everyone they'll all have a different sort of bit of a different version but you know I - well if you - this other business that there's been talked about this 40 per cent I mean I along with a lot of other sailors have never picked up on that at all.

CORONER: Q. Do you mean you don't agree with it or you've just never heard of it?
A. I've never heard of it.

Q. Now you've heard of it what do you think of it?
A. Well I--

Q. From your experience?
A. Well I think if they're going to issue a forecast and then going to turn around and say add 40 per cent for this and 80 per cent for that well why the hell do you bring out a forecast in the first place for.

SANTAMARIA: Q. Let's go to the article that Mr Stanley (as said) put to Mr Lumtin and do you remember seeing the copy of the Offshore magazine of the Cruising Yacht Club of Australia?
A. Yes Mr Keenan on the front.

Q. Well you're ahead of me there I think.
A. Well I'm just telling you from my observation.

Q. I wanted to read to you one passage and I wanted to ask you whether there was anything in this passage which was really news to you from all your experience of ocean racing. And the passage is as follows: "Due to lack of observational data", and I'm reading from an article by Ken Batt called Weather Watch, to be or not to be a guide to weather prediction at sea with a Hobart race bias which was in the December/January edition. He says this, "Due to lack of observational data experience suggests that over the oceans alternating bands of areas locally stronger and lighter winds can occur which the ocean or coastal waters forecast tend to ignore at times. This is especially true of pure tradewind flow, gusty winds will occur in the area around a cold front but some evidence suggests that when we have a type pressure gradient, isobars close together on a weather chart, the wind arranges itself in corridors of stronger wind interspersed with areas of lighter winds and these stronger winds can be 20 knots or more higher in speed than the average wind speed. The situation is similar to waves at sea where we talk about average wave heights but nonetheless there can be some waves at least twice that height." Just to break it up when the author was talking about winds there's nothing in there that surprises you is there?
A. Well I mean you're getting a bit technical for me when you start reading stuff like that. I mean are you a sailor yourself?

Q. Only in lazers, not a real sailor.
A. I don't know you go around the world and sail in various places and you will find various conditions. I've done a lot of sailing in Hawaii and it's a completely different wave - weather pattern. You know when you're crossing Bass Strait, you're sailing in probably one of the hardest parts in the world and you want to be prudent about how you do it. No I mean I might read those articles but I still look at weather maps with my own experience and once again I'm led to believe that there was three different programs, that Roger Badham had one, Internet had one and you guys had one, I'm not a hundred per cent sure because I haven't gone into

any of this, only from hearsay and the three different charts basically disagreed a little bit. One said that there was going to be something far worse than what the other forecasted, so I mean you're getting a lot of technical information these days and it sometimes gets--

Q. Don't misunderstand me I'm not being critical of you, I just wanted to know whether in that section there was anything that you regarded as part of the ball park?
A. I'd have to read it again and sort of analyse it a bit more.

Q. In the case of waves I think you've spoken about the phenomenon of the rogue wave?
A. Well it's there I mean that's the thing that is very important and that's the thing that if you possibly look at all the problems that are associated in that race it was the rogue wave that basically - it wasn't the constant conditions it was the rogue wave and it's something that has always been there. I mean you can even go to the surf and a set will come through and one wave will be bigger than all the rest of them, but it's a fact that rogue wave is there and it's the thing that takes you out of play every time and they can be in front of you, behind you, it is a luck of the draw in regards to when one of these come out and I think - I suppose it's the law of averages if you're out there long enough and you do enough of it you will get hit by one in various forms.

Q. I think you mentioned in your evidence that there was an email facility on board the vessels?
A. Yes which I didn't really - I'm not into that technology myself.

Q. Did you see anyone actually fiddling around with what was a laptop or trying to access--
A. Yeah no we tried to quite often - it was there so it was a facility that we should always use and we get - but you try and get - sometimes you would get a chart through and you'd look it and depending on the printing and the way it's been transmitted you'd look at it and you'd think no it doesn't really tell me much.

