

W1131 260/00 RMB-C1

NEW SOUTH WALES STATE CORONER'S COURT

STATE CORONER: J ABERNETHY

MONDAY 31 JULY 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 with Mr Santamaria for the Bureau of
 Meteorology
 Mr R Weber for the Cruising Yacht Club of Australia

PART HEARD

CORONER: Before we start, I've been asked by the yacht club to have a look at the preliminary notice of race for the year 2000. Mr Hill and I have had a look at it. Would you give that to Mr Sommer, please. Thank you, Mr Sommer.

<JOHN LINCOLN HONEYSETT(10.37AM)
 SWORN AND EXAMINED

HILL: Q. Sir, would you give the Court your full name please?

A. John Lincoln Honeysett.

Q. Your address sir?

A. 314 Nelson Road Mount Nelson.

Q. Tasmania I take it?

A. Yes, I'm from Hobart, yes.

Q. Your occupation?

A. I'm retired.

Q. You made a statement in this matter and I think it's a - let's see, a five page statement with an annexure. Do you have a copy of that?

A. Yes I do.

Q. What I propose to do is simply go through that statement and ask you questions on it, is that alright?

A. Yes.

Q. You say there your sailing background is that you started as a young fellow in dinghies then graduated to keelboats and you competed in 1956, '58, 60, '68, '70 Sydney to Hobart yacht races?

A. That's correct, yes.

Q. You were on board the radio relay vessel in 1972?

A. Yes I was.

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Q. You've been involved in sailing for the last 60-odd years and you consider yourself an experienced sailor?

A. Experienced, yes.

Q. You are currently retired from the CSIRO as an experimental scientist?

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A. That's what my - yes.

Q. You hold a Bachelor of Science which you obtained from the University of Tasmania and you spent the majority of your working life with the CSIRO in Tasmania and you've had services to the Royal Yacht Club of Tasmania as a volunteer in the race information centre?

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A. Yes I have been there for many years.

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Q. You've been a member of that club since 1956 and you're a life member?

A. Yes.

Q. You've served during that period on the board for approximately ten years?

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A. Yes.

Q. That was from 1970 to 1979?

A. In that era, yes.

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Q. You've also witnessed a great deal of changes in ocean racing and you feel that sponsorship has changed sailing dramatically?

A. Yes.

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Q. You say there at paragraph 5, in 1982 the club introduced the position of race director, information centre and race centre officers in charge. You say I was in fact the first person in that position under the new regime.

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A. I would like to clarify that a little bit.

Q. Yes, most certainly.

A. There were only two positions there, was a race director and more or less officer in charge of the race information centre or we - one was race control and the other was just the race information centre and I was in charge of the race information centre.

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Q. You say that the aim of this position was to organise staff. Our main purpose was to disseminate the positions of yachts to the media and the general public. However, now we disseminate information to the community. What does that mean?

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A. What it means is that the information going to the media is handled by a media centre directly. We deal mainly with telephone calls coming in from the general public.

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Q. You say at paragraph 7, the usual practice was the race committee would establish the position of yachts via the radio and this information would be provided to us to plot and disseminate.

A. That's how it was, yes, for many years.

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Q. It's changed now?

A. It's being handled more by modern technology in terms of computer plotting and things like that and direct contact.

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Q. You say there in 1998 Sydney to Hobart yacht race I once again performed this task. So what was it? Could you tell us what your task was that you performed?

A. Really to organise staff and be ready for dissemination of information, the collection of the yacht positions when it was available, organising some plotting of that manually but mostly through technical plotting with computers and graphic displays and be ready to answer queries from the general public.

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Q. You say there ordinarily the race information would become operational. Is that the race information centre or something?

A. Our section would become operational.

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Q. Around 6am on 27 December?

A. Yes.

Q. That was the case in 1998 and you say I commenced duty there at 6am.

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A. Yes, I did. The centre was opened earlier due to I think a call from Sydney wanted to know why this particular time it was not - the phones weren't being answered and so some - the club manager and the race director spent time from some 10 o'clock at night I believe till 6am when I arrived. There was no information coming through, I think they just were waiting for the main information to come through after the 3am sked which eventually arrived by fax just after 7am in the morning.

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Q. When you say the race director, who was that?

A. The race director Hobart, Mr Badenach.

Q. Badenach?

A. Badenach.

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Q. You say there were three other persons rostered on to assist in the information centre.

A. Yes.

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Q. Upon my arrival there were already other people working in the centre.

A. Yes, that's what I just mentioned.

Q. Is this the same as the race control centre?

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A. No, no, this is a race information centre as distinct - a separate room to the race control centre.

Q. When you say a separate room, are they on the same floor or what's the situation?

A. Yes, more or less.

Q. Perhaps if you explain it to us? 5

A. The boardroom at our club is taken over as race control, through that is the radio centre, radio room, and then our centre just alongside that, so it's a matter of through two doors. 10

Q. So there are three rooms, race control centre? 10

A. Yes. Race information - virtually race information centre which unfortunately we just tend to call it race centre as distinct from race control. 15

Q. I thought you said there was another room occupied by--

A. Radio - where the radios were. 15

Q. Right, so do I take it there are three rooms alongside each other? 20

A. Virtually, yes.

Q. At the far end if I can use that term we've got the race control centre? 25

A. Yes.

Q. Then there's the radio room? 25

A. Yes.

Q. And then there's your room? 30

A. That's correct.

Q. When you arrived in your room there were already people working there? 35

A. Yes.

Q. Do you recall who they were? 35

A. That was the club manager, I can't recall who else but the shift that had been called in during the night was in fact split between Mr Badenach and the club manager and they were just answering the phones, queries, during the night up to 6am when I arrived. 40

Q. Mr Badenach is the Royal Tasmanian Yacht Club's representative for the race, is he? 45

A. Yes, he is the representative for the Royal Yacht Club Tasmania, yes.

Q. As far as you know, he'd been on duty before you arrived? 50

A. Yes.

Q. Did he remain on duty? 55

A. No, I think when I arrived he handed over to the manager, I think he had been there till 3am and the manager - club manager had come to man the phones from 3am till 6am. I'm not too sure of those but that's what I gather happened.

Q. What's the club manager's name? What was his name then?

A. You'll have to bear with me, I'm a little slow with memory sometimes.

Q. Okay, look if you can't perhaps you will be able to recall later.

A. Yes.

Q. If I go back to paragraph 9 of your statement, you say the race control centre was set up but I can't recall whether any persons were active in the centre at that time. That's when you arrived?

A. Yes.

Q. When do you recall them being active in there?

A. It was sort of mid morning I think, before midday certainly the race crew from CYC were flying down from Sydney and arriving mid morning or late morning.

Q. You say usually a member of the race committee attends the centre in the morning and completes the setting up process. Did you see that occurring?

A. That's usually when the team arrives from the Cruising Yacht Club.

Q. You say I recall that Bob Badenach, is it?

A. Yes.

Q. Who was the race director from the Tasmanian side of things had been at the centre most of the night, recall he left in the early hours of the morning, I would say after the 3am schedule.

A. That's what I was talking--

Q. That's what you were told, were you?

A. Yes. Not in - that was in the race information centre.

Q. At paragraph 10 you say when he left, the race control centre was empty and the only point of contact, race information centre. So the race control centre when he'd left, the only place that could be contacted was the race information centre, that's where you came on at 6am?

A. Yes, yes.

Q. You say in the information centre, so that's where you are, we had a fax machine and photocopier which were separate, so two distinct machines, is that what--

A. Yes, yes.

Q. --talking about? We always experience some teething problems, ensure they're working for the first day. So that's just running through the setup, is it?

A. Yes, I'm not sure if that - I know we did have teething problems with them, they are usually set up in a rush before Christmas Day and sometimes we have trouble getting service in the stages of Boxing Day, early in the race. But very often in the first day of the race there are teething problems with some of the equipment.

Q. At paragraph 11 you say these items of equipment remain in the information centre throughout the race. If any faxes are received they are forwarded, I take it from the information centre, to the appropriate person in the race control centre. 5

A. Yes.

Q. So that's the only place where faxes can come in for the race control centre?

A. Yes, on that special fax, yes. 10

Q. Those were standard protocols. There exists a job responsibility for the staff in the information centre, it was broad but effective.

A. Yes. 15

Q. So as far as the system was concerned, if a fax came in for the race control centre, that was then taken through those two doors you've described--

A. Yes. 20

Q. --and given to the appropriate person. When you say the appropriate person, what do you mean by that?

A. Who was obviously in charge in the race control. 25

Q. Did you know who was in charge in the race control?

A. Mr Thompson was in charge and he had his assistants there helping. If he was not there or if he was not there, I'd place it on his - for his attention or give it to his assistant. 30

Q. It's the beginning of - you say this in 11. In the early stages in the race the information centre is manned from 6am till midnight, then when the leading yachts are off the coast of Tasmania the information centre is manned 24 hours a day. This responsibility is shared between the staff of the information centre. The information centre starts to wind up to a 24 hour watch, if I can use that term, when the yachts are off the Tasmanian coast? 35

A. Normally, yes. 40

Q. Then you say in 12 the race control centre is not ordinarily manned 24 hours a day.

A. Probably not in the early stages, it depends on the state of the race and the time at which information is coming through and everything's sorted, put virtually - everything's under control and there are no problems. If there are any problems there are mobile phones to be manned. 45

Q. When you say the race control centre is not ordinarily manned 24 hours a day, what do you actually mean by that? 50

A. Probably a bit - it is certainly misleading, it is manned or is - there are members there, it's not fully manned, there'd be someone there most of the time. Depends really on the state of the information, the information coming through. 55

Q. Have you seen it unmanned?

A. Not - well not in 1998, it was not--

Q. No, I'm not worried about 1998. I want to know - I'm trying to find out what the usual practice is. Have we got a 24 hour watch in the race control centre or do we get to a time when everything seems to be going okay so we knock off and we'll be due back at say 5 the next morning or something like that? 5

A. There are breaks in the manning I believe, I don't know, certainly in our information centre there's always people there and if anything crops up, we - if there's no-one in the race centre, they are contacted. 10

Q. So you'd be able to contact them and bring them in?

A. Yes. 15

Q. You go on to say however, during the 1998 race it was manned for the entire period.

A. That's correct. 20

Q. I would remain at the centre for up to 18 hours a day as the overseer. Recently we appointed a second in command to share the load.

A. Yes. 25

Q. So prior to that, you would stay for 18 hours a day?

A. Yes. 30

Q. Now that has changed?

A. There'd be - certainly we would have someone overseeing our information centre for 24 hours a day, even if it was one of the rostered volunteers on, there'd be someone - one of those would be nominated as the senior person. 35

Q. In these centres, both the race control centre and the information centre, would you have beds so that people could have a sleep or--

A. No. 40

Q. If you needed a rest, where would you go?

A. We'd have six hour shifts so mostly I'm talking about the information centre, not the control centre. 45

Q. I understand that.

A. But we have six hour shifts and that's midnight till 6am and 6am till noon et cetera, so that - not necessary for people to have that sort of rest. 50

Q. You point out in paragraph 13 the information centre being set up alongside the board room.

A. Yes. 55

Q. And the race control centre. You have your own phones. You say there is a phone set up in our area for emergency use. What do you mean by that?

A. It's really if - because often the phones are very busy. If we want to contact our finishing box for instance or some of the other local person, the media centre, we need to have

a phone that is not being occupied all the time.

Q. At 14 you say as I said, I commenced duty at the race information centre around 6am on the 27th. My duties on this occasion included to check on the latest information of yacht positions, if necessary plot the positions of the leaders. On this occasion we did plot some positions. Why just some positions? 5

A. Mainly the leading yachts, to see where they are. It's too - well it's a very big task to plot 110 or 120 yachts manually on a running chart. 10

Q. Over the page you say I can't recall if the weather faxes were there waiting or they came later but in any event I went about my duties. Some time later but before the arrival of the officials from Sydney I polfaxed, that is I dialled pre-set numbers to the Weather Bureau, a fax comes back with all the relevant coastal reports. I did this and a short time later these faxes returned. 15

A. Yes. 20

Q. Is that part of the duty of the information centre?

A. Yes, we try and get what information we can in terms of the - you know that's available in the public arena that we can get quite easily. 25

Q. You say sometimes in the early stages we have problems finding the relevant numbers to dial up in the early stages of the race.

A. Yes. 30

Q. This was the case on this occasion, I recall saying where do we get these numbers, where are they listed. You had to go looking for the numbers?

A. Yes. Well I mean they are in the - I have a file of these things and I just couldn't recall at the time where my file was but then they are available in the telephone book, it was a matter of finding the telephone book. 35

Q. You say finally we found the numbers and as I said commenced the polfax. Prior to dialling the faxes I became aware of the position of some of the front yachts and in fact the whole fleet. This prompted me to check on the weather. 40

A. Yes. 45

Q. That was because of the positions, where they were?

A. Yes.

Q. I specifically wanted to know what the weather was like at Gabo Island. Why? 50

A. The boats were near Gabo Island, a lot of them.

Q. Yes but why did you want to know what the weather was like? 55

A. I have been to sea and I like to know what conditions - the conditions the yachts are experiencing because the forecast as I believe from the previous day was for a

southerly change or a cool change that would give the yachts headwinds. The positions of the yachts indicated that that had not occurred.

Q. Did you know that a storm warning had been issued? 5
A. Not - no, I don't recall having heard a storm warning.

Q. Did you know then what a storm warning was?
A. I know of storm warnings, yes, we get them quite often in southern Tasmania, storm warnings. Very strong winds. 10

Q. You say it was obvious to me that there had not been a southerly, a southwesterly change as I believed had been predicted. That is a normal thing. I became aware of the speed of the yachts as being unusual from observing the 3am plot on the chart in the race information centre. You say in fact I have a yacht position with me and I observed at sked 2 which had been faxed from the CYCA on 27 December at 7.04am. What is it, they're moving very quickly, is that what you'd realised? 15

A. Yes, the average speeds were very high, even the small boats and I mean after my years of experience there, the leading yachts have never been quite that far south as - well, that the whole fleet have never been that far south at that time in the race. 20

Q. That surprised you?
A. It did. 25

Q. I think you've produced that schedule-- 30
A. Yes.

Q. --and that's annexed to your statement there, is that right?
A. I don't have a copy of it with me. 35

Q. Just have a look at it, it's got sked 2?
A. Yes.

Q. That's the one you're talking about? 40
A. Sked 2, yes.

Q. You say then in paragraph 15, once we printed that out and plotted it, the whole fleet was ahead of the Morning Glory record. So in other words the whole fleet were now ahead of what, the record as it then stood was? 45
A. Yes.

Q. The average speeds here were amazing, the leading yachts had averaged 15 knots and some of the small ones 10 knots, which was most unusual and I concluded there was a strong southerly current and no headwind. That was your conclusion from that? 50

A. Conclusion that they hadn't received the headwind that had been - that I believe had been forecast. 55

Q. They had or had not?
A. They had not received it.

Q. You say there in paragraph 16, sometime later we received the coastal reports from the Weather Bureau. These were not forecasts, they were data about actual wind direction and speeds around areas, Tasmania and Bass Strait.
A. Yes.

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Q. What I want to do is ask you this. Is that different from the polfaxes that--

A. That was the polfax.

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Q. That is the polfax?

A. It was a reiteration of more detail.

Q. So when you say received them, you're not talking about them coming from the Weather Bureau, this was you phoning?

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A. That's correct.

Q. Presumably you can do that simply tap in a number and the report is sent back?

A. That's correct, yes.

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Q. The information relating to all of the reports was on one sheet. I made an observation of that sheet and I observed the following as I recall. Eddystone Point northeast Tasmania there was no wind and the southern tip of Tasmania was a strong easterly. I think it was the west coast. Cape Grim and King Island there were strong southerly winds, I think it was 35 or 40 knots, something like that. The outstanding thing was Wilsons Prom, and that's Wilsons Promontory?

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A. Yes.

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Q. With winds - it was either 75 or 79 knots, the fax was very hard to read. We've got a copy of a facsimile that appears issued at 5 to 7 on Sunday 27 December 1998. Perhaps if I just show you that. Bearing in mind what you say in paragraph 16 is from your memory, could that be the figures that you were talking about?

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A. Some of them don't appear to be quite the same, certainly Wilsons Prom which is west sou'west at 71 knots would be very similar to what I had, yes.

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Q. We can find out how it was updated. It was roughly those figures that was outstanding?

A. Yes.

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HILL: Perhaps I can tender that at this stage Mr Coroner then my friends can have copies of that. I think we've actually got copies.

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EXHIBIT #59 FAX ISSUED BY WEATHER BUREAU AT 6.55AM ON 27 DECEMBER 1998 TENDERED, ADMITTED WITHOUT OBJECTION

Q. You say I can't recall, back at 16, this is the last subparagraph there, I can't recall at Gabo Island but I think there was nothing excessive. These positions would have been for about 5am in the morning, the times vary a little bit.

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A. Yes.

Q. You thought that was about 5?

A. I think so, yes.

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Q. What you say there is this, in 17. The wind strength concerned me but I am aware that the wind speeds are exaggerated by the land mass but nevertheless I felt concerned that there was some nasty weather about and that the depression was obviously forming somewhere in Bass Strait. Are you talking about the wind strength at Wilsons Promontory?

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A. Yes.

Q. It's the land mass that you're talking about--

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A. Enhancing the wind to some extent, I believe there's the technical term for that but--

Q. So as far as paragraph 17 is concerned, you're actually talking about Wilsons Promontory there?

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A. The general situation and Wilsons Promontory in particular.

Q. You then say at 18 I made a photocopy of that document and placed the original document I received on a desk in the race control centre for their attention. This is important. Is there some sort of in tray or something like that?

