

W1131 261/00 RMB-G1

NEW SOUTH WALES STATE CORONER'S COURT

STATE CORONER: J ABERNETHY

TUESDAY 1 AUGUST 2000

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

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

Mr A Hill assisting the Coroner
Mr R Stanley QC for the Bureau of Meteorology
Mr R Weber for the Cruising Yacht Club of Australia

PART HEARD

<PHILLIP ERNEST THOMPSON(9.45AM)
SWORN AND EXAMINED

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

A. Phillip Ernest Thompson.

Q. And your address sir? Professional address will be fine.

A. Cruising Yacht Club of Australia, Darling Point.

Q. And your occupation?

A. I'm the sailing manager of the Cruising Yacht Club.

Q. You were appointed sailing manager in 1995, is that correct?

A. That's correct.

Q. What experience of organising yacht races did you have as at 1995?

A. As of 1995 I'd competed in a large number of Sydney to Hobart races, I'd also competed in international events and I'd undertaken a sports administration course with the Department of Sport and Recreation.

Q. What experience did you have in organising races?

A. In organising races? I'd worked very closely with the existing management of the club and I had a role in the Sydney to Hobart each year.

Q. Doing what?

A. Arranging the preliminary work involved in starting and also we had a youth academy which I was involved in which also used to run events so we were running varying sailing events for varieties of competitors.

- Q. But I want to know what experience you've had in organising a race. What did you actually do?
A. With the youth academy I was involved in virtually all aspects of the race, the planning stages, putting together the notice of the race, entry forms, all the planning for the races. 5
- Q. I'm going to take you to your second - your third statement rather, the one that's dated 2 July 2000.
A. Yes. 10
- Q. Do you have a copy of that?
A. Yes.
- Q. You say at paragraph 5 of that, the fourth line down, I have been the race director and consequently the head of the race management team since 1995, is that correct?
A. Yes. 15
- Q. Is that when the race management team came into existence or did it exist prior to that?
A. I'm not too sure as how Mr Halls ran the previous events once the race started. 20
- Q. Did you slot into a pre-existing race management team or did you create a race management team?
A. I'd have to say I expanded on the existing team. 25
- Q. Was there such an entity prior to your arrival in 1995 called a race management team?
A. Not that I was aware of. 30
- Q. Did you coin the name race management team?
A. Yes. 35
- Q. What was this concept of a race management team?
A. The race management team was there to handle the day to day administration of the race once it had started.
- Q. How many was it to have in this team?
A. It really varied on the availability and level of skill that was available at the time. 40
- Q. What exactly does that mean?
A. I needed a skill mix for my team and I needed - it just depended on who was available each year that could undertake the varying tasks. As the race developed we had an ongoing process where we developed the race review and as things came to light we would add to the team. 45
- Q. We've heard in 1998 that the race management team comprised of three, is that correct?
A. Yes. 50
- Q. Has it ever comprised more than three?
A. No. 55
- Q. Has it ever comprised less than three?

A. Yes.

Q. When?

A. I think in '95 or 6 we had two in Hobart.

5

Q. So the situation is the race management team - and is it your invention, the race management team?

A. I wouldn't say invention.

Q. Did you create it? Where did the idea come from?

10

A. I don't think it was a conscious decision to create it, it's something that evolved from having to implement the varying roles that we had to do, carry out.

Q. If one didn't exist for the 1993 Sydney to Hobart Yacht Race and the 1994 Sydney to Hobart Yacht Race, one existed for the 1995 Sydney to Hobart Yacht Race, is that correct?

15

A. That's correct but they may have called their group by a different name, there were still people carrying out the same roles.

20

Q. There were people carrying out the same roles?

A. Similar roles, yes.

Q. We've heard from Mr Robinson, who was part of the race management team in 1998, that his role was the IMS handicapping. You agree with that?

25

A. That his role was only limited to IMS handicapping?

Q. Yes.

30

A. No.

Q. You don't agree with that?

A. No.

35

Q. We've heard yesterday from Mr Elliott that his role was defining where the fleet was after each sked. You disagree with that?