Q. No and with the radios as well you can use to access the latest weather information was this occurring on board?
A. We - no we didn't - like when you get into the afternoon like Sunday afternoon, was it Sunday the second day, yes, you're getting wind conditions, you will find that it's just not like sitting here and turning on radios, you're in conditions which are really very uncomfortable and so you tend - and people start to get seasick, just nausea, but they'll tend to lax off. I mean I had the radios there and I kept channel 16 and I used to try - but the one thing that had to happen there we'd switch it over for the weather fax printouts, it was there so we were using it, but I didn't particularly look at going to Melbourne radio or anything like that which is something we had done in the past.

Q. The speech by Mr Payne I think you said was in 1984 was that--
A. It was the first Coffs Harbour race I know that, I'm not quite sure of the date.

Q. The 1984 Sydney to Hobart was an event of itself wasn't it. Did you sail in the '84?
A. Well I did the first Coffs Harbour because at the end of that speech from Alan Payne I was going north and the chap that I took with me which was Jack Baxter who was a navigator for us in the 12 metres from Western Australia was going south and after Alan Paine's speech he asked me if there was any room on our boat to go north, but I'm not sure what year because - precisely that was. '84, who won '84, if you tell me who won I would remember probably.

Q. Well it's perhaps more significant the 1984 race because of the number of retirements, I'm talking about the Sydney to Hobart race, in 1984 from the report of the Cruising Yacht Club we understand there was 104 retirements being 69 per cent of the race, and that was a race we're told from the report that encountered 45 knot south easterlies on a fast flowing East Australian current produced sea conditions that were particularly hard on yachts, people and equipment.
A. Mm. How many of those boats retired - got across - got past Eden?

Q. Well--

CORONER: You ask the questions Mr Santamaria I think.

SANTAMARIA. Q. Were you in the 1984 Sydney to Hobart?
A. Well I'm not sure to tell you the truth I'd have to go back and have a look.

Q. You describe--
A. I've pulled out, you know, half a dozen Hobart Races.

Q. For various reasons?
A. Yes.

Q. Wind speed ever a factor?
A. It was mainly breakages. No, I'd say nearly of them, I can't think of one, I didn't go the one that Bruce Gould went in when they won. I missed another two Savage races, '84 could have been one of them, I would have done that one probably but I didn't.

Q. '93?
A. '93 Cuckoo Nest, no. If they won it no I didn't do that one.

Q. Have you ever pulled out of a race in the face of weather forecast?
A. Yes.

Q. When was that?
A. Is was in Aworry(?) in about '79.

Q. Have you ever pulled out of a Sydney to Hobart on the face of the weather forecast?
A. No, I'm pulled out with gear damage.

Q. Do you know of others who have?
A. Oh yes, yes. Terry Dran(?) pulled out in this race, quite a few people did pull out.

Q. I think you said you heard the 8pm sked on Boxing Day night and the 3am sked on the Sunday morning. By what time as best as you can recall did it become too late for Winston Churchill to sail away from the storm?
A. We would have had to probably, possibly turn around by 11 o'clock that morning, I suppose, Sunday morning.

CORONER: Q. To move out of the area of that sea condition?

SANTAMARIA: Q. By that time, were you aware of any other boats which were in the throes of pulling out of the race?
A. No I wasn't, no.

Q. Finally Mr Stanley, I want to ask you a question about recommendations because you that the Coroner has the power and the duty to make recommendations. We heard evidence earlier on, last week, Mr Tim Evans who was the navigator on board the Sienna. He said that he had undertaken a certificate course in marine weather, I think he said at the Sydney Nautical School. Now I don't intend this question to be understood as a criticism of anybody and not your navigator, but would you recommend that anyone who participates in a race of this size undertake a certain level of training in understanding marine weather?
A. Well, yes I think, I mean you do need to know about weather. I mean I think you've probably learnt a lot too,

we've all learnt something out of this experience. I mean with all this technology that we've got today surely we possibly can do better than what they did sixty years ago. I mean sure I guess it's got to be put in simple terms and you just can't make it too hypothetical. You've just got to basically be simple about it. I mean I've heard reports that - I mean I was down in Melbourne recovering down there and a good friend of mine, John Savage, said he was at Metung and he said at Metung that morning, which are the lakes, they recorded 80 knots at 11 o'clock in the morning. Now I don't know the truth of that. I've heard of Wilsons Promotory at 11 o'clock in the morning they had 80 knots. Now I don't know the truth of these situations but--

Q. You'd be the sort of person who could assist though in the design of such a course, couldn't you?
A. I'm sure I could add something somewhere along the line. As I've said here today I think Alan Paine's(?) speech should be compulsory reading for everyone that does Hobart. I think it just tells you what can happen and that's something that you take on board. I mean this Beaufort scale and all that sort of thing, sailors' experiences don't really relate to, as I've said before, they don't really relate to ..(not transcribable).. They more relate to how long a front is going to last, how fresh do you think it's going to be and in what direction because the direction, whether it be south-east or south-west, either one of those directions is something that's going to be very hard. But if you say west or north-west the experienced sailor is going to say this is looking favourable. The other two directions are not favourable whatsoever.