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A. No, it's usually a desk where the race director sits at and his assistants are, so I usually hand - if he's there to hand it in to him - to them.

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Q. Was there anyone in there, do you know?

A. There would have been about that time, this would have been late mid morning, I'm sure there would have been someone there. I can't recall exactly. I know I think Mr Hughes was around there at that time because I did certainly draw it to his attention, Mr Sam Hughes.

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Q. Yes, I'll go on to that. You say at paragraph 19, I can't recall the exact time, I feel it was before midday. I think Phil Thompson, Mark Robinson, I think Sam Hughes arrived earlier at the same time. I think they were all on the 10am flight from Sydney. What exactly are you saying there? I want it quite clear. Are you saying Mr Thompson, Mr Robinson and Mr Hughes were all there at that time of you handing this fax in?

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A. That's what I can't recall if they were all there at that time I handed the fax in. They would have arrived, they arrived on the - mid morning, mid to late morning on the 27th.

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Q. What you then say is I had a talk to them all. So this is the people in the race control centre and you say - is that right?

A. Well I can't recall whether I had a specific discussion with them, if that's what - I may certainly have drawn the attention of some of the wind strengths to people in the race centre.

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Q. You say I had a talk to them all, I brought them up to date on the information I received and I assumed they would have been up to date anyway.

A. Yes, that's - it may sound a bit confusing, it is a bit confusing to me too, I'm afraid, but trying to recall exactly what happened, all I know that I had this information and I would have passed it on. 5

Q. It was information that caused you concern?

A. Yes. 10

Q. You say I recall pointing the fax I received to Sam Hughes.

A. Yes. 15

Q. I recall saying it's blowing in excess of 70 knots at Wilsons Prom and you can't recall his reply but he seemed a bit concerned?

A. Yes. 20

Q. What about other people in the centre?

A. I'm sure they - he would have been discussing with them, he was part of the team.

Q. Then you say later that morning, it could have been before they arrived, that is Phil and the other chaps, I received a fax in relation to the Melbourne Hobart race and the Melbourne to Devonport. The fax indicated the start of those races had been postponed. I probably did bring this to the attention of Phil and Sam Hughes. First of all, where did that fax come from? 25

A. No, I - which paragraph is this? I'm afraid I've missed this. 30

Q. Twenty, sorry, paragraph 20. 35

A. That may not be quite true, I don't recall actually having received it, it's in the transcription there. We certainly had information from people in Hobart that control the Melbourne to Hobart race and they informed us that the races in Melbourne had been cancelled for the day. 40

Q. You say I probably did bring this to the attention of Phil and Sam Hughes. Why do you say I probably did?

A. It would have been part of any discussion I had in terms of the general weather situation. 45

Q. So in other words, when you left the information centre to go into the race control centre with the facsimile and you spoke to Sam Hughes, you had a concern about the weather at Wilsons Promontory? 50

A. Yes.

Q. And that the race from Melbourne to Hobart race and the Melbourne to Devonport race had been postponed?

A. Yes, that was in the - they have a preliminary race there from Melbourne to Geelong port and then that's on the 27th I think and - so that race had been cancelled due to the weather condition on Port Phillip Bay. 55

Q. That information that you had, both for the weather and the postponement of the other races, gave you cause for concern?

A. Yes, it was a situation that was certainly unusual, was some concern. 5

Q. Did anyone say to you that a storm warning had been issued for this area?

A. I can't recall, I can't recall. 10

Q. You then say in paragraph 21 I went about my work and they went about doing their work. Now, who are they that you're talking about?

A. Would have been the race control. 15

Q. Centre?

A. Centre.

Q. You say however, any additional information that was received at the information centre was passed to the race control centre, no question about that? 20

A. No.

Q. Nothing withheld or anything?

A. No, no. 25

Q. Was that because that was part of your function?

A. It was part of our function, yes.

Q. You say it was some time in the afternoon, it was early afternoon, I was made aware of a situation by a cheer from the radio room. I inquired as to what the problem was and a man had been recovered from being lost overboard. 30

A. That's correct, yes. 35

Q. So at that stage until you heard the cheer you weren't told about anything?

A. That's the first indication that there were problems.

Q. Then you say not long after that, or even during the situation hotted up, and we all began to manage the situation as best we could. I can't recall if I overheard Sword of Orion informing the radio relay vessel they were experiencing in excess of 70 knots at Wilsons Prom. That seems a little bit wrong because you've told us it's about 150 - what's going on there, what are you saying? 40 45

A. No, there was radio traffic which was being monitored and I do believe hearing Sword of Orion saying they had strong winds and they were experiencing some problems but that - purely - I was not monitoring that, it was purely as i was passing through the room and I realised there was obviously going to be yachts in trouble at that stage. 50

Q. At paragraph 24 you say at no time did I discuss the situation with the members of the race committee because they were well aware of the unfolding situation. How do you know that they were well aware of the unfolding situation? 55

A. They were setting up the race centre for a sort of

crisis situation I suppose, was one term, whether it was a crisis situation or not. I mean it turned out in the end but certainly they would have been well aware of the situation through the radio room which was next to them. And also direct contact I believe.

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Q. You say that they were busy trying to manage it, I supplied information to them if it came via the fax and they were listening on the radio at times. You saw them doing that, did you?

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A. Mostly Mr Hughes was the one who was monitoring the radio situation.

Q. You then say at paragraph 25 I had no idea personally how the situations were going to be handled. We didn't know they were bring in choppers to remove crews, no idea about the size of the seas. I felt we needed to know, we played it by ear. Were you not getting the information?

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A. We have the information that comes to us it's through - when the yachts have been - radioed in to their positions, we handle that, that is fed onto the computer screens that we have. The information must have been in the public arena because the phone calls started then. It was by people outside the area monitoring the radios we believed.

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Q. You say there in paragraph 26 I am of the opinion it was too late to cancel the race. I believe everybody was of the attitude that you just have to ride it out. That right?

A. It's been my experience, yes.

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Q. I want to suggest to you that it would be advantageous to have contacted the fleet, if you could, to tell them what was happening at Wilsons Prom, would you agree with that?

A. I would imagine they'd all be aware of that, it's in the public arena, the weather forecasts are broadcast at regular times over various radios, Melbourne radio, Sydney radio.

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Q. You think they should have known that?

A. I would expect them to, yes.

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Q. How? How would they--

A. Listening on their radios to radio reports, weather reports, that is part of yacht racing is to gather what information you can in terms of weather situations. Some boats presumably would have had weather faxes.

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Q. When you say you would expect them to know that, that is Wilsons Promontory, that because you are an experienced sailor around Tasmania?

A. I don't see that makes much difference to any experienced sailor should be aware of the situation developing around him.

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Q. So you think that it doesn't matter, you should be able to tune in and listen and find out what the weather is no matter where you are?

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A. You should be able to, yes.

Q. At 27 you say these types of things happen. It was a long, hard squall. I was never aware of a storm warning which had been issued by the Bureau of Meteorology. What I don't understand is you say it was a long, hard squall. What do you mean by that?

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A. That's in hindsight, of course. A lot of this is so much clearer in hindsight but at the time it certainly was a nasty situation, there's no doubt about that. But as it turned out, I think it was a - I mean you do get squalls, storms coming through with changes, wind changes that may last for an hour, two hours, five hours. This one was one that was lasting in excess of five hours.

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Q. So that's not unusual as far as you're concerned around that area?

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A. Well certainly it's unusual to have winds of that strength persisting for that time but it's not unusual for squall lines of 60 knots to pass through a fleet.

Q. You go on to say I was never aware of a storm warning which had been issued by the bureau. I am aware that a storm warning when issued for the coast is the highest warning for these waters that can be given. You're fully conversant with the range, the gale and then the storm?

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A. Yes, although yes, I believe there was something in excess of the storm but I think that's a hurricane and it's not issued in those latitudes.

25

Q. You go on to say I was never aware of the bureau's wind formula adding 40 per cent to winds and 86 per cent to waves.

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A. No, well I mean it's something I was not aware of. When you hear these warnings you expect squalls of course but the actual increase in percentages well I've never been aware of that.

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Q. If you have a warning and it says the winds will be between 40 and 50 knots, what does that mean to you? Or what did it mean then?

A. I'd expect some winds between 40 and 50 knots, maybe some squalls a little stronger but at sea you don't get the squalls you get around land. Anyway that's - yes.

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Q. No, that's fine. I just want to know what you would have thought if you'd got a weather warning that said winds between 40 and 50 knots, would you expect gusts higher than that?

45

A. Probably not I wouldn't have, no.

Q. So you would think that's going to be the maximum is 50?

50

A. Yes. Fifty or 60, you can say, yes, 50 or 60 knots.

Q. When you get a wave height, do you expect to get some bigger ones or do you think that that's going to be the maximum?

55

A. Waves on top of waves but you do get the occasional bigger wave. How much bigger I wouldn't have any - much idea at all.

STANLEY: Q. Mr Honeysett, you're a retired scientist and you're an experienced yachtsman. Can you tell us what your understanding is of how the Weather Bureau goes about forecasting wind strengths?

A. No, I can't tell you that, I'm not a physicist in that side of things. I'm a keen observer of surface winds, that's about my extent in meteorology.

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Q. When you read a weather forecast and it says winds between 45 and 55 knots, what does that mean to you?

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A. Certainly means there'll be some very strong winds around and you know exactly how excessive of that forecast I would not have much idea, I would be prepared for accepting some occasional gusts in excess of those things - of those numbers.

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Q. Do you understand the figures to be an average?

A. I know what an average is and yes I probably wasn't aware of that forecast is for an average.

20

Q. So you didn't know that a forecast was for average wind speeds? Is that what you're telling the Court?

A. I probably wasn't aware - no, I probably wasn't aware specifically that it was an average.

25

Q. When you're out on the sea, just the wind just blow at a constant rate?

A. Fairly well, yes, mostly. There are sort of ups and downs in the wind.

30

Q. Do you mean without stopping, it's just a continuous wind blow of somewhere--

A. Over a period of time it can be mostly very steady and it may gently rise and there'll be lulls in between. Of course there are lulls in between waves too at times.

35

Q. You mentioned before that a forecast of 40 to 50 knots you might expect some, I think you said squalls of up to 60 knots, is that so?

A. Yes, although specific speeds I wouldn't have much idea but--

40

Q. All you'd know is it was a very fierce wind?

A. Yes.

45

Q. We're talking about speeds in excess of 100 kilometres an hour, aren't we?

A. Well yes, yes.

Q. You know that?

A. Yes.

50

Q. Even your figure of if we take 60 knots on a forecast of 50 knots, gusting or squalls up to 60 knots, is an increase of 20 per cent, isn't it?

55

A. Twenty per cent but it - yes, you'd need a wind gauge to tell you how fast - what the difference was.

Q. I mean it'd only have to be another five kilometres or five knots more and you're getting up close to approaching 40 per cent on the forecast, aren't you?

A. I guess so, yes.

5

Q. When you said I was never aware of the bureau's wind formula adding 40 per cent to winds, what did you mean by that? What do you understand there to be a formula?

A. It must have been the way that was transcribed because I was asked specifically are you aware that the Weather Bureau predictions allow for a 40 per cent variation or 40 per cent above the mean speed.

10

Q. That's a lot different to talking about the bureau's wind formula, isn't it?

A. I don't think they were quite my words at the time.

15

Q. Would you argue with this and I'm reading from an article - from a brochure entitled Marine Weather Services issued by the Bureau of Meteorology. It's a guide to Australia's marine forecasts and warnings. I suppose you've seen that, haven't you?

20

A. Not specifically, I have read what they do in general. I don't consider myself a forecaster.

25

Q. This isn't aimed at forecasters, this is aimed at the people who use the forecast, the sailors.

A. Yes.

Q. And you're an experienced sailor?

A. Yes.

30

Q. Been doing it for many, many years and you've been involved in running this - in the running of this Sydney to Hobart race for many years, haven't you?

35

A. I've been involved with the Sydney Hobart race, I have very little to do with the running except receiving information.

Q. Have you ever read the material that's provided to the yachtsmen as part of their race package?

40

A. Not all of it, no.

Q. Let me put this to you, because this comes out of the material that's provided for the use of the yachtsmen. In terms of wind speeds. Wind speed mentioned in forecasts and coastal observations is measured as an average speed over a ten minute period. Now, you didn't realise it was an average speed, is that so?

45

A. I never really thought about it.

50

Q. You didn't know it was measured over a ten minute period?

A. No.

55

Q. I'll go on. Gusts may be 40 per cent stronger than the speed. You wouldn't argue with that from your own experience, would you?

A. I know they gust but I've never actually measured whether it's 40 per cent or 20 per cent.

Q. But it doesn't surprise you that in the publication put out by the Bureau of Meteorology it might be said that gusts may be 40 per cent stronger? 5

A. Yes, well that's - maybe that's right. I mean--

Q. Mr Honeysett, was it really a matter of the public letting you know that there was a problem with the weather that set you on your task to find out what was happening in places such as Wilsons Promontory? 10

A. No, well it wasn't the matter of the public, I was aware that there was going to be some - obviously some strong winds around and then later in the day the - yes, as we are answering public calls, certain people started ringing up and it turns out that they had heard things on the radio, on the transmission between the yachts and it was in the public arena. 15

Q. Perhaps I can put this to you. I got the impression from what you were saying before that what really started to concern you was when the public were ringing in and telling you what they'd heard in the public arena about the weather conditions. Is that right? 20

A. Well it's really their concern for the yacht situations, the specific queries about yachts that they'd heard-- 25

Q. But was it this that set the alarm bells ringing for you? 30

A. To some extent yes because it's the first time we - I was aware that, you know, that there was a obviously bad situation developing.

Q. And even at that stage you had no idea that a storm warning had been issued at 2 o'clock the day before? 35

A. No but I was aware that there was some very strong winds around.

Q. You became aware of that by reason of the public ringing in and telling you? 40

A. By reason of the facts and the situation that was obviously in terms of a depression forming in Bass Strait.

Q. Did you ever look at the faxes that were sent to the Hobart yacht club's offices by the Weather Bureau, the special race forecasts? 45

A. Not at that stage, no, they weren't - I can't recall having seen them there. They came regularly after that. 50

Q. Did you ever look at them during the course of the race?

A. Yes, yes.

Q. And did you see on them, on each of those faxes, there's the number that you can ring to get the weather by fax? 55

A. Yes, yes, once we get them, yes they've got the numbers on them, yes.

Q. There was no need for you to go looking in a phone book, that's what I'm putting to you.

A. Well at the first stage yes. Once we have a file of the faxes that come through certainly the numbers are available, in fact we stick it on the copying machine.

5

Q. The faxes of the special race forecasts had been sent or had been - the forecast had been faxed to the Hobart centre each time they were issued by the bureau.

A. I don't recall seeing that early one storm warning.

10

WEBER: Q. Mr Honeysett, when you obtained the polfax, did you analyse the pattern which seemed to be emerging in the weather from the information on the polfax?

A. I was aware yes of the unusual wind directions around the state.

15

Q. The first thing that you were interested in was to see what the weather was doing at Gabo Island, correct?

A. Yes.

20

Q. Do you still have the polfax in front of you?

A. I don't have the original, I have a copy of one that--

Q. The one that Mr Hill provided to you, do you still have that with you?

A. Yes.

25

Q. It was showing you that Gabo Island was blowing 14 knots, correct?

A. Yes.

30

Q. Then you say you looked to see what the position was at Eddystone Point and it was only nine knots?

A. Yes.

35

Q. Do I take it then that you had a look at the rest of this information to see whether you could discern a pattern emerging?

A. Yes.

40

Q. Could I just hand you a map. I'm at the limit of my geography so I'd like you to check me if you wouldn't mind. Starting at the top, Gabo Island's marked, do you see that?

A. Yes.

45

Q. I've put 14 next to it because that's what's on the polfax.

A. Yes.

50

Q. I've put PH for Point Hicks. Am I roughly correct in locating Point Hicks?

A. PH, yes.

Q. That's roughly where it is, isn't it?

A. Yes.

55

Q. I've put down 17 because that's what it was apparently

blowing at Point Hicks, correct?

A. Yes.

Q. Have I got - I've put LE, that's my attempt to put - to locate Lakes Entrance, is that about right? 5

A. Well yes I think so, yes.

Q. I put a nine there because the polfax shows it was blowing nine knots at Lakes Entrance, right?

A. Yes. 10

Q. I've put KB which I'm instructed is the approximate location of Kingfisher B, that's an oil platform isn't it?

A. Yes, that's right. 15

Q. Have I approximately got Kingfisher B right?

A. Approximately right I think.

Q. None of this is rocket science. I've put 41 next to that, because that's what it seemed to have been blowing at Kingfisher B. 20

A. Yes.

Q. Then I've gone WP, I've put Wilsons Promontory, I'm reasonably confident I've got that one right. 25

A. Yes.

Q. It's the southernmost point of continental Australia isn't it?

A. Yes. 30

Q. I've put 71 next to that because that's what the polfax shows.

A. Yes. 35

Q. The W around to the west actually Mr Santamaria tells me is approximately where Wonthaggi is.

A. I guess it's somewhere there.

Q. I've put 20 there because that's what the polfax is showing, right? 40

A. Yes.

Q. And then if we jump down, King Island's the island directly to the south of Port Phillip Bay, correct? 45

A. That's correct, yes.

Q. And I've put 31 next to that, because that's what the polfax is showing?

A. Yes. 50

Q. Then jumping across, King Island's marked, I've put 14 there, that's what the polfax shows, agreed? I'm sorry, Swan Island I'm sorry.