A. Yes.

40

Q. What was their role that you say?

A. They had a far broader role. Mark Robinson up until '98 had aspirations of becoming a race director himself and therefore was in very close contact with myself in all aspects of the management. When I was absent, he filled in my role.

45

Q. You were present in Court when Robinson and Elliott--

A. Sorry, no sir, as soon as you - I left as soon as you started talking about my statement.

50

CORONER: He didn't hear Mr Robinson's evidence, he left the Court. Or most of it anyway.

HILL: Q. Did you agree with what Mr Elliott was saying yesterday as to his role?

55

A. I agree that the areas he spoke about were his roles but his roles weren't just limited to that area.

Q. Is there something you disagree with his evidence?

A. No, I don't disagree with it but I believe he had a far wider role than that.

Q. Alright, I'll move on. Now you say since 1998 I have completed the International Sailing Federation's race management course.

5

A. That's correct.

Q. When did you complete that?

10

A. It's an ongoing course. I am now a state measurer - sorry, a state race official and I've applied for national and that should come through.

Q. What qualification did you have in December of 1998 from the International Sailing Federation?

15

A. None.

Q. None, alright, so that's all--

A. Yes.

20

Q. --post this race?

A. That's correct.

Q. You say section A of the race management manual provides a guide for organising clubs on the organisation and management of races including the responsibilities of the organising club.

25

A. Yes.

Q. Is that what you worked on in 1998?

30

A. As a guide, yes.

Q. You say however the race management manual is written for short offshore regattas with close on water management, not long offshore races such as the Sydney to Hobart Yacht Race.

35

A. That's correct.

Q. Is it helpful or is it of no particular use?

40

A. It's helpful as a guide for the officials but it isn't really relevant for a long race.

Q. So now this race has been going for a long time, since 1946 I think, is that correct?

45

A. I believe so, yes.

Q. There presumably are manuals which lay down how the race is to be conducted and administered?

A. No.

50

Q. There's not?

A. No. There's no documentation on how to manage the race.

Q. There is no documentation?

55

A. That's correct.

Q. Did you know that in 1995 when you became the race

manager?

A. No.

Q. You didn't know that?

A. No.

5

Q. But you soon found out, I presume?

A. That's correct.

Q. What did you do about that?

A. Ever since then we've been building on a set of protocols and policies so that we can administer the race.

10

Q. In 1998 had they been reduced to writing?

A. No, there was no formal document.

15

Q. So, what, you'd been in the position of race manager for three years and there was no formal document?

A. That's correct.

20

Q. Do you not think that that might be a little neglectful?

A. I was guided by my general manager at the time as to where I should allocate my resources.

Q. Who was your general manager?

A. There've been a variety of general managers, in '98 there was Mr Rowley, Bruce Rowley.

25

Q. But look, you were the person who was the race director, you were the race manager?

A. That's correct but I also work for an organisation that has a lot of other priorities and their general manager determines what will be carried out at what time.

30

Q. Certainly there was a manual for the conduct of the radio relay vessel wasn't there?

A. Yes, yes.

35

Q. And you took that from Mr Carter, didn't you?

A. A manual?

40

Q. Yes, a manual, a written manual?

A. In '94?

Q. During your period as race manager.

A. There wasn't a manual as far as I was aware for the radio relay vessel. We used to set out procedures prior to each race.

45

Q. Are you saying that you actually sat down before each race and recreated what had been done the year before?

A. No. We added to or took away from what was already in place.

50

Q. What was in place?

A. As far as written policies?

55

Q. Yes.

A. As I said there wasn't a manual.

Q. How can you add to something that doesn't exist?

OBJECTION (WEBER). QUESTION WITHDRAWN.

5

Q. What was the situation?

A. The situation was that there was continuity usually on the sailing committee and therefore the sailing committee used to predetermine what was to - how the race was to be conducted and we used to meet with all the parties involved and review the race after each year and set down any changes and guidelines for the next year.