O'HALLORAN: Q. Mr Stanley at the time the major refit was done to the Winston Churchill you were the manager of the ..(not transcribable).. marina, were you?
A. In Ian's absence I was running it as manager yes.

Q. I think in your statements to the investigating police you described some of the work that was carried out on the vessel?
A. Yes.

Q. In particular refastening of the bow and the stern section, is that true?
A. Yes.

Q. And that involved replacement of fastenings with something like 3,000 new fittings, is that true?
A. Right.

Q. Amongst the planks that were refastened to your knowledge were the garboard planks refastened?
A. The boat was thoroughly inspected and refastened in the areas that we thought necessary and by two of the best tradesmen that I've had the pleasure of working with.

Q. Just for the purposes of your evidence the garboard plank is the plank next to the keel on either side of the

vessel, is that so?
A. Yes, yes.

Q. I take it from what you've said then that whilst you didn't personally do the work you had employed tradesmen of high repute?
A. They had far better qualifications than me yes.

Q. Are you saying in effect that you assume that they refastened the garboard plank, because it needed to be refastened they would have done it, is that so?
A. Well what are you assuming?

Q. I'm not assuming anything.
A. Well it was done and the mere fact that the boat was back in the water after eight months and not take a drop of water proves to me that the boat was a very fine vessel and it was. I mean it had been around for a long time. It was rebuild back in Morner's day down in Victoria. There was nothing wrong with that vessel. It was - I mean a bloke like Jim Lawler when he jumps on board a boat like that is not a person that goes to sea on an unsafe vessel and Jim when we sat down in Hobart the year before alongside each other, we had many drinks on each other's boats and he was very impressed with the boat and when I did ask him because he said to me down at the amateurs that he wasn't going to go to Hobart that year, that it was too hard with getting a crew or organising it. I said well Jim I'd only be more than delighted for you to come with us if you're interested and he said I'd love to do that.

Q. Mr Stanley without wishing to take too long at this point, but as far as the garboard planks are concerned, do you say that you know or do not know if they were refastened?
A. Every area that we thought had to be fastened - now the garboard plank I can't be a hundred percent sure but it's one of the areas that you look at and we could have fastened - possibly fastened there but it was - I know the bow and the stern were the two areas that I thought - and anywhere where there was a butt joint in the planks.

Q. Now with regard to the mast, I understand that you had enlisted the help of Joe Walsh the rigger?
A. Joe Walsh did the rigging.

Q. And the mast - the new mast I understand was an aluminium mast, is that so?
A. That's right.

Q. Replacing an old wooden mast?
A. Yes.

Q. And a lot lighter, is that so?
A. Yes.

Q. But slightly taller?
A. Yes.

Q. In your opinion would the new mast have put greater or less pressure on the mast step of the vessel?
A. It - that all gets back to how tight you want to tighten the rigging up. The actual pressure on the mast with the extra weight of the old mast there was probably less weight on the base of that mast than what there was on the old one, especially in a seaway when you fall off at sea you want to then want to keep on driving the mast through the bottom of the boat and with something which is nearly 500 kilo extra it adds an extra lot of pressure. But in the bottom of that boat it had a channel, a steel channel which was ten inches by four inches which was 15 foot long and that mast sat in that channel. Now you want to drive the mast through the bottom of that boat you've got to drive that channel through the bottom of the boat.

Q. And we're talking about hardwood are we not?
A. We're talking about steel.

Q. I think also Mr Stanley in your statement to the police you indicated that a deck collar was fitted to the mast?
A. The deck collar. There was a brand new deck collar made for it.