A. Yes. 55

Q. And then Eddystone Point which you mentioned in your statement I've put a nine next to that.

A. Yes.

Q. The first thing - you wouldn't have needed to do this task because you'd have a familiarity with where everything is and you could sort of build up that picture in your head, couldn't you? 5

A. Yes I can, yes.

Q. Wilsons Prom looks a bit aberrant doesn't it at 71? 10
A. Yes. As I mentioned before, it does tend to read higher than the rest because it's elevated.

Q. We've heard some evidence that - I'm not sure whether it's actually an anemometer that they use but whatever the measuring implement that they use there is some 200 metres above sea level? 15

A. I believe it is high, yes, I don't know exactly how.

Q. Are you familiar with the fact as a keen observer of surface winds as you described yourself that the wind according to world protocol should be measured 10 metres above sea level? 20

A. Yes.

Q. So how much do you discount Wilsons Promontory to take into account its elevation? 25

A. That's a difficult one to say. I'd certainly think twice about it.

Q. When you were considering this information, did you discount it down to the sort of Kingfisher B level? 30

A. It had to do with what was blowing at some of the other areas around it, I think you'd have to - and the other point there of course is the direction, the direction of Wilsons Prom is very different from Kingfisher. 35

Q. You would have discerned from the polfax that there were strong winds developing around Wilsons Promontory towards Kingfisher B, correct?

A. Yes. 40

Q. But yet behind them at King Island they seemed to be abating?

A. It's a direction - I believe that the winds blow hardest on the northern side of a forming depression. And behind them they tend to - well certainly are fairly strong and they are from a different direction of course. 45

Q. But it seems - did it seem to you that there was a pattern emerging that there was a low developing in that area, you had some hard data about Kingfisher B which itself is elevated, isn't it? 50

A. I believe so, yes.

Q. You had some hard data but albeit elevated at Wilsons Promontory, agreed? 55

A. Yes.

Q. Would it be fair to say that you'd discount Wilsons Promontory in your own mind down to about 50 knots on that data?

A. I wouldn't like to say exactly but I'd certainly discount it to some extent but how much I don't know. 5

Q. You would have discerned from your analysis of it that whatever was developing was reasonably localised, is that fair?

A. A little - a depression forming there is - can be very nasty. 10

Q. Sure. But by localised I simply meant that by looking at King Island you can see that it's not particularly widespread geographically? 15

A. No, no but King Island - the wind was southwest there, whether it was west nor'west at Wilsons Prom and northwest at Kingfisher so that there is a rotating--

Q. Rotating sort of-- 20

A. Rotating winds.

Q. Now, if you could just go back to the polfax if you'd be so kind. The sea state was reported at Wilsons Prom as being three metres, do you see that? 25

A. Wilsons Prom sea--

Q. Got to go over to the far column.

A. Over to the right, yes, yes. 30

Q. Did you look at that figure?

A. No I didn't look at those figures.

Q. Looking at it now, does the fact that the sea - the swell is three metres, is that suggestive of the fact that down at sea level it wouldn't have been blowing anything like 71 knots? 35

A. I wouldn't like to say there. It depends from how far away it's been blowing, obviously it - the pitch may not have been very great there. 40

Q. Can I suggest to you that after you analysed this polfax it suggested to you that the fleet were in for a tough Sydney to Hobart race?

A. Certainly, yes. 45

Q. But on the face of that information, a tough Sydney to Hobart race in the tradition of tough Sydney to Hobart races, agree with that?

A. Yes I don't know how much I would have thought it is in excess of what they've experienced in the past. 50

Q. It wasn't as though you interpreted this polfax as providing evidence that they were going to experience something that the fleet had never seen before? 55

A. No, not really, no.

Q. When Mr Hughes came into the yacht club, I take it that

you wanted to bring him up to date with the various bits of information you had garnered during the course of the morning, is that right?

A. Yes.

Q. And included amongst the various bits of information was your conclusions that you'd drawn from the polfax, agreed?

A. Yes.

Q. I don't mean to sound the slightest bit critical of you when I'm saying this but you've used in your evidence on a number of occasions I would have said this, I would have said that, do you agree with that?

A. Yes, I've stated that, yes.

Q. You said quite candidly and I think I've got you correctly, it's confusing trying to recall exactly what happened and all I know is that I had information and I passed it on, do you recall saying something like that this morning?

A. Yes.

Q. Is it fair to say that what you've done is you know what the information was and you believe you passed it on and so you reconstruct how you did it?

A. Yes.

Q. I take it that you would have been keen to update Sam Hughes as soon as practicable after he arrived, you agree with that?

A. Yes.

Q. You think that that was about noon or late morning?

A. It was late morning, yes.

Q. Do you recall if Mr Elliott was also there at or about that time?

A. He was expected, I can't recall exactly--

Q. But you'd had your - you can definitely recall having a sort of an update conversation with Sam Hughes, is that right?

A. Yes.

Q. What I want to suggest to you is that Mr Thompson and Mr Robinson weren't there in the late morning, does that assist you in your recollections?

A. It could well be because once the information on the 3am sked had been promulgated and put through the computer, I believe those gentlemen had been up nearly all night so I would think - I can't recall whether they were there but most likely I thought they would have taken some rest.

Q. Their evidence before his Worship is going to - in the case of Mr Robinson is and in the case of Mr Thompson is going to be that they in fact arrived in Hobart, having been delayed, at or about the commencement of the 1400 sked.

A. Mm.

Q. Does that assist you in your recollection?

A. Yes, I - as I say, I would have expected them - was expecting them to arrive late morning, now whether they did I can't really recall.

5

Q. Is it fair to say that if you accept that, that your updating conversation was almost certainly with Mr Hughes, correct?

A. Yes.

10

Q. It was late morning or about noon?

A. Yes.

Q. And that while you can't remember the detail of it, the thrust of it was trying to bring him up to date with the various bits of information that you'd garnered during the morning, correct?

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A. Yes.

Q. Included amongst that information were the conclusions that you drew from the polfax that you'd read, agreed?

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A. That's correct.

Q. Then you left the polfax on the table in the race control centre?

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A. That's right, yes.

EXHIBIT #60 STATEMENT OF MR HONEYSETT AND MAP TENDERED,
ADMITTED WITHOUT OBJECTION

30

HILL: Q. Mr Honeysett, you've been sailing around Tasmanian waters I think you said for quite a while, some 60 years did you say?

A. Yes, 50 or so yes.

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Q. You have seen plenty of weather forecasts in that time?

A. Yes.

Q. This particular one with Wilsons Promontory at 71 knots, that gave you cause for concern?

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A. Any wind of that strength being reported is reason for some concern. The mere fact it was on top of Wilsons Promontory made me think twice about the sea level sort of - well, the sea level winds which--

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Q. But even allowing for that, the discounting with regards Wilsons Promontory, you were still concerned about that?

A. Yes, there was a developing - to my mind anyway there was a developing situation of a depression forming in Bass Strait.

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Q. You took that concern and conveyed it as far as you were concerned to the race control centre?

A. Yes, whoever, yes.

55

<WITNESS RETIRED AND EXCUSED

<ROBERT JOHN BADENACH(11.50AM)
SWORN AND EXAMINED

HILL: Q. Sir, would you give the Court your full name?

A. Robert John Badenach.

5

Q. It's Badenach it's pronounced?

A. Yes.

Q. And your address?

A. 34 Red Chapel Avenue Sandy Bay in Tasmania.

10

Q. And your occupation?

A. I'm a solicitor.

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Q. You are also I think a member of the Royal Tasmanian Yacht Club?

A. Royal Yacht Club of Tasmania, yes.

Q. What position do you hold in that?

A. I'm currently the commodore of that club and also the race director for the Sydney Hobart race.

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Q. I think that you have made a statement in this matter on 4 January 1999, is that correct?

A. Yes.

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Q. Do you have a copy of that?

A. I do.

Q. What was your position as at the 1998 race?

A. I was the club's race director.

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Q. When you say the club, that's the Tasmanian club?

A. Yes.

35

Q. Perhaps if you could tell us your movements. When did you come up to Sydney, if at all?

A. I came to Sydney prior to Christmas for the briefing of the crews on Christmas Eve, I flew back on Christmas Eve back to Hobart and getting ready for the arrival of the race committee and to make sure all the facilities were in order - in place down in Hobart for the - to monitor and greet the boats and berth them when they arrived.

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Q. I understand that you were on duty some time on the 26th is that right?

A. I was.

45

Q. Perhaps if you could tell us what you did?

A. It had been the practice prior to the 1998 race that the race - the information centre and the race control centre did not open until such time as the race director from the Cruising Yacht Club arrived in Hobart. We had set up the race - our boardroom is the race control centre and as John Honeysett has explained to you, we've got an information centre and a radio room. At the time, the crews and their next of kin were notified of phone numbers to ring for

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information on the race and it would have been about 9 o'clock on Boxing Day evening, on the 26th, that I received a phone call from Lisa Radcliffe from the Cruising Yacht Club saying that people were ringing and there was nobody there to answer the phone. So I went up to the club and stayed there till about 4 o'clock in the morning answering the phone. 5

Q. This was Lisa - she was Lisa Smith then, so that call came from Sydney? 10

A. It did.

Q. That people were ringing, what, the Tasmanian club? 15
A. They were ringing the race information centre for information about the race.

Q. Why weren't they ringing the Sydney one? Was that off the air or something?
A. Because that was the number that was given out to - I'm not sure whether it was in the official program or in the handout to the crews but the numbers that people were given were Hobart numbers. 20

Q. But they would have known, that is CYCA would have known that you didn't man that normally until the following morning, that is the 27th? 25
A. Yes.

CORONER: Q. That was about 9pm on the 26th she rang?
A. Yes. 30

Q. And you stayed at the club then - you went to the club and stayed there until about what, 4am?
A. 4am, yes your Worship. 35

HILL: Q. You listened to the 3 o'clock sked then?
A. No I didn't.

Q. No purpose in you listening to that?
A. No, no, I was there purely to answer the phone, I was there on my own and just the phone rang regularly up till midnight but after midnight the calls were fairly infrequent. 40

Q. So it wasn't as if you were there under a set program, this was an ad hoc situation and I think you then got the manager in, is that right? 45
A. Yes, that's correct.

Q. What time did he take over?
A. Around about 4 o'clock in the morning I would have-- 50

Q. What did you do then?
A. I went home to bed.

Q. Very reasonable. Did you come back?
A. I called in to the club, I came back in the morning after I had some sleep just to make sure that everything was 55

there, people that were rostered were on duty and just to check to see that things in general were running smoothly.

Q. What time?

A. Would have been probably 10, 10.30 in the morning.

5

Q. Who was there?

A. I remember John Honeysett was there and his rostered crew, I can't recall who.

10

Q. That's the information centre?

A. That's the information centre.

Q. That appeared to you as far as you were concerned going well, no problems?

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A. Yes, we did have - we did have a problem with a fax machine in the information centre and we arranged for one of our members who works for Telstra, he came in and fixed the - came in and fixed the problem.

20

Q. What was wrong with the machine?

A. It was just a matter of a wrong plug, it was a very simple thing when you don't know what you're doing.

Q. Do you recall what - was that before you arrived to check on things or was it after?

25

A. No, that was after I arrived, I spoke to John Honeysett about it. The club does - there is - the club's normal fax machine is down in the office.

30

Q. During this look-in at about 10.30 did you go into the race control centre?

A. I did.

Q. Who was present, do you recall?

35

A. I don't think there was anybody there at that stage.

Q. That was about 10.30?

A. At 10.30 on that morning, no.

40

Q. What about your radio centre, how was that doing?

A. That would have been manned, there would have been somebody there.

Q. What was the requirement of your radio centre?

45

A. To monitor the radio, listen in from the time - to monitor the progress of the fleet, listen in to Young Endeavour, the radio relay vessel, and any other yachts.

Q. From when to when though? I'm trying to work out when you actually, if you like, come on line so that you're operational down there.

A. We came on line on the 27th.

5

Q. What time though?

A. Would have been - John Honeysett arrived to do the - do the sked, plot the sked, the 3am sked. He was there and the centre was functioning from that day and that time, so it was fully operational at 6 o'clock in the morning.

10

Q. The radio centre as well?

A. Yes, yes.

Q. So is it reasonable to say that as far as you were concerned, the situation in Tasmania would be your information centre and your radio centre would start at 6am on the 27th?

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A. Yes.

20

Q. And then you would continue that monitoring and functioning until the end of the race?

A. Exactly, yes.

Q. What about the race control centre? When was that due to start in your--

25

A. The race - the arrangement was that the 3am sked on the 27th was done in Sydney, and then Phil Thompson and Mark Robinson and Howard Elliott all caught the plane from Sydney to Hobart and they would arrive in - they arrived in Hobart in time to do the sked at 3pm in the afternoon.

30

Q. 3pm or 2pm?

A. Well the afternoon sked, it's the 2pm--

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Q. Do you have daylight saving in Tasmania?

A. Yes, we do.

Q. So you would have been on the same timing?

A. Yeah, yes.

40

Q. Perhaps if we just approach it this way. You expected them to be ready for the afternoon sked?

A. Yes.

45

Q. In Tasmania.

A. Yes.

Q. What about in between time, the 3am of the 27th and the 2pm? What was to happen, did you know, with the race control centre?

50

A. The race control centre was vacant and a lot of the equipment was bought (as said) down by Phil Thompson and his staff.

55

Q. Supposing something had happened at say 6am on the 27th, something that was imperative that you contact race control centre. What would you do?

A. We would contacted - we would have contacted Phil Thompson on his mobile phone.

Q. What about if it's switched off because he's in the air?

A. Well we would have endeavoured to make contact with other members of the race committee, Hans Sommer or the Vice-Commodore who was chairman of the race committee at that time. We would have endeavoured to have - we would have made every effort to contact somebody.

Q. Can I suggest this to you, that what you would have done is work through the race management committee trying to get someone if you needed to do so?

A. Yes.

Q. That's how you foresaw that?

A. Yes.

Q. You said you came and looked in at about 10.30 on the morning of the 27th to the club. There was no one there as you recall in the race control centre. Now is it as you recall or you're definite about that, there--

A. There was nobody there because they were - the race control centre team were either in the air or about to get in the air to fly to Hobart, so I went down to the airport to collect Phil Thompson.

Q. So you went down to collect Phil Thompson?

A. Yes.

Q. Did you collect him?

A. Yes.

Q. What time was that?

A. I don't recall exactly now, but I know I went down there and collected him and took him straight back - straight to the club from the airport.

Q. Anyone else with him?

A. Mark Robinson was there and - yeah, Mark Robinson, Mark.

Q. Just the two?

A. Just the two I think from memory.

Q. You brought him back to the club, brought them both back to the club?

A. Yes.

Q. Did you go to the race control centre?

A. Yes.

Q. Who was there when you arrived?

A. Sam Hughes.

Q. Who else?

A. Just Sam.

Q. What about Mr Elliott?

A. Well he could have been there. I don't recall. I think they might have all flown in on the one plane. I only had room for two people in my car with their luggage, so he could have been with the other - definitely he would have been there by the time the sked commenced though.

5

Q. Did anyone bring to your attention these winds at Wilsons Promontory?

A. No.

10

Q. Are you aware that it's the function or part of the function of the race management team to monitor the weather?

A. Yes.

Q. Well did you see any monitoring of the weather?

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A. I didn't see any fax, didn't see a weather fax.

Q. Did you remain with the race management committee, the race control centre from then on?

A. I sat in there, I sat in there while that sked was going on.

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Q. Did you hear prior to the sked the message from Doctel Rager that they had 50 to 60 knots and up to 70? Did you hear that at all?

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A. I would - I can't recall specifically, but I was in the room when the radio communications were being made and I just have no specific recollection of any particular conversation.

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Q. This is important because Doctel Rager is logged as giving that message at about 12.35. We're told that the sked started at five minutes past two.

A. I have no recollection, I'm sorry.

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Q. Do you recall if when you arrived they were part way through the sked?

A. No, I can't.

Q. Who was actually monitoring the sked? Was it your radio room?

40

A. No, the sked comes - comes - the radio contacts through into the - into the race control centre. The race director has contact with the Young Endeavour, the radio relay vessel, and the - our radio's on, but sometimes up till this year that because of the problems with our antenna that we couldn't - communications aren't as extensive as they now are.

45

Q. What I'm trying to find out is whether the sked that you're listening to is in the race control centre or whether you're listening to it in the radio centre--

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A. Race control--

Q. --or are we talking about separate--

55

A. Race control centre.

Q. Has a different radio set?

A. Yes, it has a satcomsea phone that Phil brings down with him, Phil Thompson brings down with him from Sydney, and that's what he listens to the sked on.

Q. And you could hear it?

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A. Yes.

Q. From that?

A. Yes.

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Q. You don't recall - was that set up when you were in or was that being set up?

A. Phil bought the - Phil Thompson bought the phone with him.

15

Q. And you listened to it on the phone?

A. Yes.

Q. Did you hear the weather forecast at the beginning of the sked or did it start part way through the sked or what?

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A. I can't recall any - I can't recall any specific - recall any weather forecast. Obviously the forecast would have been given but I didn't take much notice of it. We were trying to tidy up. My job is to see that everything functions properly at the Hobart end, and I was more concerned to see that everybody had settled in and that our facilities were in place.

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Q. We've just heard from Mr Honeysett that part of the function is to take from the information centre any facsimiles and other information into the race control centre. Is that how you understand it to function?

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A. That's correct.

Q. And it functions like that?

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A. Yes.

Q. Do you recall Mr Honeysett coming in and speaking about the weather at all?

A. I remember him coming into the race centre as he - he came in to greet - to greet Phil, Phil Thompson and Mark Robinson and the crew, came in to say hello because a very close liaison between the information centre and the race control centre.