10

Q. Yes but where would you set down the changes and guidelines?

15

A. They'd be in either memos or letters and then was tabled to the sailing committee and taken to the board.

Q. Were they kept in some sort of files so some person could read and find out how the race was conducted?

20

A. There is no file as such that you could pick up and read on how the race was conducted.

Q. If you go to page 4, it deals with Mark Robinson. See the subheading Mark Robinson?

25

A. Yes.

Q. This is what you say. Robinson was the sailing administrator and CYCA measurer and as such assisted me with the organisation of the Sydney to Hobart Yacht Race. In particular Robinson had the following responsibilities. (1) Advising the sailing committee, CYCA members and myself in relation to IMS and CHS compliance measuring and scoring. And then (2) reviewing and approving all current IMS and CHS certificates at the time of processing of applications and entries.

30

35

A. Yes.

Q. That was his job, you say?

40

A. Yes.

Q. Reviewing and approving?

A. Yes.

45

Q. If his evidence is that that wasn't his job, that is approving, what do you say to that?

A. That's not correct.

Q. You say that was his job?

50

A. Yes.

Q. And over the next page, page 5, the first paragraph, the previous sailing administrator, do you see that? Also performed the above tasks although he was not an IMS measurer hence not as qualified to advise the CYCA in relation to IMS compliance. When Robinson was promoted to the position of sailing administrator in 1996 I explained

55

his responsibilities to him and the sailing office's procedures and then at the time of the various races Robinson's role in relation to those particular races including the Sydney to Hobart Yacht Race.

A. Yes.

5

Q. So you say you explained to him in 1996 and prior to each Sydney to Hobart Yacht Race?

A. And prior to each race that we were running.

10

Q. You say as far as I am aware since the 1996 Sydney to Hobart Yacht Race Robinson has performed the above responsibilities. Throughout that period I have had numerous conversations and dealings with Robinson which confirmed that he was in fact performing the above responsibilities competently.

15

A. Yes.

Q. And that is reviewing the IMS certificates?

A. Yes.

20

Q. He's told you that on many occasions, has he?

A. Yes.

CORONER: Q. In fact you're saying you've seen him--

25

A. I've seen him--

Q. --you've seen for yourself that he's done it?

A. Yes.

30

CORONER: He's putting it higher than that.

WITNESS: We're a small office of three people.

HILL: Q. So basically what you're saying is that as far as the IMS certificate for Business Post Naiad, that it didn't comply, Robinson is at fault for letting that through?

35

A. I would have expected Robinson to have picked that error up.

40

Q. Because that was his task?

A. Yes.

Q. Would it come as a surprise to you if Robinson's evidence is that he did not review the IMS certificates?

45

A. Very much so.

Q. I think that you actually say that it was Robinson's job to actually tick the column?

A. Yes.

50

Q. For the IMS certificates?

A. That's correct.

Q. He says that you explicitly instructed him he was not to do that, that was your task.

55

A. We had very set roles as who was to tick the varying areas on the chart. David Lawson did all the safety work,

Robinson did the IMS, Holt and myself did the other areas such as insurance, entry fees et cetera.

Q. So you say that what he says under oath is not correct?

A. I haven't heard what he said but I believe that it was his responsibility.

5

Q. You believed it was his responsibility?

A. Yes.

10

Q. Did you check on that?

A. I'd done random checks of all the paperwork and I found everything to be in order. I didn't at that time specifically ask Robinson as such, were you checking all the certificates but by his actions I believed that he was.

15

Q. You say at page 12 and this is at the top of that, as far as the current IMS certificates were concerned I either checked the certificate myself except in relation to speed and then put it on Robinson's desk for his review, approval and ticking on the 1998 chart, or I put it straight on Robinson's desk for his review, approval and ticking on the 1998 chart.

20

A. Yes.

25

Q. What's the purpose of you checking the certificate yourself?

A. My--

Q. Just a moment, I haven't finished.

30

A. Sorry.

Q. What's the purpose of you checking the certificate yourself if in fact it's Robinson's job to do that?

A. I would have a look at a certificate if I had a particular interest in a boat, in particular some of the maxis and the boats that I'd previously sailed on.

35

Q. You don't say that, you say checked the certificate myself except in relation to speed and then put it on Robinson's desk for the review.

40

A. It was just another way of double checking things as documentation - any documentation passed through my hands for the race I would often check to see that it was - complied.

45

Q. How can it be a double way of checking it where it's only vessels that attract your interest that you look at?

A. This was one of the checks, as I said I then had random checks throughout the other documentation once it had all been filed.