Q. Can you explain to his Worship what a deck collar is and what purpose it serves?
A. A deck collar is a stainless steel fabrication which supports all the blocks that come down from the mast. The weight is transferred from the sails back down to the deck level and then that weight has to be reinforced. So you build the deck collar. You then tie that deck collar back down to the base of the mast for the purpose of the - the load that comes on these ropes wants to then pull that deck collar off, so you've got to then transfer all those loads back down to the base of the mast so that you don't pull the deck off and that was probably one of the best deck collar ever been built.

Q. So at the end of the refit as a highly experienced yachtsman in absolutely no doubt that the vessel was one hundred percent seaworthy and in excellent condition?
A. Correct.

Q. I just want to briefly touch upon one area which I know we've covered in evidence earlier today but at around about 2 o'clock on 27 December you had spoken with senior members of the crew, Mr Lawler and Mr Gould, and had as I understand your evidence said well look let's get a bit of rest now because I think we're in for some awkward times tonight?
A. That's correct.

Q. And I think your evidence was at that stage in the back of your mind there was a plan or tactics being formulated about what you would do when it got dark, is that so?
A. Correct.

Q. I think you said earlier that turning around at that stage was not a possibility?

A. Well it was a possibility but the direction that we were heading, south, or the direction if we turned around going north was equally as bad as each other.

Q. So whilst this plan I gather hadn't been formulated in any positive or formal manner with the others, in your statement to the police you indicated that you were contemplating heaving to?
A. Yes.

Q. I don't think we've heard any evidence about what heaving to involves and what its purpose is. If you could explain to his Worship what heaving to means?
A. Okay. Heaving to can only basically be done with vessels which have got long keels on them and Churchill was of that vintage. The purpose of it is to basically when the conditions get to a stage where they're unsailable you've then got to look at some sort of way of stability. Heaving to is done by you storm - you actually tie the weather side to windward so that it's blowing the bow down. You tie the wheel in the opposite direction because that wants to push the bow up. Okay, so you've got one fighting the other. You then bring the boat at the wind in - and depending on how you do it you might have to then have the motor as well. So we were - we would have if we'd got to this stage would have got to that situation. We would have tried it in daylight hours because there was no way I was going to do it at night. I wanted to do it in daylight hours. Bruce Gould was thinking exactly the same thing as me ..(not transcribable).. without actually talking to about it because we never got the chance to actually put this plan into place.

CORONER: Q. You circle in neutral into the wind?
A. You do, you basically do but you can actually motor also. You can also motor forward so that you maintain--

Q. A negative speed.
A. Exactly, that is the--

O'HALLORAN: Q. So in the back of your mind Mr Stanley I gather that the concept and the possibility of heaving to was fairly prominent?
A. Yes.

Q. And I gather that it was probably a case of either heaving to or simply continuing, is that so?
A. Yes if the conditions that we thought it was unsafe to carry on because at that time it was - wasn't a problem. The boat was handling the conditions without any problem. The thing that as I've said before is that you've just got to watch for that rogue wave which is something that you keep an eye out on and you try and with the best of your ability if you can pick it you then try and get over the top of it. Now there's no guarantee depending on the size of this wave and I mean you're talking about tons of water when you get these situations. I mean you can heave to and still have a rogue wave take you--

Q. Have a problem?
A. There's no guarantee.

Q. I think in your evidence you indicated that you thought that whilst not having spoken specifically to Jim Lawler or Bruce Gould about it--
A. I didn't have a chance. I mean that was - it was in 2 o'clock till 4 o'clock I could see that they were deteriorating really rapidly and the sea conditions were going to get worse and in my mind I thought right now what's the next phase of this. So I was thinking of one thing, Bruce Gould I know was thinking of exactly the same thing and I never got the chance to basically say what do you think Jim because that's exactly what I would have done.

Q. Just one final point Mr Stanley. In relation to the actual knockdown itself up until that stage the boat was sailing well?
A. Yes.

Q. In control?
A. Yep.

Q. Not sluggish?
A. No.

Q. No sign of leakage of water?
A. No. There would have been a bit of water in the bilge as I said before earlier.

Q. Whilst you were down below I put to you and I ask you to assume for the moment that the evidence is that the boat was sailing at roughly 45 to 50 degrees to the seas, it was blowing about 55 knots and Mr Winning has given evidence that he was estimating the seas to be in the order of 60 feet?
A. Yeah. I wasn't on deck at that stage so I can only rely on what he was saying.