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Q. We have a facsimile issued at 06:55 hours on Sunday 27 December and it shows Wilsons Promontory having 71 knots. Would that cause you any concern?

45

A. Well if I'd have been aware of the facts I would have brought it to somebody's attention, yes.

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Q. I'm not suggesting you were aware of the facts, I'm not suggesting that for one moment. What I'm asking you is would that - if it had been brought to your attention would that cause you concern?

55

A. Well yes.

Q. It caused Mr Honeysett concern he said. Why does it

cause you concern, 71 knots at Wilsons Promontory?

A. Well strong winds in the area.

Q. Anything else?

A. No.

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Q. Simply strong winds, nothing more?

A. Well I don't think I'm qualified to comment or - on sort of - on wind strengths and things like that because I just not have had - have not had the experience.

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Q. So as far as you're concerned, you don't recall any conversation between Mr Honeysett and Mr Hughes about this 71 knots or whatever it was at Wilsons Promontory?

A. No.

15

Q. Did you remain with the race control centre during the day?

A. Yes.

20

Q. And I take it during the night as well, is that right?

A. Yes. I left about - I think about 10.30 that night to go home. I hadn't much sleep the night before, I went home to bed.

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Q. I take it you were there during as you've said the 2 o'clock sked and you listened to that. Did you hear Sword of Orion saying that they'd had between 70 and 80 knots?

A. Yes, I did.

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Q. You heard that. Did that cause you any concern? That's during the sked.

A. Well yes, of course.

Q. What was said among the group?

A. I can't recall.

35

Q. Well it would have been a very important matter wouldn't it?

A. Well it was obviously discussed, but I can't recall any specific conversation in relation to - everybody was concerned because of the strength of the wind, but as to what conversation took place I'm afraid I have no recollection.

40

Q. Well didn't anyone sort of say what do we do now, or anything like that?

A. Not that I can recall.

Q. Well do you recall anything said by anyone about Sword of Orion coming through and saying 70 to 80 knots?

A. Well there was concern obviously, but--

45

Q. But how did the concern manifest itself?

A. Well it was obviously discussed and I think then it was sort of--

50

Q. When you say it was obviously discussed, by whom?

A. Well in the - in the - in the room there was Sam Hughes, Mark Robinson, Phil Thompson and Howard Elliott and myself. I think--

Q. I want you to think very carefully about that. You said Howard Elliott. Are you sure about that? 5

A. I'm pretty sure Howard was there. Howard had arrived at - in time for the sked.

Q. Do you recall who was the leader in any conversation or anything like that? 10

A. Well basically Phil Thompson and Sam Hughes were the - were the two that were probably the - having the most to say if anybody was saying anything. We were more concerned at listening to - listening to the sked rather than there wasn't - when the skeds are coming through nothing's said much in the room because-- 15

Q. I can understand that, but Sword of Orion would have been one of the last vessels because it's alphabetical, so she would have given that call through somewhere between quarter to and 3 o'clock, and then the sked doesn't last very long after that and I presume as a race control centre there wasn't just absolute silence after it. Someone must have said something surely? 20 25

A. Well yes, there obviously were conversations there, but as I said I cannot - I just cannot specifically recall a conversation that we - that we had on that particular day.

Q. Can you tell us what happened after that then, as far as you recall? 30

A. Well we processed the sked and we've got - there's a company in Hobart called Land File who plot the yachts onto a chart and print out the chart and that chart goes out to the media, to the media centre and various other places, it's faxed off around Australia, and that was prepared, and I left to go to - it was my turn to do the press conference at the Grand Chancel(?) that afternoon. That was at quarter to five. I had to go - quarter to six. I had to go and do that. 35 40

Q. Just stop there. Quarter to six. When you left the press conference had you heard about the knockdowns and the maydays? 45

A. Yes.

Q. So you were fully conversant with that, in the sense that you knew of them?

A. Well the information at hand, yes. 50

Q. When these vessels started to be knocked down, what was going on in the race control centre then?

A. Well Sam Hughes stepped in and from - and took over or took - co-ordinated the - well whatever was co-ordinated with Canberra and whatever was happening. We could only hear Sam's conversation on one end of the phone, sort of weren't privy to what was on the other end of the phone. 55

Q. Were you present when the decision was made to give an instruction to Lew Carter to read out to the fleet the responsibilities - you know the one I'm talking about?

A. Yeah - no, I don't recall that, I don't recall that.

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Q. Well it was a fairly important broadcast because it has two legs to it. One is the abrogation of responsibility on behalf of the CYC, and the other lets it quite clear that the Master of the vessel is responsible. You don't recall any of that?

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A. Well no, not specifically, no.

Q. You don't recall any discussion about that?

A. No, not specifically.

15

Q. Though you don't recall any discussion, did you take part in any decision to make that broadcast?

A. No.

Q. You weren't consulted about it?

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A. Well I don't have any recollection about discussing that matter or being privy to a conversation to it. If I did I would say so.

Q. Can you recall it being made at all?

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A. Well there could have been a conversation, but I just have no specific recollection of it.

Q. Is it a possibility that you weren't consulted because - and I don't mean to be disrespectful, that the Royal Yacht Club of Tasmania was really a junior partner in this?

30

A. Well that's - we are - we are the - we assist. It is the Cruising Yacht Club of Australia's race and we finish - we assist and finish the race.

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Q. So is it a case of you may simply not have been consulted because it wasn't anything that you really needed to have any input in? Is that a possibility?

A. Could have been.

40

Q. You said that you went off to the press conference?

A. Yeah.

Q. At quarter to six or before that?

A. It was around that time. I think they wanted - Peter Campbell had organised a press conference. I think it was - may have been earlier than that because as soon as the sked was finished so that we could - so that the reporters there could get tv news to air and fax off to their editors and newspapers, so--

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Q. Just so that I completely understand this, you were aware that one of the functions of the race management team was to monitor the weather?

A. Yes.

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Q. What were the facilities that you set up in Hobart for them to do exactly that, the monitoring of the weather?

A. Well the fax - a fax machine.

Q. When you say a fax machine, where was that?

A. That was in the race information centre. 5

Q. So was it a system that had been set up that every so often the fax would be pressed, the number, and a facsimile such as this which was the Bass Strait observations would be got and then taken to the race control centre? Was that a system that had been set up? 10

A. Not specifically.

Q. So was it a case that the race management committee would make their own decision and then say to you we'd like a weather update? 15

A. Well the weather was - the faxes were always available there for use by the - by the race control team.

Q. So is it a case that you simply supplied the equipment, like if you'll pardon the expression, like a motel room, so that if you do use milk the milk is there, but if you don't use it that's a matter for you? 20

A. Exactly.

Q. Is that how you saw the situation? 25

A. Yes.

Q. Yes?

A. Yes. 30

Q. So you supplied the equipment for them to consult the weather. From there on it was up to them to do that as they saw fit?

A. Yes, I think that forecasts were - that the regular forecasts were faxed through anyway in any event to the race centre. 35

Q. When you say the race centre--

A. The race information centre. 40

Q. They were faxed through. These are the ones that were paid for, is that what you say?

CORONER: Q. Special race forecasts?

A. The normal - the normal Weather Bureau forecasts. 45

HILL: Q. Well are you aware that there was a package, an arrangement between the Weather Bureau and the CYC where the Weather Bureau supplied special forecasts? Were you aware of that? 50

A. No, no.

Q. You weren't aware of that?

A. No.

Q. So basically you were the conduit? 55

A. That's right.

Q. I don't mean to be disrespectful in any way, but you supplied the machinery and what came through you took or those within the club took and gave that to the race management team?

A. That's right.

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Q. The press conference, it started at approximately quarter to six, about that time, then you came back?

A. Yes.

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Q. About what time did you come back?

A. I would have been away for about an hour.

Q. What was happening when you came back, do you recall?

A. Yes, the - using sheets of A3 photocopying paper were put up on the wall of the race centre which had the names of the boats and we kept a log of details of contacts et cetera. There was sort of one area for the boats that were in serious trouble and there was boats that might be in trouble, so everything was there in - on the wall so that we could see it.

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Q. When you say the race centre, I take it you mean the race control centre?

A. Race control centre.

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Q. So whenever you refer to the race centre we can take it that you're talking about the race control centre?

A. Yes.

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Q. The night wore on. You say you left at about 10.30, that right?

A. Yes.

Q. Were you present at all when AMSA - when Sam Hughes said that Canberra were asking for the race to be called off?

A. No.

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Q. You weren't privy to that?

A. No.

40

Q. Never told anything about that later on?

A. No. No, I don't recall anything about that.

Q. When you left, who was in the race control centre?

A. I just don't recall now. It was--

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Q. Do you recall getting a letter from your radio committee under the signature of Mr Collinson?

A. I do.

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Q. Do you remember passing that to - what did you do with that?

A. Well the initial letter that he wrote, I found that his remarks and comments were a little inflammatory and offensive I thought to the person that it was directed to, and I suggested to him that he should perhaps go back and tone down - tone down some of his language and comments and

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criticism and we'd send it off.

Q. Why? Why did you - why did you see fit to do that?

A. Because I felt in the circumstances that it was inappropriate for the Royal Yacht Club of Tasmania to be submitting such a document to the Cruising Yacht Club of Tasmania. 5

Q. Did you disagree with any of the criticisms?

A. Some of the criticisms we disagreed with and I spoke to my predecessor, Rowan Johnson, who was race director for 25 years prior to myself taking over, and he read the document and said you can't send a document like that, and I agreed with him. 10

Q. All right, it was toned down. What happened then? 15

OBJECTION (WEBER). NO EVIDENCE OF BEING TONED DOWN.

Q. Was it toned down? 20

A. Not that I - not that I'm aware of.

Q. So what, it wasn't sent?

A. Yes, I gave - handed a copy to Phil Thompson. 25

Q. So it was sent?

A. In the end, yes.

Q. In its original state?

A. I think some wording had been changed but the input of the report was much the same. 30

Q. Are you saying it was toned down?

A. Yes. 35

Q. Someone had changed it?

A. No, I asked the author to change it.

Q. And did he change it?

A. Yes. 40

Q. Did that then meet with your approval?

A. Not necessarily, but we had a certain amount of respect for the author's qualifications. 45

Q. You say it was given to Mr Thompson?

A. Yes, I'm pretty sure I handed Phil - Mr Thompson a copy.

Q. Have you had any communication from Mr Thompson about that since? 50

A. No.

Q. Nothing at all?

A. No. The only communication I've had in relation to it was to - for him to ask me to put in place a mayday procedure for our radio operators using the club radio. 55

Q. Did you speak to Mr Collinson about it?

A. I did ask him, yes.

Q. What sort of meeting was that?

A. Well I just met with him.

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Q. Who else was there?

A. The Commodore and the Vice-Commodore of the club at the time.

Q. What was the purpose of this?

A. This was - came as a result of a conversation I'd had from Phil Thompson who - in Sydney.

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Q. What was the conversation you had with Phil Thompson?

A. He informed me that Mike Collinson was giving evidence to the - to this inquiry and to know what - know what it was about.

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Q. Wasn't it a bit more than just that?

A. No.

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Q. So what did you say to Mr Collinson?

A. We asked him what he was - what he - what he was going to say and he said he couldn't disclose that, and we said well if you won't disclose it that's the end of it. We did suggest to him that if he was going to give evidence that he ought to be talking about some of the positives that have occurred as a result of the 1998 race and what we've done down at the club, and it was left on that basis.

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Q. Didn't you say that the CYCA were upset because someone was giving evidence that may be critical against them?

A. I may have said that, yes.

Q. I think your last report actually, the booklet that you put out, the Royal Tasmanian Yacht Club booklet has got something to say about a member giving evidence to this inquest.

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A. Well that was a statement made by the Commodore of the club. I had no - I had no control over what he has to say, all right?

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Q. And it was critical of a member of the Royal Tasmanian Yacht Club giving evidence to aid this inquest.

A. It was - the criticism was aimed at the fact that he had purported to give evidence here on behalf of the Royal Yacht Club of Tasmania without consulting anybody. It was his own personal opinion and it didn't have the sanction of the club.

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Q. No one has said that he's giving evidence on behalf of the Royal Yacht Club of Tasmania.

A. He wrote as chairman of the radio subcommittee and as a member of the Sydney Hobart race committee of the Royal Yacht Club of Tasmania.

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Q. How do you know that?

A. Because I've seen a copy of the - copy of the - I have a

copy of the letter, his report.

Q. But you don't disagree with the recommendations he makes?

A. No, I don't.

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Q. Well what is the problem?

A. Well we just felt that it's - the yacht club's more like a team, you work together, and if he was to do that we would have - it would have been nice to have been - for us to have been advised, particularly myself as being chairman of that committee.

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Q. It's the same document that was sent through you to the CYCA.

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A. Well that's - we didn't - the club didn't approve of what he did.

CORONER: Q. When you say the club, who do you mean?

A. Well we just felt that--

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Q. Who are we?

A. Well I'm talking about the Royal Yacht Club of Tasmania, your Worship.

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Q. What, the committee, a committee of that club, the executive of that club? Who do you mean?

A. Well the board of the club.

Q. The board of the club?

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A. Yeah, the board of the club.

HILL: Q. You're not suggesting for one moment are you that the club, the Royal Tasmanian Yacht Club, would not be interested in aiding and helping this inquest?

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A. Not at all.

Q. Well what is the problem then with Mr Collinson?

A. Well we would have thought it would have been the right and proper thing to do to have advised the club what he was doing.

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Q. Well if you now found out what he has done, that he's put a report in, surely the Royal Yacht Club of Tasmania, you as the Commodore of that, would support such a thing?

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A. We - we didn't agree with what he - we would have expected him to have spoken to the Commodore at least and told us what he was doing.

Q. Putting that to one side, you've seen what he says. Do I take it that you support it or you don't support it?

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A. We support some of the information contained in there. Other - other sections of it we don't.

Q. Well what is it that you don't support?

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A. Well we don't accept - we didn't accept the criticism of Mr Carter for a start, and the problem that we found was that Mr Collinson was not present on - at the club on the 27

December, the day of - and he was making comment on things that he wasn't present at.

Q. There's a rumour that says he's been asked to resign because he sent a report to this inquest. Is that correct? 5
A. Not that I'm aware of.

Q. Is there any form of action being contemplated against Mr Collinson? 10
A. Not at this stage.

Q. What do you mean not at this stage?
A. Well it's - it's a board decision.

Q. A board decision. When does the board meet about that then? 15
A. We - we would not - it would be rather stupid for us to take any action against Mr Collinson I would think.

Q. Ever or whilst this inquest is still ongoing? 20
A. Well it's - I can't answer for the board, I'm speaking personally.

Q. Did you only have the one conversation with Mr Thompson about this and Mr Collinson's evidence? 25
A. I spoke - I rang - I rang Mr Thompson back and told him that we had spoken to Mr Collinson.

Q. What did you tell him?
A. Tell him that we didn't have any information. 30

Q. What did he say to that?
A. Nothing.

Q. Nothing, and that was that? 35
A. Well we did - we subsequently got a copy of his report through the CYCA's solicitor.

Q. But is there any problems that you see in the report, anything wrong? 40
A. Well I'm not - I'm not in a position and I'm not technically qualified to comment on his - on matters of a technical nature that he raises in that report.

Q. Apart from the etiquette, if I can use that term, that you feel may or may not have been abused, is there anything technically wrong that's been brought to your attention with his report? 45
A. I haven't discussed it with - I haven't discussed it with the CYCA. It just hasn't been discussed since the report's been submitted here. 50

HILL: I've nothing further.

SANTAMARIA: Q. Mr Badenach, I'm going to ask you to some questions on behalf of the Weather Bureau. 55
A. Right.

Q. In your record of interview you described your position as being the race director for the race from the Hobart end and that the '98 race was your second race in that capacity. That's correct?

A. That's correct.

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Q. I think you said you went up to Sydney for the pre-race briefing?

A. I did.

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Q. Came back to Hobart to spend Christmas with your family no doubt?

A. Yes.

Q. And watched the start of the race on the television perhaps?

A. No, I didn't.

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Q. What were you doing on Boxing Day?

A. I went bushwalking.

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Q. Were you not aware that prior to the start of the Sydney to Hobart yacht race that a gale warning had been issued by the Sydney Bureau of Meteorology?

A. No.

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Q. What time did you come back from your bushwalk?

A. Would have been about 5pm.

Q. Did you learn that on that Boxing Day the test at the MCG hadn't seen a ball bowled because of the weather?

A. Yes.

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Q. How did you learn that?

A. On the car radio.

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Q. Did you hear the weather forecast at the end of the news on the radio?

A. No, no.

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Q. Did you watch the television news that night?

A. Yes, I think I did.

Q. Did you listen for the weather forecast at the end of the news on the television?

A. Not that I can recall.

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Q. So you've heard two news services, but prior to the end of them you've either turned off the radio or the tv or you can't recall the forecast?

A. Well when I was in the car I had my son and daughter with me and they wanted - they'd wanted music so that I didn't have much choice in that, and much the same with the television I think.

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CORONER: I understand completely, Mr Badenach, I understand completely. You have no say, no say at all.

SANTAMARIA: Q. I can sympathise with that for more reasons than you may care to know Mr Badenach, but would you not have had a passing interest being the race director from the Hobart end of what the weather was doing, what the fleet were doing?

A. Well I was probably - yes I - yes, I suppose - yes.

Q. Stands to reason doesn't it surely?

A. Yeah.

Q. You wouldn't suggest to the Coroner that you were going to retire that evening after the bushwalk without finding out what was happening generally in relation to the race?

A. No. I was hoping to get a good night's sleep because I knew it was going to be mayhem - well be very busy over the next few days and the race - my duties did not start until the next day when the CYCA officials arrived in Hobart.