50

Q. When you say random checks, that's not a double check is it?

A. No, not as such. I didn't go over all the documentation as such.

55

Q. So as far as you're concerned, as you say there at the

bottom, paragraph 47, only Robinson ticked the column.

A. That's correct.

Q. He was the only person to do that?

A. Yes.

5

Q. If that was the case and you knew that, you've known that, that was his job?

A. Yes.

10

Q. There's no question about that?

A. No.

Q. Why was it that you consistently throughout the two interviews prior to this matter and notably the interview of 20 October 1999 at page 27, you were asked this question, question 192, so what system did you have in place to ensure that a re-check was done of all the vessels so far as documents that were missing prior to the start of the race.

15

You said I'd rather not comment on that. You were asked again, sorry, and you answered I'd rather not comment on that and then you were asked okay, well are you able to tell me if a system existed. Answer, again I don't really want to talk about it. Question 195, okay can you just talk up a little bit. Answer, sorry, yes, I don't want - I don't want to say. You were asked okay, certainly, is that advice you've received and you answered no. You were asked a question that's your own and you said yes. Then you were asked okay, so at any stage, I'll ask you one more time, at any stage did you see the updated certificate from the Business Post Naiad. You answered no. You were asked are you able to tell me why not and you answered no. Now look, why was it that you didn't want to tell the police who were investigating this matter that it was Robinson's role to check the IMS certificate?

20

25

30

35

A. At the time of being interviewed I found the 1998 race had been a very traumatic experience for me. This was the first time that I'd really had to reflect on the race and I'd suppressed a lot of my feelings to the race and I'd become very involved in the implementation for the '99 race and there are - throughout this statement there's several mistakes where I've got mixed up with my races and by that stage I was pretty rattled. So I felt that it was inappropriate at that particular time to answer questions that I just was having difficulty with.

40

45

Q. Look, you've told us that you knew and you've always known that it was Robinson's job to check the IMS certificates, is that true or not?

A. Yes it is.

50

Q. Then why did you not tell the police that that was the situation back in October 1999?

A. As I explained, I found that interview very, very difficult and very traumatic.

55

Q. So you knew in October 1999 that it was Robinson who should have checked that certificate?

A. As I explained, I found that interview very, very difficult and very traumatic.

Q. So you knew in October 1999 that it was Robinson who should have checked that certificate?

A. Yes.

Q. But you chose not to tell them?

A. That's correct.

5

Q. Why was it that you chose not to tell them?

A. I wanted to make - I was concerned that I would not give them the relevant information. As I said, I had already realised along the way that I'd made other errors in my statement and that I would just literally give them the wrong information.

10

Q. When you say you realised you'd made errors along the way in your statement, why didn't you point that out?

A. I really wasn't given the opportunity and I felt as I said it was a very traumatic experience for me.

15

Q. When you say you weren't given the opportunity, look at page 103. The interview is just about finished and you were asked this question by Detective Senior Constable Grey, okay, is there anything further you'd like to say Phil in relation to today's interview. No. Okay, that being the end, my time on my watch is now 12.45pm. You were given an opportunity. What do you mean you weren't given an opportunity?

20

25

A. By that stage I was just glad that it was over and I didn't want to prolong the interview any further.

Q. You could have simply said it was Robinson that was responsible for the IMS certificates, couldn't you?

30

A. I could have, yes.

Q. And you chose not to?

A. Yes.

35

Q. Now I'm asking you why did you choose to deliberately withhold that information?

A. As I said I found the interview very traumatic and I was concerned that I was going to give out information that was incorrect.

40

Q. You were concerned you were going to give out information that was incorrect but you've told us that you knew all along that it was Mr Robinson's task to check the IMS certificates. How could that be incorrect?

45

A. I thought I'd answered other questions correctly but when I'd thought about them as we were going through the - further into the interview I'd realised that I had made mistakes.

50

Q. You've seen the race review by Mr Bush?

A. Yes.

Q. He talks about poor administration in the sailing office?

55

A. Yes.

Q. You accept that?

A. Yes.

Q. Do you know what he's referring to?

A. That our systems are less than perfect.

5

Q. What systems were they, in particular?

A. The whole application entry process.

Q. So you say quite categorically and on oath that it was Mr Robinson's task to check the IMS certificates, is that correct?