Q. You then became aware of a violent crash?
A. Yes.

Q. Much louder than anything--
A. It was just 25 ton of boat being picked up and hurtled sideways into a trough in front which is basically a brick wall.

Q. After the incident had occurred you were aware of huge amounts of water coming through the coach house?
A. Yes I was yes.

Q. Windows smashed?
A. Yes.

Q. Damage to the port bulwarks?
A. Yep.

Q. So given that scenario I'll just ask you to comment on

this passage I'm about to read to you as an example of what may in fact have happened to the Winston Churchill. This is a passage out of a book recently released called the perfect storm by Sebastian Jungfro(?).
A. Mm I've read it.

Q. You've read it?
A. There's a movie coming out shortly.

Q. And he's commenting upon some studies the American Navy did.
A. Yeah.

Q. And he says this. He says the navy subjected model destroyers and aircraft carriers to various types of waves and found a single non breaking wave, no matter how big it was, was incapable of sinking a ship. A single breaking wave though would flip a ship end over end if it was higher than the ship was long.
A. Yeah. Well there's been records of Cole(?) 43's and boats like that being flipped end over end in the Hobart race.

Q. Typically the ship would climb the face of the wave at an angle of 45 degrees, fail to gain the top and then slide back down the face. Her stern would bury itself in the trough and the crest of the wave would catch her bow and flip her over.
A. Pretty violent stuff, isn't it?

Q. So would that be consistent with what your impression--
A. No we didn't do that.

Q. You didn't do that?
A. No.

Q. Did you feel as though the boat was falling through the air at any stage?
A. You never got a chance to feel the fall but it was the force of the wave pushing the boat into the trough which did - it had to be a tremendous force for the water to come across the deck, smash the windows and then travel in the column another three feet towards me the other side of the boat.

CORONER: Q. And at the same time smash the--
A. Bulwarks.

Q. The bulwarks.
A. Exactly.

Q. Further down the ship, further--

O'HALLORAN: Q. Mr Stanley do you think in your opinion the bulwarks were smashed by the force of the wave coming across the boat or the force of the boat hitting the wave down below?
A. Hitting the trough.

Q. Hitting the trough?
A. Yes. The only way it could have happened.

Q. Without wishing to argue with you about the point, was that dramatically different to the--
A. Oh well I mean you're talking about a much bigger - what size boat are you talking about?

Q. There's no reference there to any particular size boat. It's just a model.
A. I mean - sure I mean you can talk about this and we can go to the AMC down in Launceston and we can do a whole stack of models and testing but when a wave wants to take you out of play in those conditions a rogue wave will and the - some of the strongest boats in that race like Kingara was - happened exactly the same situation. They were knocked down by a wave of incredible size.

Q. And the vessel displaced approximately 25 tons, is that so?
A. Yes that's right.

Q. I think in your statement to the police you described the crash as sounding like 25 tons hitting a brick wall?
A. Well that's one of the descriptions I used yes.

CORONER: We're out of time. Before you begin cross-examining I think it'll be beneficial if you have some discussions with counsel assisting about the state of play, the way we see or he sees the situation as regards your client. That might save a lot of time. That's a suggestion that you do it this afternoon that you're welcome to reject I suppose. So first thing in the morning I'm afraid. It's taken a little longer than I'd hoped but still you'll have to come back tomorrow I'm afraid Mr Stanley.

<WITNESS STOOD DOWN

ADJOURNED FOR FURTHER HEARING TO 23 MARCH 2000

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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 the New South Wales Coroner's Court in the matter of

INQUEST INTO THE DEATHS OF JAMES MICHAEL LAWLER, MICHAEL BANNISTER, BRUCE RAYMOND GUY, PHILLIP RAYMOND CHARLES SKEGGS, JOHN WILLIAM DEAN AND GLYN RODERICK CHARLES

on Wednesday 22 March 2000

Dated at Sydney
this 28th day of March 2000

NAME	PAGES	SIGNATURE
CG	1-13	CG
SL	16-23	SL
DV	57-68, 81	DV
UMG	69-73	JMG
LMH	24-29, 45-56	LMH
CSP	74-80	CSP
LMC	82-88	LMC
RMB	14-15, 30-44	RMB