Q. And Lisa Radcliffe upset that schedule for you by ringing you at some stage during the afternoon and saying no one's answering the phones in Hobart?

A. Yeah, that's right.

Q. About what time did she ring you?

A. Would have been around 8.30, 9 o'clock that evening.

Q. Do you know Lisa?

A. Yes.

Q. Do you remember the discussion you had with her?

A. No - well she said - I think basically said that there were people ringing, can't get through to the race centre in Hobart, can you arrange for somebody to go up there and answer the phone.

Q. Did you say to her Lisa, why are they ringing Hobart, the boats have only left the harbour this afternoon?
A. I think that did come up in the course of conversation.

Q. What did she say?
A. She said that we've got - that everybody's got the Hobart numbers to ring for information.

Q. Did you ask her why they were ringing for information?
A. I don't recall.

Q. Did she tell you anything about the press releases which had been issued that day from the media centre in Sydney?
A. No, I think my conversation was fairly short, brief and it was get on your bike and get to the yacht club to answer the phone.

Q. But sufficiently serious for you to go down to the yacht club at about 9pm?
A. Yes.

Q. And stay on duty until was it 4 o'clock the next morning?
A. Yes.

Q. You said that you fielded quite a few calls in the early part but they tailed off towards the last part of this stint?
A. Yes.

Q. Did any members of the press telephone you during that time, that you can recall?
A. Not that I can recall.

Q. What were the telephone calls that you did receive, do you remember--

CORONER: Q. What was the flavour?
A. Basically where the - inquiring after certain boats, where they were et cetera, et cetera. I really basically didn't have much information there because we weren't set up for it.

SANTAMARIA: Q. So that if someone had asked you on your evidence given today what the forecast was for the fleet as they went down the New South Wales coast, you wouldn't have been able to tell them?
A. That's correct.

Q. Did you learn that the Melbourne to Hobart race had been called off at some point over that time?
A. Yes.

Q. When did you learn that?
A. I think somebody came into the race information centre and conveyed the information because we - the radio room is used by the Melbourne Hobart race and some of their officials help us out, the club's right next door.

Q. Do you believe that this was on Boxing Day or the next day, the 27th?

A. No, it was the 27th.

Q. Did you have any discussion with the person who informed you of that development?

A. No, I didn't speak to anybody personally.

Q. Did you pass on that news to anyone else within the race control centre?

A. I think that information was conveyed to me by Mr Honeysett and he no doubt would have conveyed it to other people.

Q. But did you speak to anyone about the fact that the Melbourne to Hobart race had been postponed or cancelled?

A. No, not specifically.

Q. Did it come up in discussion with any other members of the race control committee, in particular Mr Thompson or Mr Robinson?

A. I don't recall.

Q. Lastly Mr Badenach, you said I believe before that you weren't aware of special forecasts being issued for the race by the Weather Bureau, you agree?

A. Yes.

Q. But you said that the normal bureau forecasts were received within the centre?

A. Yes I think - yes.

Q. Do I take that to mean both the normal forecasts and warnings issued by the bureau?

A. Yes.

WEBER: Q. Mr Badenach, you indicated in answer to Mr Hill that you weren't qualified to comment on wind strengths as you don't have the experience, do you recall saying words to that effect?

A. Yes I do.

Q. Could you outline to his Worship what your blue water sailing experience is?

A. My blue water sailing experience is nil because I get seasick and think I'm basically a harbour sailor, I've been sailing since age 13 but ocean racing doesn't appeal to me so I cannot comment on matters pertaining to that but I have been involved in yachting administration for many years and I do enjoy my role as race director.

Q. Do you recall being asked some questions about when Mr Elliott arrived, when Mr Thompson arrived in Hobart, when Mr Robinson arrived in Hobart, do you recall those line of questions?

A. Yes.

Q. Do you recall introducing Mr Elliott to some of your

club's volunteers at a midday briefing on the 27th?

A. No, I don't.

Q. You gave some - you were asked some questions concerning Mr Collinson's first paper that he addressed to you, do you recall that?

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A. Yes.

Q. You said that you thought its language could do with some toning down, I think that was the thrust of your evidence, is that a fair summary?

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A. Yes.

Q. You indicated that you ultimately gave to Phil Thompson something which you thought was more toned down?

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A. Yes.

Q. Could I just show you a document. I'm showing the witness a copy of a letter from Mr Collinson to his Worship of 16 July 1999. Do you recognise that as the document that you provided to Phil Thompson?

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A. It appears to be the document, yes.

Q. Given the date that it bears, it has to have been provided--

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A. Yes.

Q. --some time after July of 1999. You were asked some questions concerning the attitude of your club to Mr Collinson's decision without reference to the club to give evidence in these proceedings, you no doubt recall those?

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A. Yes.

Q. Is it a fair summary that - sorry, one of your answers suggested that your club was concerned that the CYCA may be concerned about Mr Collinson giving evidence, is that fair?

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A. We just felt that Mr Collinson was not representing - in some of his views was not representing the views of the Royal Yacht Club of Tasmania.

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Q. No-one on behalf of the CYCA expressed concern to the Royal Yacht Club of Tasmania that - sorry, expressed its concern that Collinson should not give evidence, did they?

A. No.

45

Q. And no-one from the CYCA put any pressure on your club to cause Mr Collinson not to give evidence, did they?

A. No.

50

Q. Do you know the nature of the weather forecasts which were faxed to the race information centre in Hobart?

A. No.

Q. Just the mere - your belief that they - forecasts of some description were faxed?

55

A. Yes.

Q. As I understand it - necessarily this inquest has tended to have a Sydney-centric view of the world. As I understand it, you'd wish to put to his Worship a Hobart view of the Sydney to Hobart Yacht Race and what it means to the city of Hobart and to Tasmania, is that right?

5

A. Yes.

WEBER: Is your Worship content--

CORONER: Certainly.

10

WEBER: Q. Proceed.

A. The Sydney Hobart race your Worship has been for 55 years and it's become a traditional part of Hobart life at Christmas time for the Hobartians to greet the fleet when they arrive. As a result of that, a lot of redevelopment's been done around the wharf area as a taste of Tasmania which runs for - during the course of the Sydney Hobart race and that attracts about 250,000 visitors. There's a lot of infrastructure that's gone on in Hobart. There's the Hobart Summer Festival which was developed out of the race.

15

There's a lot of money that comes into Hobart and statistics were - a survey was done in the 50th race and it was worth about \$10 million to the state economy. It's a very important part of Hobart's life and it helped put Tasmania on the map. It's one of the truly - only international event that we have and we'd certainly - we feel that it's the boats at the tail end of the fleet and the middle of the range boats, the characters that come to Hobart every Christmas that make the race such as it is and we certainly enjoy having them down there and we use every possible endeavour to make them welcome. We've got the Premier's backing behind it and the Lord Mayor and as I said it's a very important part of our summer.

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25

30

35

CORONER: Yes, I understand that.

HILL: Q. You've just said that no-one put any pressure on you from the CYCA about Mr Collinson giving evidence, is that correct?

40

A. Yes, that's correct.

Q. You couldn't remember earlier what had been asked of you by Mr Thompson in the conversation. Do you recall now what he said?

45

A. There was - no, there was certainly no suggestion made whatsoever to influence Mr Collinson.

Q. Wasn't part of the call from Mr Thompson expressing concern, the CYCA were expressing concern that a member of the Royal Yacht Club of Tasmania was to give evidence that was critical of the CYCA?

50

A. There was - obviously there would be some concern from them, because he's purporting to give it as a club - as a member of a club sub-committee.

55

Q. I'm going to ask you again, do you recall the conversation you had with Mr Thompson?

A. Yes, I can recall the conversation.

Q. What was it?

A. He wanted to find out exactly what Collinson was going to say, what he was purporting to be delivering in his evidence. 5

Q. For what purpose?

A. So that we - the club was made aware of what he was going to say. 10

Q. Presumably you would find out?

A. I said I'd find out - I'd see if I could ascertain the information, yes. 15

Q. That was from Mr Thompson? The phone call was from Mr Thompson?

A. Yes, from Mr Thompson, yes.

Q. Did he tell you it was on behalf of the CYCA? 20

A. Well whenever I have conversations with Phil Thompson I always assume that it's from - on behalf of the Cruising Yacht Club of Australia, I had no doubt to the contrary.

Q. So he didn't say that it was on behalf of them, you just assumed that? 25

A. Yes.

<WITNESS RETIRED AND EXCUSED 30

LUNCHEON ADJOURNMENT

<HOWARD NIXON JOHN ELLIOTT(1.55PM)

SWORN AND EXAMINED 35

HILL: Q. Mr Elliott, would you give your full name to the Court please?

A. Howard Nixon John Elliott.

Q. And your address sir, professional will be fine? 40

A. My home address is 11 Hillside Crescent Epping. My business is also at home.

Q. Your occupation?

A. I'm a telecommunications consultant. 45

Q. I think you gave a statement in this matter on 16 February 2000?

A. That's correct. 50

Q. I think that my learned friend Mr Weber has some questions or some alterations that you wish to make to that?

A. That's correct.

WEBER: Q. Do you have your statement with you, Mr Elliott? 55

A. I do.

Q. I believe there's something in paragraph 52 that you

wish to clarify?

A. That's correct.

Q. Could you go to that please. I believe that the clarification's in the final sentence?

5

A. That's correct.

Q. Could you explain to his Worship how the final sentence should read or what you're intending to convey at least by the final sentence?

10

A. Yes, the final sentence should read later that morning the CYCA sailing office received a telephone call from the owner of Veto advising that they were off Batemans Bay and headed for Sydney.

15

HILL: I think that was the second statement.

WEBER: Yes, it was the statement of--

HILL: 16 July--

20

WEBER: 16 July, your Worship.

HILL: Q. I do have a few questions for you. First of all, you were part of the race management team, is that right?

25

A. That's correct.

Q. Who else was with you?

A. When?

30

Q. With the race management team?

A. The race management team consists of Phil Thompson, Mark Robinson, myself and Tony Hughes - Sam Hughes, Anthony Hughes is his real name.

35

Q. What part does Sam Hughes play in that?

A. Sam is the representative from AMSA.

Q. Does he make any decisions in regards to the management of the race?

40

A. No.

Q. He's really there to be called upon in time of emergency, is that his role?

A. Yes.

45

Q. So if you want some advice about an emergency context you ask Sam?

A. Correct.

50

Q. You were responsible for the race communications, is that right?

A. I was responsible for the production of the results, for the communication of those results back to the website and for liaising with the radio relay vessel.

55

Q. At page 4 of your first statement, I'll use that, you say leading up - this is at the top of that statement, do

you have a copy of--

A. I'm sorry, are you referring to the police statement?

Q. Yes, the police statement. I'll call one the first statement and the second one the second statement. You see there you say leading up to the race, part of my responsibilities at the start ensuring that all our communication systems are in place, so I am the one that looks after - makes sure the radio systems are in place and the computer system is in place and all that sort of stuff. 5
10

A. That's correct.

Q. What exactly is that, that you're talking about there?

A. The responsibility that I have there is to basically double check the rest of the organisation, that we have all the communication pieces in place. The communication pieces include the radio systems, the data communication systems and the telephone systems for the race control centre. 15

Q. Is that both in Tasmania and in Sydney? 20

A. It's only in Tasmania.

Q. Do I take it then you were responsible for setting that up in Tasmania? 25

A. No.

Q. No?

A. That's correct, no.

Q. Who was responsible? 30

A. The RYCT. I'm sorry. When you say responsible for setting that up--

Q. That is the communication system.

A. No, the RYCT is responsible for setting up their radio room, that's part of their duties prior to the race. My responsibility there is to make sure that that's been done, to remind the team that's one of the things we had to check off. My other responsibilities with regard to communications are in the data area, to make sure that we can communicate with the website, we can get information to and from the website and to make sure that the network has been set up correctly. 35
40

Q. As far as you were concerned, who was actually administering the race, the minute by minute administration of the race? 45

A. The race management team.

Q. The whole of the team? 50

A. The day to day administration of the race is the responsibility of the race management team, yes.

Q. You don't take over until let's see 1 o'clock on the 26th, is that right? That's when the race management team actually begins to control the race, at the start? 55

A. Strictly speaking it's an hour before that.

- Q. What happens an hour before that?
A. That's when the starting line and the inner harbour marks are laid and they're verified in their position and the race management team does that. 5
- Q. Let's go back to the briefing that takes place on the 24th. Did you attend that?
A. I did.
- Q. What was the purpose of you attending that? 10
A. I attend that to make sure that I am abreast of the same information which is given to the competitors. I play no formal part in presenting any information, if that's what you're asking. 15
- Q. But you were there to listen in and to understand what they'd been told, is that basically it?
A. That's correct.
- Q. Who actually gives you your instructions as to what to do, as part of the race management team? 20
A. Mr Thompson.
- Q. So you answer to him?
A. That's correct. 25
- Q. What position did you hold with the CYCA at that time, that is 1998 December?
A. I was a member of the club, I was a member of the race committee for the 1998 Sydney to Hobart Yacht Race and I was a member of the race management team, I held no other positions. 30
- Q. How did you get onto those positions? Were you asked to do those? 35
A. Yes, I was invited to be part of the race management team following the 1992 race.
- Q. Following the 1992 race?
A. Correct. 40
- Q. You'd been in there since then?
A. That's correct.
- Q. Was it because of your expertise in telecommunications? 45
A. It certainly wasn't because of my good looks. I believe it was because of my expertise with computer systems rather than telecommunications.
- Q. So that's why you're really there, because of that expertise? 50
A. That's correct.
- Q. Going back to 1998, you attended the briefing, that is on the 24th, did you attend what was being done on the 25th? 55
A. I did.
- Q. What was the purpose of your role there?

A. I wrote the computer programs which do the handicapping, the course construction and the production of handicaps and my role was twofold as part of the race committee to interpret the information which we had about the weather and to help them put together the course construction and then the second part was actually to implement that, to put that into the computer systems, produce the results. 5

Q. The weather has importance to you on that day?
A. It does. 10

Q. What importance is it?
A. At that particular time the context of the weather information was for the production of the IMS course construction. 15

Q. My understanding of what Mr Robinson was saying last week, last Friday, was that you were only interested in the weather up to 20 knots of wind, is that right?
A. No, what Mr Robinson, and I'll try and interpret what I heard him say, was that the way the IMS system works, the international measurement system works, is that it produces a performance table, the performance table carries performance limits up to 20 knots of breeze and not past that. 20 25

Q. I'll put it to you this way. If the weather showed 21 knots of breeze, for your purposes it wouldn't matter whether it showed 21 or 31 or 41, is that correct?
A. That's correct. 30

Q. Because you're only looking at the weather from a point of view of a period between I think six knots and 20 knots of breeze, is that right?
A. That's correct. 35

Q. Beyond that it's not really your concern, is that how it was?
A. For the purposes of constructing an IMS course that's correct. 40

Q. And that's what you were doing?
A. That's correct.

Q. So your mind was on that and if you've got that window of the breeze that's what you're concerned with?
A. That's correct. 45

Q. Is that all you did on that day?
A. Yes. 50

Q. That's in regard to the race of course, I'm not - now, the next morning, what time did you come on duty?
A. The next morning, Christmas morning, I'm sorry, Boxing Day morning, the first involvement was around about 7am in the morning when I spoke with Mr Thompson on the phone that indicated that there were no substantial weather changes from what we'd discussed the day prior, so we decided to 55

leave the course construction as it was. I then came down to the club, I arrived--

Q. I'm just going to stop you there. Going back to that, I take it the reason you rang with regards the weather was because you can alter the course up to a particular time, is that right? 5

A. That's correct.

Q. From then on it's set in stone, or concrete I should say? 10

A. That's correct.

Q. I think that's about 9 o'clock?

A. I'm sorry, we can alter the course construction up until that time, we have no control over the weather. 15

Q. Yes, that's right but that's why you're looking at the weather in case you want to alter it?

A. That's correct. 20

Q. Then what, 9 o'clock is it that it's set and that's it?

A. I believe it's 9 o'clock, I'd have to check with the sailing instructions but there is a time limit, yes. 25

Q. But around about that time, I'm not going to hold you to that but that's the purpose of you looking at the weather?

A. I'm sorry, I didn't understand that last bit. Is that the timing? 30

Q. That was the purpose - yes, the purpose was to look at the course construction?

A. Yes, the purpose of the call at 7 o'clock was to validate our previous assumptions on what the course construction should be, the purpose of 9 o'clock is so that we can publish the handicaps which gives the sailors enough time to get in, we have boats coming from other clubs, not just the CYC. 35

Q. What I want to clarify is this. As far as you're concerned, if the weather - if the breeze goes up, say from 25 to 30 when you rang hypothetically at 7 o'clock that it'd gone up say from 25 to 30, that would not affect what you had done the day before? 40

A. That in itself would not have affected it, no. 45

Q. Because do I take it that if it had dropped say from 21 down to say 14, that would have an effect, is that how the system worked?