10

A. Yes.

Q. And therefore the IMS certificate that showed Business Post Naiad as not qualifying for entry, if that came through, that was Mr Robinson's fault?

15

A. I think fault is hard. He missed a certificate and I must take responsibility as well for being his manager.

Q. I'll put the question to you again. That the Business Post Naiad certificate which showed it did not comply with the race, if that got through then it was Mr Robinson's fault?

20

A. Yes.

25

Q. I'm going to take you to the briefing that took place on 24 December 1998. You were present?

A. Yes.

Q. You were present for the weather briefing?

30

A. Yes.

Q. You listened to what Mr Batt had to say?

A. Yes.

35

Q. The next day you had another meeting?

A. We did the course construction at midday and I had several phone calls with Mr Batt and there was a fax that was forecast, a pre-arranged fax to be sent to the club.

40

Q. What were the conversations you had with Mr Batt?

A. The conversations were primarily to let him know that the meeting was still going ahead and then once we had received the fax to - I needed some additional information.

45

Q. What happened then?

A. I had a meeting with Elliott, Sommer and Robinson to produce the course construction.

Q. And then presumably you went home?

50

A. Yes.

Q. And the next morning?

A. I started at the club between 5.30 and 6 to get all the varying aspects of the race organised.

55

Q. Did you see Mr Batt at all?

A. I didn't see Mr Batt until somewhere between 10 and 11.

Q. 10 and 11?

A. Yes.

Q. Were you aware that there had been an update in the weather?

5

A. I was aware that they had - no.

Q. You didn't know about a gale warning being issued?

A. No.

10

Q. You weren't told that?

A. No.

Q. Never drawn to your attention?

A. No.

15

Q. What was the last weather that you had looked at?

A. The last weather I had spoken to the senior forecaster early that morning to get a confirmation of my course construction and had no indication at that stage of any basic change to the weather as per the Christmas Day forecast.

20

Q. What time was that?

A. I think from memory between 6 and 7.

25

Q. Do you recall what the weather was?

A. It was very similar to the forecast - there's a four day forecast that we'd received. I'd run down and hand written down the side of the four day forecast that we had the weather that they were predicting.

30

Q. Was there a system where the Weather Bureau representative briefed the race committee?

A. No.

35

Q. There'd never been such a system in the time that you had been the race manager, the race director?

A. Briefed for what purpose?

40

Q. On the morning, that is the morning of the race?

A. In previous years we had done the course construction on the morning of the race but found that that was - became too difficult to actually produce the race in a - the course construction in a timely manner, so we used to go through this process on the morning of the race in I think either '96 I think was the last time we did it but I couldn't be sure.

45

Q. But it was still open for you to change the course as it were until about 9am?

50

A. That's correct.

Q. On the 26th?

A. Yes.

55

Q. It wasn't altered on this occasion?

A. No.

Q. What did you do after that?

A. I spent the morning ensuring that the starting procedures were all going ahead, I was in and out of the sailing office doing the last minute checks and we had owners coming in changing crews and I then spoke to the Weather Bureau people when they arrived. 5

Q. Who did you speak with?

A. When they first arrived, because they'd been - I was aware that they were running late and I didn't actually recognise any of the Weather Bureau people, I really only knew Bruce Buckley and Ken Batt. 10

Q. Did you speak to Ken Batt?

A. When Ken arrived, yes. 15

Q. What did you say to him?

A. I asked him was there anything I should know about the race and he said that they were going to get a bit of a blow down off Eden and we left it pretty much at that. 20

Q. Did you have a further conversation with him?

A. No.

Q. Nothing further?

A. No. 25

Q. At all during that day?

A. No, I didn't speak to Ken again. 30

Q. Not at all?

A. No.

Q. Just going to your statement, I think it's at page 48--

A. Sorry, which statement? 35

Q. This is your second statement, 20 October. Those are your words there, because we formed a strong personal relationship with the Weather Bureau over the years?