A. No, perhaps I should explain a little bit about how that works and then you'll understand what I'm about to say. The course construction is a matrix and along one - along the columns of the matrix are the wind speeds and the rows of the matrix are the points of sail, the angle at which the boat can point into the breeze. The two dimensional nature of that matrix says that we need to build a picture of the weather based not only on the wind speed but also the apparent angle to the boats. 50 55

Q. So it's direction as well, is it?

A. That's correct.

Q. So you would be looking at - but if the breeze drops down into say 15 and the direction of the wind altered, then that may require you to re-adjust things, is that how it - is that what you're looking for? 5

A. That's correct.

Q. So if it hadn't, if it was still in the - the wind was still in the northeast and it was still above 20 then nothing would occur? 10

A. If we had decided that the - if the model had said that the bulk of the race, the greater proportion of the race, was going to be sailed in the high wind range and the wind increased or the forecast wind increased, then it probably would not have affected the model at all. If on the other hand the model said that the boats would experience winds across the range and we had another report saying that the wind would have increased, then that may have affected the model. 15 20

Q. So your purpose then at looking at the weather is really very selective and purely for the purpose of the handicapping within the regime that you've pointed out, is that right? 25

A. That's correct.

Q. You then were saying that after that phone call you came in to the CYCA? 30

A. Correct.

Q. What time would you have arrived, approximately? 35

A. Approximately 10.30, maybe 10.45.

Q. Were you informed at that stage that a gale warning had been issued? 40

A. Not at that stage, no.

Q. When were you informed that a gale warning had been issued? 45

A. That was - I was not officially informed that a gale warning was issued, what came out in the 11 o'clock function was that the winds were in that gale area. 45

Q. Did that cause you any concern in any way? 50

A. Concern is probably not the right word. I guess the fact that those weather - sorry, that wind was predicted in conjunction with the strong southbound current, it was mentioned at the 11 o'clock meeting that - sorry, at the 11 o'clock presentation that the boats would be experiencing quite difficult conditions. That produced a mental picture in my mind of what I thought would occur for the remainder of the race. 55

Q. There's two things with that. First of all, you have sailed in Sydney to Hobart races? 55

A. I have.

Q. I think you've sailed in five of them?

A. That's correct.

Q. I think you've been on the administration of five as well, is that right?

5

A. That was the sixth, yes.

Q. That was the sixth one?

A. Yes.

10

Q. You say at the 11 o'clock briefing. What 11 o'clock--

A. I'm sorry if I said that, I didn't mean to. There was a cocktail function at 11 o'clock which is for sponsors and other VIPs.

15

Q. You were there?

A. I was.

Q. Who else was there?

A. Gosh.

20

Q. No, well in regards to the management team, the race management team? I'm not going to ask you every person.

A. I can't recall whether Mr Robinson or Mr Thompson were there, I think Sam was there. There were probably 150, 160 people there.

25

Q. Do you recall who it was that brought - or how you came to have the knowledge of the gale warning?

A. Yes.

30

Q. What was that? How?

A. It was a speech given by Peter Bush, the immediate past commodore, yes.

35

Q. And what, he said - what did he say?

A. Paraphrasing him, he made reference to the strong southerly winds that were expected for the race, he made reference to the strong southerly current which was also forecast for the race, he made reference to the strong southerly current plus the strong southerly winds ends up being a steep sea and that the boats would be in tough conditions. I'm not quite sure whether he said tough but that was the message that was coming across.

40

45

Q. But certainly he wasn't at that stage showing a great concern in the sense of other than it's going to be a tough race, there will be steep seas and that was it?

A. That's correct.

50

Q. Did you remain at the cocktail party?

A. The cocktail party finished I guess about 11.30, quarter to 12. We then got onto the starting boat, sorry, one of the two VIP catamarans and then we headed out.

55

Q. Were you with Mr Thompson?

A. I was.

Q. You were with him?

A. Phil got on the same boat that I did, I didn't get on with him but I think he was one of the last--

Q. No, he was on the boat with you? 5

A. --people to get on, yes.

Q. Mr Robinson?

A. No, Mark was on the other - sorry, there is another committee out there called the pin boat which sits at the leeward end of the line and lays the leeward end of the line for us. 10

Q. How long were you on there for?

A. I think we returned to the club around about 3.30. 15

Q. Any mention of the weather whilst you were aboard the vessel?

A. No. 20

Q. You came back what time did you think?

A. Approximately 3.30.

Q. You think it's about 3.30, could it have been a bit earlier or a bit later? 25

A. Might have been 3 to 3.30, might have been 3.15 to 3.45, that sort of timeframe.

Q. If someone says that they came back between 2.30 and 3 o'clock, would that be against what your opinion is, or it's a possibility and you simply can't recall the exact time? 30

A. It's a possibility, I base that number on the times that we've come in in past races, it's usually been around about 3 o'clock, bit after 3 o'clock. 35

Q. Where did you go when you came in?

A. I went back into the sailing office to pick up a disk.

Q. Who was there in the sailing office? 40

A. Mark - Mr Robinson was certainly there, I got the disk from Mark. I can't recall who else was there.

Q. You have since become aware that some time after 2 o'clock a storm warning was issued by the Weather Bureau? 45

A. That's correct.

Q. When you came back into the sailing office, were you appraised of that?

A. No. 50

Q. When did you first become aware that a storm warning had been issued?

A. At 8pm that night. 55

Q. I'm sorry?

A. At 8pm that night, during--

- Q. At 8pm that night?
A. --the 2000 sked, yes.
- Q. Did someone tell you, or did you just - were you just listening to the sked? 5
A. I was monitoring the sked, yes.
- Q. Did that come as a surprise to you?
A. The fact there was a storm warning? 10
- Q. Mm.
A. No.
- Q. It didn't come as a surprise?
A. No. I'm not quite sure what you're asking. Did I leap up and down out of my seat with surprise? No. 15
- Q. What I'm trying to find out is this. You're part of the race management team?
A. Yes. 20
- Q. And so far we've got Mr Robinson who says well, he's part of it but his real function is to set handicaps?
A. Yes. 25
- Q. I'm trying to define what your area is. A storm warning is the highest warning we are told that one can get?
A. That's correct.
- Q. As far as weather. Did you know that at that time? 30
A. No.
- Q. You weren't aware of that?
A. No. 35
- Q. What did you think the highest warning was?
A. I thought there were two higher, a severe storm and a hurricane.
- Q. You thought there was a? 40
A. That there were two higher warnings, a severe storm and a hurricane.
- Q. Is that why this didn't cause you any problems?
A. No. 45
- Q. It just didn't cause you any problems at all?
A. No. In the 8 o'clock sked, in every sked, what I am - what I predominantly do is I'm looking at the production of provisional results. I'm interested in first and foremost where the boats are, what their position is and usually when the weather is being read out by the radio relay vessel I'm preparing myself to actually do those skeds and take that information in. I'm listening to the weather in background. What I'm particularly interested in is the wind range which they forecast. So I did hear the wind range. 50 55
- Q. We've been told that one is to take the range as in fact

an average and then add 40 per cent to it--

SPEAKER: For gusts.

HILL: Q. For gusts is pointed out. 5

A. I believe you've been told that, yes.

Q. You've undoubtedly been told that as well?

A. It's been impressed upon me for the last year and a half, yes. 10

Q. But prior to the year and a half is what I'm interested in. Did you know of such a manner of interpreting the weather?

A. No. 15

Q. And seas, we're told that you must add I think 86 per cent for the highest wave. Had you been told that?

A. That was not my interpretation of the weather forecast, no. 20

Q. You certainly didn't regard the weather and the wind strengths as anything more than what they were saying, is that basically it?

A. My interpretation of the weather forecast at 2000 hours, at 8 o'clock that night, was that yes, the boats were going to be in tough conditions but the race was going to be very fast. The angle of the breeze that was predicted for the bulk of the race indicated a two sail reach and that suggested record breaking conditions. 25 30

Q. Do I take it then as far as you were concerned the weather, when you were listening to it, you were listening to it for a specific purpose and that was what?

A. I was not listening to the weather specifically, that was something which was happening in the background while I was doing something else. Yes, I listen to the weather as I do what I'm doing, yes. 35

Q. What I'm trying to find out is whose function was it to have this overall view of things, because I've got Mr Robertson looking at handicapping as part of the race management team, you looking at the weather for specific purposes. Who administers generally as to what was likely to strike the fleet, if anyone? 5

A. There was - to my knowledge there was nobody assigned with that specific task.

Q. Going back to the weather, there was a range given in that weather report-- 10

A. Correct.

Q. --between 40 and 50 I believe.

A. Yes. 15

Q. How did you interpret that? Is that maximum 50 or what?

A. No, my interpretation of that, of a weather range like that says that the majority of the winds that I expect to experience over that forecast time will fall into that envelope. From a - from a mathematical perspective I equate that wet finger to say the first standard deviation, so that the bulk of the weather will fit into that. Yes, I expect winds to be outside of that, gusts to come outside of that. I don't expect the bulk of the breeze or a significant proportion of the breeze to be outside of that. 20 25

Q. You wouldn't expect a significant portion of it?

A. Correct. 30

Q. So I take it then that when you heard that weather forecast it didn't raise any alarm with you?

A. No.

Q. And that was because (a) you interpreted it the way you've just said, plus the fact that you expected the maximum to be a severe storm and hurricane? 35

A. That's correct.

Q. After the 8 o'clock sked, what did you do then? 40

A. About 11pm I actually got some sleep after doing some packing. I got back up about 2.30, 2 to 2.30 and did the 03:00 sked in the morning.

Q. How long did that last, approximately? I'm not-- 45

A. About an hour, bit over an hour.

Q. Then what?

A. Then I packed up my computers, packed up my family, got on an aeroplane and headed to Hobart. 50

Q. What time was the flight?

A. Six hundred - 6am.

Q. Sorry?

A. Six am. 55

Q. What time did you get into Hobart, do you recall?

A. Yeah, we arrived at the hotel at approximately 11 o'clock, perhaps a little bit before that. We were delayed in Melbourne.

Q. How long in the hotel?

5

A. Much to my wife's annoyance, a very short period of time.

Q. What time did you get down to the Royal Hobart Yacht Club?

10

A. The Royal Yacht Club of Tasmania, approximately 11 o'clock, maybe a touch after. I went into the hotel, put my bags down and said I've got to get down there.

Q. And you took what with you?

15

A. My computers.

Q. You've got down there and you go into the race control centre?

20

A. Correct.

Q. What do you do, you set up what?

A. I went into the race control centre and put all my computer systems down, just made sure that everything that I expected to be there was actually there. I then went into the volunteers' briefing at around about midday.

25

Q. Well just so that I can bring you back, you made sure that everything you expected to be there was there?

A. Yes, that's correct.

30

Q. What was that?

A. I expected to find two other computers already set up; one as - one as the server of the network. I expected to find the yacht coms, the radio connection back to Telstra's HF facility. It's pretty much all I expected to find and I was very happy to find them.

35

Q. I'm interested in the last one, the yacht coms.

A. Yacht com.

40

Q. What exactly was that?

A. Yacht coms - yacht coms is a facility offered by Telstra. Telstra operate a coastal HF radio network, high frequency radio network. We use that facility. What yacht coms is is a telephone-based land line into the transmitters, so from the race control centre we can have a direct line into Telstra's HF transceivers.

45

Q. So basically you can listen in from that, is that what you're saying?

50

A. Correct.

Q. So it's like a loudspeakers system?

A. It looks just like a telephone.

55

Q. But you can listen in to all that Lew Carter could hear?

A. Correct.

Q. Could you speak through that or it was just a receiver?
A. You can, you can, it's a two-way.

Q. Who would you speak to?

A. Well the facility is one which - I'm not quite sure 5
whether we buy this or whether Telstra give it to us as part
of the sponsorship. It's usually - it needs to be initiated
by the Telstra end, and we have an arrangement with Telstra
where we have it up for usually around about two hours
covering the period of a sked, so we bring it up five or ten 10
minutes prior to the sked starting and it's usually taken
down on our recommendation at the end of the sked.

Q. But what I want to find out is if you wish to speak to
the fleet from the race control centre, you could do that 15
without having to go through Lew Carter. Is that how it
worked?

A. Yes.

Q. So that could be done? 20

A. Yes.

Q. What I'm trying to find out is this, that rather than
tell Lew Carter to broadcast that rule that we've heard
about, the responsibility rule, I call it that, that could 25
have actually been done from race control in Hobart?

A. It could.

Q. That was there?

A. Yes. 30

Q. And that's at about 11 o'clock? Yes, I'm not - look,
it's when you arrived there and you think it's about 11
o'clock, that's fine.

A. Yeah. 35

Q. Is that switched on? Can you hear the fleet at this
stage?

A. No, it's not switched on. 40

Q. When was it switched on?

A. It was brought up approximately quarter to two, ten to
two that afternoon, for the 2pm sked.

Q. Could you hear the fleet prior to that? 45

A. When I went into the radio room I could hear parts of
what was going on, yes.

Q. So if you wanted to there were two ways of doing it.
You could either bring it up in the race control centre, or 50
you could go next door to the next room and you could
possibly hear what was happening on the radios in there. Is
that how it works?

A. The reason we have yacht coms is because of the limited
coverage that we had from the RYCT radio rooms, so while 55
yes, you could go into the radio room and you could listen
to the radio, you didn't have the same coverage that you
would get from yacht coms.

Q. So it brought up a lot more on the land line, if I can use that term, than what you could get in the radio room?

A. For the early part of the race yes, that's correct.

Q. Did you bring it up or initiate it at about quarter to 5
in the afternoon?

A. What - the method of bringing it up is that Telstra ring us and say we've now been - we have it on our list that you want it brought up at this time, and they ring the phone number in, the race control centre, and they say are you ready to do this, and we say this, so - we actually attach it to a normal telephone line, so when it's being used a normal telephone is there. So the normal telephone would ring and they would say hi, this is Telstra, the operations. 10
15

Q. They would patch you in?

A. And they'd patch us through, yes.

Q. They do it for the races?

A. Yes - I wouldn't know but-- 20

Q. So if you wanted to bring it up though, could you ring it up and get it in earlier?

A. Yes. Perhaps - in the '98 race I'm not quite sure whether you could have done that. In the '99 race we did, but I think we told Telstra that we would - we would need to do that. So in the '98 race I assume that if I had rung the radio operations centre in Brisbane and said can I, I'm sure they would have said yes. 25
30

Q. But at least that was not your instructions though?

A. Correct.

Q. Your instructions I take it was that they would ring and then - at about quarter to two for the 2 o'clock sked and you'd just make sure it was all working, is that-- 35

A. They would ring us.

Q. They would ring you, yes.

A. Yes. 40

Q. What time do you recall Mr Thompson and Mr Robertson arriving?

A. I don't recall the exact time but it was - it was soon after the start of the 2pm sked. 45

Q. So the 2pm sked had started when they arrived. That's as your recollection of it?

A. If they arrived seconds before it started or seconds after, I don't know, but it was in that sort of time frame. I was concentrating on my task at the time. 50

Q. Your task was what? Just tell us again.

A. What I was doing there was recording the positions of the boats, putting them into the computer system and preparing to produce the provisional results. 55

Q. So is it in reality that as far as the sked was

concerned, it wasn't a case of you simply listening for the joy of listening, you had a specific task to do as the sked was coming in?

A. That's correct.

5

Q. And that's what you did?

A. That's correct.

Q. We are told that Doctel Rager at approximately 12.30 gave to Telstra Control that it was receiving winds between 50 and 60 and were getting gusts of 70 knots. Was that brought to your attention at all?

10

A. No.

Q. Who were you with in the race control centre from 11 o'clock until Robertson and Thompson arrived?

15

A. There was nobody else in the race control centre when I arrived. I then set about doing some preliminary set-up tasks because the set-up takes quite a while. One of the reasons - or one of the things which I had to do was act as the CYC's representative at the briefing at midday. I attended that briefing at midday and there are a bunch of people from the Hobart end in there. At the conclusion of that briefing I then went back and continued to do the set-up. I loaded the systems onto the server, I went through the information centre and made sure all their computers were working, by which stage it was pretty close to sked time.

20

25

Q. Can I just stop you there. You went off to attend this briefing at 12 noon?

30

A. Yes.

Q. How long did that briefing go for?

A. Approximately an hour.

35

Q. So between 12 and 1 you were at the briefing?

A. That's correct.

Q. Then after 1 o'clock?

40

A. After 1 o'clock I returned to the race control centre. You've already been explained how all the rooms interconnect with one another. In the race control centre is where the server, the computer server is for the rest of the network. I then set up my stuff on the computer server and then went to the information centre to make sure all their computers could see the information that I'd put on the server.

45

Q. So you had specific tasks within the race control centre and that was to make sure the computers were set up for your task during the sked?

50

A. That's correct.

Q. Do I take it that from 12 o'clock till 1 o'clock there was no one in attendance in the race control centre?

55

A. The difference between the race control centre and the telephone information centre where I was, was a door or perhaps you know a corridor to get through to them. I was

certainly there in and around that area.

Q. So are you saying the briefing is taking place in the information centre?

A. I'm sorry, I misunderstood. The briefing - the Royal Yacht Club of Tasmania is a two storey club. On the upper level of the club are bars and function rooms. The briefing was in one of those function rooms. To the north - it's sitting on the Derwent so it faces east. The northern function room was taken up by the telephone information centre. The next function room down was where we had the briefing. You come down to a mezzanine-type level is where the board room and the radio room were, again the radio room being north of the board room, and then you went down another level to the ground floor of the club. So I was commuting between the race control centre where the server was and the information centre.

5

10

15

Q. Whilst you were commuting between them, who was in the race control centre, that's what I'm trying to find out, between 12 and 1?

20

A. I believe I was the only one there.

Q. Well you couldn't have been there because you were at the briefing.

25

A. I'm sorry, you're right. Between 12 and 1 I have no idea who was in the race control centre, if anybody at all.

Q. One of the purposes of the race management team is to monitor the weather?

30

A. That's correct.

Q. What was your understanding of your responsibilities in regard to that?

A. I had no direct responsibilities in regard to that.

35

Q. You had?

A. I had no direct responsibilities in regard to that.

Q. Who had the responsibilities to do that?

40

A. The - I believe Mr Thompson was responsible for receiving the special race forecasts from the bureau.

Q. So as far as you were concerned, that did not impinge in any way on what you were required to do, that is the monitoring of the race - of the weather forecasts?