A. Yes. 40

Q. And as I actually said to Ken Batt on the morning of the race at 10 o'clock, I said what's the forecast, he said oh well they're - and he said oh, they're going to get a bit of a front down off Eden, I said how strong, he said 25 to 35. I said oh that's pretty standard you know weather for them, they usually get a blow up and I said what happens after that. He said oh, it will moderate to go around to the west and I said oh well that's a pretty standard Hobart race, nothing to worry about and he said yeah, nothing to worry about and I said okay, I'll speak to you later on. Is that right? 45

A. Yes.

Q. That's as you recall it now as well? 50

A. Yes.

Q. He didn't say anything about a gale warning?

A. No.

Q. Didn't bring that to your attention at all?

A. No.

5

Q. You say I'll speak to you later on, when were you going to speak to him later on?

A. I thought I might have seen him later in the day.

Q. According to what was put by Mr Harris on the last occasion and this is in the transcript, this was put to Batt that there was a conversation between you and Mr Batt at which Andrea Holt was present in the sailing office at about 12 o'clock on the 26th.

10

A. At 12?

15

Q. Mm. You see it says question, yes, you've told the Court that that activity down at the Cruising Yacht Club, assisting the yachtsmen, finished at about 12 o'clock. Batt answered about 12 o'clock, yes. Question and do you recall at about that time having a brief conversation with Mr Thompson. Answer no I can't, as I said earlier I spoke to a lot of people on that day, I cannot recall. I'm not saying that during the course of the day that I would have passed the time of day with him but I just don't know. He then said I'm just wondering if what I'm to put to you might assist your memory. You don't recall a discussion about the weather in the race office of the Cruising Yacht Club shortly after you'd concluded your briefing, present being Mr Thompson and Ms Holt. Answer, no. I'm quite sure my friend Mr Harris wouldn't put that unless he was on instructions, you see. Do you know of such a conference at 12 o'clock with Mr Batt and Miss Holt being present in the race office?

20

25

30

A. Both Ms Holt and myself would have been out on the - heading out to the start line at 12.

35

Q. So such a conference in very explicit time and place never occurred?

A. That's correct.

40

CORONER: Q. Who else was with you when you spoke to Mr Batt, when was it, about 10 o'clock?

A. There were other people in the sailing office but I couldn't tell you.

45

Q. Certainly not specifically Ms--

A. I can only assume who would have been there--

Q. --Holt?

50

A. --but I couldn't remember who was there.

HILL: Q. That didn't occur as far as you're concerned?

A. The 12 o'clock meeting, no.

55

Q. 12 o'clock.

A. No.

Q. And the 10 o'clock conference is as I've read out, is that correct?

A. Yes.

Q. What did you do then, after the 10 o'clock conference? 5

A. Again prepared for the start and went out to the starting line at about - the boat left the dock at about 11.30 and took about 15, 20 minutes to get down the dock due to the large numbers of people. 10

Q. How long were you out there?

A. We arrived back at the sailing office sometime between 2.30 and 3.

Q. Who did you leave, that is you, leave in charge of the sailing office during the period you were absent? 15

A. The duty manager looked after the sailing office in our absence.

Q. Who's the duty manager that looked after the sailing office? 20

A. Sorry, the CYC, would have been the bar manager looked after the sailing office in our absence.

Q. Looked after the sailing office in your absence? What do you mean by looked after-- 25

A. Sorry, he was available, he would take any phone calls that came into the sailing office.

Q. Who was in the sailing office? 30

A. Who was in the sailing office?

Q. Yes, who was in there?

A. There was nobody dedicated to actually be in the sailing office. 35

Q. So in other words you had left no-one in charge of the sailing office?

A. I had - the bar supervisor was going to look after sailing office affairs in my absence. 40

Q. What else was he doing?

A. He was looking - he was looking after the bars and the general office, any enquiries he was taking - he would have fielded any enquiries. 45

Q. Alright, so there was no dedicated staff that you appointed to be in the sailing office?

A. No. 50

Q. And there would be no-one actually physically in the sailing office?

A. Not full time, no.

Q. What time did you come back? 55

A. About 2.30, 3.

Q. What was the name of the bar manager did you say, the

person that you'd left to take messages?

A. I can't - it would either be Paul McTaggart or Sturt(?) Royle.

Q. Paul McTaggart or? 5

A. Sturt Royle. We had a changeover of--

Q. Would you spell that last name? 10

A. Royle.

Q. When you came back, at what time? 15

A. About 2.30, 3.

Q. Did you go and ask him what message had arrived? 20

A. Yes, I had a conversation with him, yes.

Q. Why didn't you put that in your statement? 25

A. At the time I didn't think it was relevant.

Q. But you've done statement only recently, haven't you, 30
between the last hearings and these hearings?

A. Yes.

Q. And you know full well that a crucial point has been 35
brought out that there was a telephone call from the bureau,
the Weather Bureau, to the CYC and a facsimile, you know
about that don't you?

A. Yes.

Q. So it's a very important issue isn't it? 40

OBJECTION (WEBER). UNFAIR TO WITNESS. QUESTION WITHDRAWN.

Q. You did not put in your statement that you had a 45
conversation with the bar manager about anything for the
sailing office, did you?

A. No.

Q. What conversation did you have with him? 50

A. It was a very general conversation, I'd asked him was
there anything I should be aware of or you know what had
happened in the time out.

Q. What did he say? 55

A. He said everything had been relatively quiet, a few
boats had come back in with spectators.

Q. What did you do then? 60

A. I went and looked at what had come into the fax tray and
went about cleaning up the sailing office and making sure
that we had all the crew amendments forms were all filed and
that we had all our documentation and items ready to move to
Hobart the next day.

Q. You looked in the fax tray? 65

A. Yes.

Q. Anything in there that you recall? 70

A. Yes there were updated weather forecasts from the bureau.

Q. Storm warning?

A. The special race forecast we received did mention - did have on it a storm warning at that time. 5

Q. What did that mean to you?

A. It meant that the fleet was going to get very severe weather. 10

Q. What did you understand is a storm warning?

A. I understood the storm warning to be plus 50 odd knots of breeze. 15

Q. Do you recall what it said with regards to the wind?

A. I've got - can I have--

Q. Yes, please have a look.

A. This was a 12.09 forecast. Do you want me to read the wind or just do you want me to give you the figures? 20

Q. Yes.

A. Okay. The warning's - I'm sorry, there's two. Okay, there's the second - this was the 12.09 and it refers to 20 to 25 knots, sou'west change coming through at 30 to 35 but by that stage I would have then also received the 2.13 which was the next forecast which is probably more relevant. 25

Q. That was an unscheduled one, wasn't it? 30

A. Yes, that was an unscheduled one.

Q. That had a storm warning on it and I think - is that the one that said between--

A. No, sorry, I've got - yes, sorry, that's the one at 1450 on the 26th. That refers to north to northeast winds 20 to 25 knots ahead of a west to sou'west change 25 to 35 knots with stronger gusts expected near Jervis Bay around midnight to 2am then near Sydney around 3am, 5am Sunday, winds may tend briefly northwest 15 to 20 prior to the change. 40

Q. Is that the storm warning?

A. That is the storm warning.

Q. What was the winds forecast again? 45

A. Twenty five to 35 with stronger gusts.

Q. What about the storm warning?

A. The storm warning's issued for south of Merimbula. 50

Q. And what was that?

A. There's no reference to it.

Q. No reference to it?

A. No. 55

Q. So it doesn't say what the winds were?

A. No. Sorry, under the outlook it's got winds moderating

south - north of Jervis Bay Sunday, gale to storm force west winds south of Jervis Bay moderating Monday evening.