45

A. I'm not quite sure I understand impinge.

Q. Well I mean it wasn't your function. That was what Mr Thompson was to do, to monitor the--

50

A. That was my understanding, yes.

Q. Have you any idea what weather it was? Was it the special reports that were issued by the Weather Bureau or was it weather generally?

55

A. I don't know. I would assume it was at the very least the special reports and probably the standard issued reports.

Q. So as far as you were concerned that wasn't your responsibility?

A. That's correct.

SHORT ADJOURNMENT

5

Q. Sir, I think that just before we left you were saying that there was no one in the race control as far as you're concerned between 12 and 1 because you were elsewhere?

A. That's correct.

10

Q. Do you recall at any stage someone bringing a facsimile in, Mr Honeysett, and talking about there being 71 knots at Wilsons Promontory?

A. No.

15

Q. Would that have meant anything to you had that been done?

A. It certainly would have meant something to me, yes.

20

Q. What?

A. I think if that was brought to my attention I would have tried to interpret what was on the fax, at least read it, tried to understand maybe what it was going on about. And this is all speculation because it didn't occur, but I suspect that it was of concern to me I probably would have made contact with Lew, Lew Carter.

25

Q. Did you remain there for the whole of the sked?

A. Yes.

30

Q. How long afterwards?

A. I left the race control centre at approximately 4.30 to 5 o'clock.

35

Q. If I could take you to page 30 of your original statement.

A. Yep.

Q. Have a look at that page 30. Primarily it says "within our envelope." You see that, where the sentence starts there, second line? "It was within our envelope of what we would expect for a Hobart, it was going to be a wet and uncomfortable race, and most navigators knew that and that was discussed at the briefing, that there was a strong southerly current and Ken Batt pointed that out, that we'd have quite steep seas." So moving forward then, "I wasn't aware of the facts and stuff on the day of the race. The following day was when the 70 knot report came from Doctel Rager." When did you become aware that there was a report of Doctel Rager?

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45

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A. I - just with regard to this statement, I rang constable Graham Upston to correct that part after I made that. I was not aware of the report from Doctel Rager. I'd mixed that up with a report from Sword of Orion in the 2 o'clock sked. That's in my second statement.

55

Q. You say you mixed that up. When did you become aware of

the report from Doctel Rager?

A. I don't know exactly when, but it was probably very late in the race or afterwards.

Q. And you say "and I was in the radio room at the time and that was - I guess for me that was the first instant or first inclination there was going to be quite an uncomfortable race for a lot of people. Again a report of 70 knots from a boat doesn't constitute major panic." Do I take it again a report of 70 knots is referring to the 70 knots above which you talked about as Doctel Rager but in fact you're talking about Sword of Orion? 5 10

A. That's correct.

Q. So where it says again a report of 70 knots from a boat, Sword of Orion, "doesn't constitute major panic around the streams(?) because those sorts of winds, well they're not normal, they're not uncommon either in that space." So that didn't give you any concern? 15

A. No, what I said was again a report - a report of 70 knots from a boat. I was trying to make the point that we had a single report at that time. 20

Q. But you didn't, you had others.

A. That report was confirmed later in the sked by two other boats I believe. 25

Q. "So my reaction at the time was okay, it's going to get wet and very messy and very uncomfortable for a lot of boats out there." That was your reaction? 30

A. That's correct.

Q. "Then at that point, appreciate that I'd been down there since early in the morning setting everything up, so I then knocked off as Mark and Phil arrived in town." I take it what you're saying is not as they arrived but as they had arrived? You're talking-- 35

A. That - as they had arrived, yes.

Q. "Because I had already done the first set and done all the handover." What handover are you talking about? 40

A. After Phil and Mark had arrived down in Hobart some time after the start of the 14:00 sked, at the conclusion of that sked a number of things occurred, one of which was I gave Phil a brief update on everything that had happened. I believe he was in the room at the time that the Sword of Orion report came out, so we were aware of that. There was - I can't think of anything else that I reported at the time. 45

Q. Well was there anything remarkable that you had to tell them as far as you were concerned, because bearing in mind you say that the radio doesn't really come on until quarter to two, just before the sked. Was there anything-- 50

A. That's correct, there was nothing remarkable I had to tell, if that's what you're asking. 55

Q. Then you just knocked off after that?

A. Knocked off is probably not the way it should be said. At the conclusion of the sked, after I did a briefing with Phil--

Q. All right, well I was only using your words. 5

A. Sure.

Q. You tell me what you mean by - you say "so then I knocked off." What do you want to--

A. Okay. I then went back to the hotel to have dinner with my wife and daughter. 10

Q. You came back then later?

A. I came back about 2am, 2.30 in the morning, 2.30 in the morning. 15

Q. You came back about--

A. About 2.30 in the morning.

Q. There was a discussion about calling off the race. Do you recall that? 20

A. No.

Q. You don't recall a discussion about calling off the race? 25

A. I know there was a discussion from what I've heard here and I know there was discussion - because we talked about - we talked about the decision not to abandon the race much later on the afternoon of the 28th or 29th, but I was not in - I was not party to that conversation about abandoning the race, no. 30

Q. Well hang on a minute. You say that you talked about it the next day?

A. I believe it was the - either late on the 28th or early on the 29th we had a conversation about it as well. 35

Q. Have a look at your statement. You say "and I came back on in the middle of the night when it happened and it's somewhere in the middle of all this we discussed the weather, we discussed the question that is on everybody's lips about abandonment, and that discussion continued for a long time although not in one conversation because at various points in the race you have to revisit that question because it's a natural thing to go to do." I mean that is quite clear, that you came back and "we discussed the question that is on everybody's lips about abandonment, and that discussion continued for a long time although not in one conversation." 40 45

A. I did clarify my second statement in my answer to question 196. 50

Q. But look, surely your memory was better when you gave your first statement than your second statement?

A. Perhaps. 55

Q. Well were you there on the night that a discussion took place whether or not the race should be abandoned?

A. I believe there was a discussion which took place on the afternoon of the 27th. I was not there for that. There was considerable discussion throughout the remainder of the race about many many things, one of which was whether or not we should abandon, should have abandoned, did abandon, did not abandon. 5

Q. So you didn't take part in a decision when AMSA asked if the race could be abandoned? You did not take part in that decision making process? 10

A. That's correct.

Q. And you weren't there for that decision making process?

A. I believe I was not there. 15

Q. When you came back on at 2.30, did anyone mention to you that AMSA had asked for the race to be cancelled, postponed?

A. No.

Q. No one said anything about that? When did you first become aware of any question of abandonment of the race? 20

A. Sorry, a question by AMSA or a question generally about abandonment?

Q. A question generally. 25

A. As I said, the - that topic was discussed variously for the remainder of the two days. We - we had a--

Q. Well let me just stop you there. You have said that and I'm trying to find out when this is. When you went off on the 27th at about 4.30, is that right? 30

A. That's right.

Q. And that's after Sword of Orion has said they've got 70 knots? 35

A. Correct.

Q. Were you present when the first mayday situations started coming in or had you already left?

A. The - the first mayday situation, do you refer to the single EIPRB going off or the multiple EIPRBs going off and the general mayday being-- 40

Q. Well I'm after first of all Sword of Orion rolling over, Winston Churchill going down, all happening about a particular time and it's about between half past four and 5 o'clock on the 27th. Were you in the race control centre for those things? 45

A. No. The last - the last significant event that I was present for in the race control centre was a report of a - of one EIPRB, I believe one EIPRB going off in our general race area. AMSA rang us and said we have a report of an EIPRB going off, can you check it out please. I rang Lew, I rang the radio relay vessel, I phoned them, didn't use the radio, and said could he broadcast a message to see if anybody's let their EIPRB off, and I waited till the conclusion of that when Lew came back and said that it was from Team Jaguar and they'd turned it off. That was the 50 55

last significant thing which occurred.

Q. Then you went off?

A. That's correct.

5

Q. And you didn't come back till 2.30 the following morning?

A. That's correct.

Q. Before you went off, was there any discussion about abandonment of the race?

10

A. No.

Q. When you came back at 2.30, when was the abandonment of the race discussed? That'd be 2.30 on the 28th, in the morning.

15

A. I can't - I can't recall exactly. There was - as you'd appreciate there was a lot happening at the time. The question - there was - there was - at no - at no point on the 28th to my recollection did we all sit down and go should we abandon the race. There was - there was a meeting - it was either very late on the 28th or early on the 29th between myself, Hans, Allan Green and a few others that related to a media release which we had to prepare.

20

25

Q. Going back to the storm warning, that didn't cause you concern because you expected severe storm and hurricane above that?

A. No, it didn't cause me concern because I read the wind there to be between 45 and 55 knots.

30

Q. Well at 42, page 42 and 43, see 42 you were asked this question "is it the situation that had you personally as a member of the race committee been aware of the storm warning, what action would you have taken under the circumstances?" And you answered "if I was made aware of it, I would have approached the race director, Phil, and I would have said simply what are we going to do about this."

35

A. That's correct. The question here was in reference to the fax that was sent - sorry, the fax that was sent on 2 o'clock I believe.

40

Q. But all that did was say storm warning.

A. The question was asked of me at the time what would I have done if I had received that piece of paper, and if somebody had given me that piece of paper then I would have gone to Phil and said what are you going to do about that - or what are we going to do about that.

45

Q. Where do you say that, that it said if you were given the fax?

50

A. No, the context of this - of the questioning which was on at the time was in relation to the - to the report that was two hours after the race - sorry, an hour after the race had started.

55

Q. Well it's fairly specific. Is it the situation that had you personally as a member of the race committee been aware

of the storm warning, what action would you have taken about the circumstances, that is, become aware, and you say "if I was made aware of it I would have approached the race director, Phil, and I would have said simply what are we going to do about this." 5

A. That's correct.

Q. When you became aware of a storm warning, that is, that night--

A. Yes. 10

Q. --that's 22:00, did you approach Mr Thompson and say what are we going to do about that?

A. No. 15

Q. Twenty hundred, I'm sorry. Going on from there, that is I'm back to 2.30 when you come back on duty, 2.30am on the morning of the 28th.

A. Yes. 20

Q. When is it that it's discussed about the abandonment of the race?

A. I don't recall the exact time. It was some time in the next couple of hours or next 12 hours I guess while I was there. 25

Q. Was it in the form of a direct decision making process or simply a discussion on whether it should be abandoned?

A. It was more a discussion of - we were - we were fielding reports from the media or questions from the media as to why we had not abandoned the race, and there was discussion then over that entire period. 30

Q. Well tell us about the discussions. Who said what?

A. I can't recall any individual discussion in detail. I can remember the subject being brought up. 35

Q. Whose job would it have been to call it off? Whose decision would it be made?

A. To - the - abandoning a race is - the decision to abandon a race is made by the race committee, and in the delegation that we had for the race management team it would have been our responsibility to call that abandonment. I'm sorry, did I answer that? 40

Q. I'm sorry?

A. Did I answer that? I'm not quite sure. 45

Q. Yes, but what I'm trying to find out is this, that as far as you're concerned, the decision to abandon the race would like with the race management team? 50

A. That's correct.

Q. Correct?

A. That's correct. 55

Q. And the race management team was the race director Mr Thompson, yes?

- A. Correct.
- Q. Yourself?
A. Correct. 5
- Q. And Mr Robertson?
A. That's correct.
- Q. And on a peripheral aspect, Mr Sam Hughes?
A. Correct. 10
- Q. No one else?
A. Correct.
- Q. You were not asked to in any way consider whether or not the race should be abandoned? 15
A. Correct.
- Q. I think that the other thing you were talking about was that if the race was to be abandoned or called off, then it would have to be done early whilst the vessels were still close to the coast. Do you remember talking about that? 20
A. Yes.
- Q. And that was because there are plenty of places to seek refuge nearer to the coast? 25
A. Yes.
- Q. I think you said to go and hide, which is--
A. Run and hide is probably what I would have said. 30
- Q. Run and hide, fair enough.
A. I understand that is a technical yachting term that we use a lot. 35
- Q. What, run and hide?
A. Run and hide, yes.
- Q. I thought that only came from Monty Python. Bearing that in mind, one would have to be able to be in contact with the fleet fairly constantly? 40
A. Correct.
- Q. In order to issue such instructions?
A. Correct. 45
- Q. Was that a possibility in 1998?
A. What, to be in contact with the fleet?
- Q. Yes. 50
A. Yes.
- Q. How?
A. Through the radio relay vessel. 55
- Q. But at what times? Only specific times or--
A. You are I guess guaranteed that the boats are - guaranteed is probably the wrong word, but the boats are

obliged to listen in yes, on the sked times. They're also supposed to keep a listening watch, so for the sked times absolutely you should be able to contact the whole fleet.

Q. What about the listening times? I am interested in those. I think they're every hour and half hour or something aren't they? 5

A. I don't know. I'd have to check the sailing instructions. Most boats would keep their radios on all the time. 10

Q. Perhaps if you do check the instructions because I want this clarified, because if there is a method, and it may well be, that these yachts are supposed to come up, and I bear in mind that that's their responsibility to come up on the listening times which I think are hourly and half hourly are they not? 15

A. Sailing instruction 41.3 says that yachts shall maintain a listening watch on 4125 or VHF channel 16 during the silence periods. 20

Q. What are the silence periods?

A. Silence periods are three minutes after the hour every hour for three minutes. 25

Q. Three minutes?

A. Sorry, the three minutes following the hour.

Q. So feasibly if I had within my knowledge certain weather details that I wanted to get to the fleet, if I had them at 7 o'clock in the morning I could get that to the fleet if they were obeying what they're supposed to do, between 8 o'clock and three minutes past? 30

A. That's correct. 35

Q. That's the theoretical concept.

A. That's correct.

Q. Whether they are or not of course is a matter for them but that's the reality? 40

A. We assume they follow the same instructions.

Q. So every hour for three minutes there is that, dare I use the phrase, window of opportunity to speak with them. That's correct? 45

A. That's correct. That window is not - is not just in the sailing instructions, it also is an international maritime distress thing.

Q. But it certainly is in the sailing instructions that are issued with the CYC? 50

A. That's correct.

Q. By the CYC--

A. That's correct. 55

Q. --to those people?

A. That's correct.

HILL: I've nothing further, thank you.

STANLEY: Q. Mr Elliott, do I understand your evidence to be this, that those members of the race management team, no one was specifically assigned to be responsible for the issue of weather? 5

A. I was not specifically assigned that task.

Q. That's not what I'm asking you. Is your evidence that no one was specifically assigned to deal with the question of weather? 10

A. I can't answer that.

Q. Well you're one of the three directors. Surely you should be able to tell us whether one of your three was to be responsible for weather or whether it was a collective responsibility of each of you? 15

A. I don't think - no, it was never directed to me that it is part of my responsibility to do that. I had always assumed that that is one of the functions which Mr Thompson carried out. 20

Q. Why would you assume that Mr Thompson should carry out that function rather than you have some input to it yourself? 25

A. The race management team that was in place for '98 had been together for quite a while and we had developed a method of working, and in the lead-up races to '98 or in the prior races to '98 that had never ever been one of my responsibilities. Nobody ever said go off and make sure you collect the weather, do X with it, so I had always assumed it was part of the race director's responsibility. 30

Q. So as far as you were concerned, it was a matter of assumption. There as no formal division of responsibilities? 35

A. That's correct.

Q. However, you were given the task at one stage - on two occasions, to actually monitor the skeds and you did so? 40

A. I monitored every sked, yes.

Q. I understood your evidence to be that you had the responsibility, you'd been directed or in some way it had been arranged that you would monitor the 8pm sked and the 3am sked. Was that not so? 45

A. That's correct.

Q. So you did have an involvement with the weather? 50

A. No, the purpose of my monitoring the skeds was to produce the progressive results.

Q. So you really weren't concerned about weather at all except in so far as it might be relevant to the results? 55

A. That's correct.

Q. What do you believe was the purpose behind the requirement that the management team, one or all of them,

monitor the skeds? What was the purpose of it?

A. The purpose of - the purpose of monitoring the skeds - I'm sorry, can you just say that again? I'm just--

Q. Perhaps I should start it this way. Do you accept that it was a responsibility of the management team to monitor the skeds?

A. Correct.

Q. What was the purpose of monitoring the skeds?

A. The - to collect the positional information of the boats for the production of results, to listen for any other traffic, any distress traffic, any other traffic that needed to get through, yes to listen to the weather and anything else that the fleet needed to communicate back to the land.

Q. What was the point of listening to the weather?

A. I guess the - we monitor all things in the sked to ensure that the race is running properly or correctly. If we take anything that's listed in the sked as being extraordinary, out of the norm, then we would need to take action on that.

Q. But what was the point of monitoring a sked so far as the weather was concerned? What did you have in mind? What was the idea behind it apart from your purpose of determining the results? Did it have any other function?

A. There is an implicit - there are two implicit responsibilities I guess of a race committee in carrying that out, in listening to radio skeds. One would be for the fairness of the race and the other one would be from a safety perspective.

Q. Well let's just look at the safety perspective. Had you with any other members of the race committee ever discussed the question before this race as to whether or not a race should be called off in extreme weather conditions?

A. No. I'm sorry, I was not party to conversations like that.

Q. You've never had discussions with any other members of the race management team and to the best of your knowledge the race management team has never had such discussions before this race?

A. We had - we had similar discussions in '93 in the middle of the race, but neither Mr Thompson nor Mr Robinson were part of that race management team.

Q. Well what would you require before you would advise calling off the race once it had started?

A. That's a - that's a very difficult question to answer simply. The - there is a duty of care on the race committee or the race management team in two respects as I mentioned. One is safety and one is fairness. In order to abandon the race under either of those I would need to be convinced or have significant information to hand that would suggest from a safety perspective that the fleet was about to go into peril or in peril or however you like to put.

Q. Would you agree that to enable you to form that view, you would have to have an understanding and a knowledge of what weather forecasts mean?

A. Absolutely.

5

Q. And that you would have to know as much in broad terms, as much about weather and sea conditions as the competitors?

A. Yes.

Q. Because you're the people that are calling the shots.

10

A. Yes.

. You're the people that are responsible. You're the people that have been appointed to the position. That's so isn't it?

15

A. That's correct.

Q. Well do you think it's therefore appropriate that you and each member of the race management team should read the material that is provided to the yachtsmen as part of their pre-race briefing and as part of the package that they take with them on the boat?

20

A. Yes.

Q. Did you?

25

A. I didn't read all of it in detail, no.

Q. Did you read how it is that the Weather Bureau express their forecasts?

A. No, I did not.

30

Q. You've heard it mentioned in this Court haven't you?

A. I have.

Q. Do you think it would have been a good idea for you to have read it?

35

A. In hindsight, yes.

Q. Well even in advance. It's not so difficult is it to read it? Don't you think that you have a responsibility to the persons who have appointed you to run this race to know what it is that the Weather Bureau is saying when they put out a forecast?

40

A. Yes.

45

Q. And if you had read it, that is the article entitled Marine Weather Services, you'd have seen that under the heading of Definitions and Terminology, wind speed mentioned in forecasts is measured as the average speed over 10 minute period. Did you know that?

50

A. Yes.

Q. And did you know that gusts - not the wind, but gusts may be 40 per cent stronger than the speed? Did you know that?

55

A. No.

Q. But you did know that when a forecast is expressed by

the bureau as to a wind speed, you did know that it was an average speed and that therefore there would be gusts higher and lulls lower?

A. Yes. I think I mentioned to Mr Hill that my interpretation was that that wind range, yes, was an average and that I expected spikes in and out of that but not the bulk of the breeze to be outside of that, no. 5

Q. Well you referred to your understanding as being accordance with the standard deviation? 10

A. Yes.

Q. Standard deviation or Bell curve? 15

A. Yes.

Q. That being so, that would mean that about 86 per cent of the wind that's blowing would be within the range given in the forecast, wouldn't it?

A. Assuming a normal distribution, yes, you're right. 20

Q. That's right, and generally speaking with winds, the distribution would be relatively normal?

A. I don't believe that's the case. I believe it's a skewed distribution. 25

Q. I suggest to you that in general terms, the wind speeds would fit within that definition and it would mean you'd have therefore approximately 14 per cent of the winds would fall outside the average given in the forecast and indeed in accordance with the standard deviation. 30

A. In - in - in the calculation of standard deviations it's normal practice to exclude outliers, so where the - where the score is exceeding a certain limit you would generally chuck the ones that are way out. 35

Q. Doesn't mean to say they don't occur?

A. Absolutely they occur, yes.

Q. And with winds you would know they would occur from your own experience as a yachtsman, wouldn't you? 40

A. Yes.

Q. For example, if you were going out sailing and there was a stiff breeze, say a southerly breeze of 20 knots forecast, you wouldn't expect the wind to be constantly at 20 knots would you for the hour or two that you're out sailing? 45

A. Of course not, no.

Q. No, of course not. You'd expect there to be winds higher, gusts higher and periods when the wind was considerably lower? 50

A. Yes.

Q. What would be the sort of deviation you'd see perhaps going up? If a 20 knot forecast is made, what would you expect the gusts to be gusting up to? How might expect-- 55

A. Generally speaking if the forecasters say 15 to 20, then I'd expect them maybe to get up to 23, 25 at times. It

wouldn't - it would not - I wouldn't sort of what's the word, have a heart attack if it got to 30 but I would not expect it to be there for any length of time.

Q. No, but of course 30 is more than 40 per cent of the 20 isn't it? 5

A. Absolutely, but it's not there for a--

Q. And it wouldn't surprise you?

A. It's not there for a 10 minute average, no. 10

Q. Of course it's not there for the average but it's there for a significant - may be there for a significant part of it?

A. In that case I probably would have assumed the forecast was incorrect. 15

Q. Forecasts of course can be incorrect can't they?

A. Yes. 20

Q. Which means that they can't be treated as gospel. They are forecasts, they are predictions.

A. Yes.

Q. And all sailors know that and must act accordingly.

A. Correct. 25

Q. And it's one of the reasons why it's very good to get as much information as one can.

A. Correct. 30

Q. And if you as the race director have the responsibility of determining among other things whether the race is going to continue, it's important for you to get that information isn't it?

A. I guess it is. 35

Q. Did you ever see a fax of the storm warning issued by the bureau at 2.14 on the 26th?

A. No. 40

Q. Did you ever see a fax of the storm warning at all?

A. I didn't see any faxes from the bureau on the 26th or the 27th. I certainly saw them on the 28th. 45

Q. So up until the 28th you'd not seen a single fax from the Weather Bureau?

A. That's correct.

Q. Do you think that's satisfactory for you as a race director not to have seen the material that your committee as arranged to obtain from the Weather Bureau? 50

A. Perhaps I should say I didn't read them personally. I knew they were there and I knew they were being interpreted and I was getting the information from the other members of the team. 55

Q. Why didn't you read them personally?

A. Because I had faith in my fellow team members that they were interpreting them correctly.

Q. Were they there in the room with you and you just didn't bother to look at them? Is that the position? 5

A. They were, they were there in the room, yes.

Q. And this was after a storm warning had been issued to your knowledge? 10

A. Correct.

Q. And it was after boats had been getting into distress to your knowledge? 15

A. Correct, yes.

Q. And you still didn't consider looking at the weather forecast yourself, it was in the same room, and then being in a position to discuss the matter with your fellow team members? 20

A. As I - as I made mention earlier, I didn't arrive in the race centre in Hobart until 11 o'clock on the 27th. Yes, I was looking at faxes on the 28th.

Q. So you saw no faxes on the 26th or the 27th? 25

A. Correct.

Q. Did you make any contact at all with anyone from the Bureau of Meteorology to find out anything about the weather? 30

A. No, I did not.

Q. Did you talk to anyone who had spoken to the Bureau of Meteorology about the weather conditions after the start of the race, up until the 28th? Did you speak to anybody that to your knowledge had spoken to the Bureau of Meteorology about the weather forecast after the start of the race? 35

A. On the 20 - late on the 27th and on the 28th, yes.

Q. Late on the 27th? 40

A. Yes.

Q. Who was that conversation with? 45

A. Mr Thompson.

Q. And what was it in relation to? 45

A. It was in the context of after the sked when we talked about the - or when I mentioned the Sword of Orion report and Phil was obviously in contact with the bureau. He'd been in contact with the bureau on the morning of the 26th. 50

Q. The morning of the 26th?

A. Yes.

Q. That's before the race started. 55

A. Yes.

Q. I put my question to you after the race started.

A. I don't know whether he contacted the bureau after the

race started, but I assume he did.

Q. So as far as you're aware, you didn't know of any contact by any member of your management team with the Bureau of Meteorology after the race started, up until perhaps the 28th? 5

A. That's correct.

Q. And you didn't know of the situation at Wilsons Promontory? 10

A. That's correct.

Q. You didn't know about the problems that Doctel Rager was experiencing? 15

A. That's correct.

Q. What did you know about the weather?

A. When, on the 27th?

Q. On the 26th and the 27th. 20

A. On the 26th, the night of the 26th I heard the weather report. At 3am on the 27th I heard the weather report. My interpretation of weather at 3 o'clock was that it was pretty similar to the one at 8 o'clock. I knew that the breeze was strong. 25

Q. Is it a breeze or is it a wind?

A. I'm sorry, I knew that the wind was strong, that it was coming from the west sou'west, the conditions were uncomfortable, the seas were steep. 30

Q. Have you ever sailed in seas when a storm warning has previously been forecast?

A. Not to my recollection. 35

Q. Have you ever sailed in seas where there has been a steady wind, a mean wind in excess of 50 knots?

A. Yes.

Q. Are you aware of the conditions then? 40

A. Yes.

Q. Did you realise at the time that a storm warning had never previously been issued by the Weather Bureau for a Sydney to Hobart race? 45

A. I was not aware of that, no.

Q. And you were not, despite being the director, you were not aware that the storm warning was the highest warning, most severe warning that could be given? 50

A. That's correct.

Q. See in your statement Mr Elliott, you I suggest are attempting to pass responsibility to anyone and everyone else rather than accepting any yourself. I draw your attention specifically to what you said in paragraph 30 of your statement. What you said was "if I had been contacted by Ken Batt or a Bureau of Meteorology representative prior 55

to the 8 o'clock sked and advised that he was concerned about the weather conditions and for the safety of the fleet," and you go on and say "I would have immediately contacted Phil Thompson to discuss the situation and the actions we should take." So you're in effect saying that it was for Ken Batt or someone from the bureau to contact you and if they had you'd have done something about it. That's what you're suggesting there, isn't it? 5
A. No. 10

Q. What are you suggesting? 10
A. This - this particular part of the statement was made in reference to the attempts by the bureau to contact the club, which has been brought up here before, and I was asked what I would have done if I was contacted by the bureau. 15

Q. Well let's assume that Ken Batt had spoken to you and he'd said to you Howard, I've got to tell you we've just issued a storm warning. There's never been one issued before for the race. It's going to mean - or the winds forecast are 45 to 55 knots and waves of whatever they were that were forecast. What would you have done? 20

A. If Ken had told me that the forecast was for 45 to 55 knots, I would have suggested to Ken that that was probably not outside what we would expect in a Hobart race. If he'd - if he'd told me with concern that there was a storm warning and that he was concerned about the fleet, then I have enough respect for Ken as a weatherman that I would have taken that on to contact Phil. 25

Q. But he could have told you no more than the storm warning told you, namely that this was a storm, a warning, it had been upgraded from gale and it had winds of 45 to 55. You weren't going to act on that were you? 30

A. The - the weather report came out for that and no, we didn't act on that. 35

Q. The fact is you did get that information and you did nothing. And you knew because you'd been present when Mr Bush spoke at the cocktail party that in his opinion this was going to be - and I quote from his statement "the toughest race on record," and it still didn't cause you to do anything did it when you heard that a storm warning had been issued? 40

A. The fact that the 45 to 55 knots was part of that forecast, no. 45

Q. Well come back to the 45 to 55 knots. You've got to look at gusts on top of that, don't you? 50
A. Correct. 50

Q. Did you ever consider that?
A. Yes, I did.

Q. What did you consider the gusts might come to? 55
A. I thought the gusts would probably get up to 60, perhaps 65.

Q. Perhaps 65?

A. Yeah.

Q. And you think 65 is just a typical Hobart, Sydney to Hobart, nothing to worry about?

5

A. Gusts up to 65 are not uncommon in the Hobart.

Q. Look, at any stage before this race did you read the Offshore magazine which was the official programme for the 1997 and 1998 races?

10

A. Yes, I did.

Q. Did you take notice of what was said in those magazines or those issues in relation to the weather in articles written by Ken Batt?

15

A. If you ask me something specifically I might recall it. I don't have the document in front of me.

Q. All right, I shall. There's the article entitled To Be or Not To Be, a guide to weather prediction at sea with a Hobart race bias. There's in heavy large type in the article the following, "due to lack of observational data, experience suggests that over the oceans alternating bands or areas of locally stronger and lighter winds can occur which the ocean or coastal waters forecasters tend to ignore at times." Did you read that?

20

25

A. I can't recall specifically reading it but I agree with what's said there.

Q. You agree with it?

30

A. Yes.

Q. And he then deals specifically with the area that the boats are going to encounter in the course of a Sydney to Hobart race and says this, "gusty winds will occur in the area around a cold front, but some evidence suggests that when we have a tight pressure gradient 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." Did you read that?

35

40

A. I can't recall reading that, no.

Q. Are you aware that that's the situation expressed by people such as Ken Batt, experienced sailors?

45

A. I'd agree with what's written there, yes.

Q. And he goes on, "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." Did you read that?

50

A. I can't - I can't recall reading it but I agree with what's there.

Q. You accept it?

55

A. Yes.

Q. And you knew that then, didn't you?

A. Yes.

Q. Despite all of that, you did nothing so far as the weather was concerned in terms of considering whether any steps should be taken to cancel or postpone the race?

5

A. Correct.

Q. And you didn't even raise the issue with your fellow directors?

10

A. Correct.

Q. You also made reference in your statement to the fact that - or to what you've said being the fact that contact numbers, contact phone numbers were given out. Just let me find - did you have anything to do with handing out the contact phone numbers?

15

A. No.

Q. Do you know who they were handed out to?

20

A. No.

Q. Can we take it that whatever you've said in your statement about whether anybody got a contact number, a list of contact numbers, is purely hearsay, you have no personal knowledge?

25

A. Can you refer me to the part in my statement?

Q. I'm referring you to paragraph 29 but the question is more general, that you had nothing whatever to do with handing out the contact phone numbers?

30

A. That's correct.

Q. So anything you've put in here about who got them or who might have got them or should have got them is no more than hearsay?

35

A. I was under the impression they were distributed to all parties, yes.

Q. Similarly, so far as whose initiative it was to provoke discussions as between your management team, the race management team and the Bureau of Meteorology, again that is a matter that you had no direct dealings with?

40

A. I'm sorry, I didn't understand the question.

Q. In your statement you deal with the question as to whether or not it was for the bureau or for the yacht club, through its race management team presumably, to raise concerns or considerations about the weather. Did you have any discussions with the Bureau of Meteorology at the time of the entering into the arrangement for the bureau to provide its services?

45

50

A. Did I have any conversations with the bureau about them providing services to the CYCA?

Q. Yeah.

55

A. No.

Q. You had nothing to do with that aspect of it?

A. That's correct.

Q. But you do say that in 1994, during the 1994 race, there were discussions and communications by phone between the bureau and the CYC people and those conversations were in fact initiated by the people at the yacht club.

5

A. That's correct.

Q. I refer you to paragraph 17. That's what you've said in paragraph 17.

10

A. Yes.

Q. I take you to paragraph 27 of your statement. You say that "at the time of preparing this statement I have read the weather broadcast that was given during the 8 o'clock sked" and you then set out a number of matters. Were any of those matters considered by you at 8pm on the 26th or shortly thereafter?

15

A. The 40 to 45 knot was something which I recall considering in my mind at the time and that was all - sorry, 40 to 55 knots.

20

Q. Are you referring to item number 7?

A. Yes.

25

Q. So apart from that, is the position this, that none of these matters were present in your mind or considered by you following receipt of the 8pm sked? These were matters that were in effect thought of later in hindsight?

A. The 40 to 55 knots and its being south of Merimbula was something which was in my mind at the time and that - as I said here, they were things which were in my mind at the time, but the rest of them no.

30

Q. Can you answer my question. Apart from that, is the rest of it simply hindsight, it was not in fact in your mind, did not occur to you at the time?

35

A. That's correct.

Q. That being so, it's really irrelevant to have that in your statement isn't it, it's meaningless?

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OBJECTION (WEBER).

CORONER: A matter for me.

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STANLEY: Thank you.

CORONER: Any questions, Mr Weber?

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WEBER: Just two topics.

HILL: Before my friend commences, I'd better ask Mr Elliott this.

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Q. According to the statements of Mr Thompson, Mr Robinson and Mr Sommer, they say that you were present when the discussion whether or not to abandon the race took place.

Have you any comment on that?

A. My recollection is that at the conclusion of the sked I gave a quick briefing to Phil on what had occurred there. The next thing which occurred was the EIPRB lighting up in our area and I dealt with that, I was in the radio room, and then I left. I don't recall being part of that, that conversation, no.

5

CORONER: Thank you.

10

HILL: That's all.

WEBER: Q. Mr Elliott, you gave some evidence of your flight from Sydney to Hobart being delayed, do you recall that?

15

A. Correct.

Q. Approximately how long in total was the flight delayed for?

20

A. Nearly two hours.

Q. So you arrived--

A. We were delayed in Melbourne for two hours, it was a two hop flight.

25

Q. So you arrived - at the risk of stating the obvious, you arrived in Hobart two hours later than you anticipated you would?

A. That's correct.

30

Q. Finally on this question of abandonment, you say that the topic of abandonment was discussed after the decision not to abandon had been made?

A. Correct.

35

Q. I think you said in answer to questions from Mr Hill that you couldn't remember the precise time in which the conversations occurred?

A. Correct.

40

Q. Could you tell his Worship in what context the decision not to abandon was discussed on the 28th and possibly the 29th?

A. There was considerable questions being put to us by the media as to why haven't they abandoned the race, why didn't - why don't you abandon it now, and we were fielding those questions as they came in. That was the context.

45

Q. Was the discussion of abandonment on the 28th and the 29th sort of ex post facto to that?

50

A. My Latin's not as good as it used to be, but I think the answer's yes.

Q. Were you - in the discussions on the 28th and the 29th were you actively re-canvassing the abandonment decision or were you discussing abandonment against a context of the decision having been made already?

55

A. The latter. We were discussing the fact that a decision

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had been made.

WEBER: Thank you, sir.

<WITNESS RETIRED

ADJOURNED PART HEARD TO TUESDAY 1 AUGUST 2000 AT 9.30AM

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CERTIFICATION OF TRANSCRIPT

I, We the undersigned being (a) Sound Reporter(s) do hereby certify that the within transcript is a correct transcript of the depositions sound recorded at the New South Wales Coroner's Court in the matter of 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 31 July 2000

Dated at GOODSELL BUILDING
this 7th day of August 2000

NAME

PAGES

SIGNATURE

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