- Q. As far as you're concerned that storm warning doesn't bring to your attention winds of 45 to 55? 5
A. I was aware that they were going to get - receive very severe winds of up to as I said 50 knots.
- Q. How were you aware of that?
A. Storm warning is for winds over high 40s. 10
- Q. What about gusts?
A. I would expect high gusts.
- Q. To what? 15
A. In round terms 10 per cent.
- Q. Ten per cent on top of that?
A. Yes. 20
- Q. You'd never been aware of this 40 per cent rule?
A. No. 25
- Q. Did you take part in the administration of - filling up these bags that the masters of these vessels would have?
A. No. 30
- Q. Who did that?
A. Robinson and Holt and they usually asked some of the volunteers from the information shed to assist. 35
- Q. As the race director do you think it might have been pertinent to read what was going in the bag?
A. As far as this matter goes? 40
- Q. As far as what was going in the bags?
A. I looked - I glanced over all the information and I knew what was going in them but I didn't read each item in detail. 45
- Q. Don't you think that you might have had a duty to know exactly what it was that was going into the bags, being as you were directing and managing this race?
A. I believe I needed to know what was going in the bags, I didn't believe I had to read every fine detail on them. 50
- Q. So you knew they would be getting winds of what?
A. I thought they were going to get winds of up to 50 knots. 55
- Q. What about the gusts?
A. Again, about another 10 per cent on that.
- Q. Ten per cent on top of that?
A. Yes. 55
- Q. That was quite different to what you'd been told at 10 o'clock by Batt?

- A. That's correct but in the - when I came in after the race I received their updated forecast which I read and then I had the earlier forecast, the 12.09, so I saw this as an increasing of the breeze and that they were definitely going to get a front somewhere down off Jervis Bay. 5
- Q. Did you think of calling Mr Batt?
A. No.
- Q. Why not? 10
A. I believed that if the conditions had been such that he would have rung me.
- Q. What did you do after that?
A. I would have put the - sorry, could I-- 15
- Q. Yes, after you'd tidied up and you'd read that report, the weather report, what did you do?
A. I became aware that Young Endeavour was having radio problems so I contacted Lew Carter later that afternoon. 20
- Q. So do I take it you had no understanding that the wind gusts from a Weather Bureau forecast could be as high as 40 per cent on top of the average wind?
A. No. 25
- Q. You had no idea of that?
A. No.
- Q. After you finished that, what happened next? Did you stay for the 2000 hours sked? 30
A. No, it had been arranged that Howard Elliott was going to listen to that sked at his home and Robinson was going to do the evening sked so I went home and got some sleep. 35
- Q. So when did you next come back to the CYC?
A. The 3am sked.
- Q. And you listened to that?
A. Yes. 40
- Q. You listened to the weather?
A. At the 3am sked?
- Q. Yes. 45
A. Yes, in general terms, yes.
- Q. Surely more than general terms, you were the race manager?
A. I've got the - I've got the special race forecast. 50
- Q. When did you get that?
A. That would have arrived approximately somewhere between an hour and half an hour before the sked. 55
- Q. And what did that say?
A. That spoke about a low, there was a storm warning current south of Merimbula and a gale warning current off

Broken Bay with winds reaching 40 to 50 knots as the low deepened.

Q. Does it not mention the storm warning?

A. Yes.

5

CORONER: Q. South of Jervis Bay.

A. Yes.

Q. South of Merimbula.

A. South of Merimbula, yes.

10

HILL: Q. Did you check where the fleet was?

A. I had a pretty good idea where the fleet would be, yes.

15

Q. How far away from the storm warning area were they?

A. I worked it they - the big boats were about six to eight hours away from - maybe a bit further, depending on how they were going to go.

20

Q. So in six to eight hours the larger vessels would be getting into the storm?

A. In that area, yes. I must say though I worked on the fact that the low that they spoke about in this forecast was at the top of Tasmania and I associated the 40 to 50 knots with the low, because the forecast says that as the low deepens the winds will reach 40 to 50 knots. I did a calculation of where the low was and what direction it was heading and my view was the two would never meet.

25

30

Q. When you say the two would never meet, the fleet would never get into that storm, is that what you're saying?

A. Yes.

Q. Did you take any precautions by finding out what the weather was around the Tasmanian area?

A. No. My view was that I purchased the special race forecast and that the bureau who I have an excellent relationship with would supply me with all the information that I needed for the fleet.

35

40

Q. Part of your task was to monitor the weather, wasn't it?

A. Yes.

Q. You heard the evidence yesterday of Mr Honeysett that he was able to call up the weather in Tasmania by facsimile?

A. Yes.

45

Q. That seemed a fairly simple thing to do?

A. Yes.

50

Q. You could have done that?

A. Yes.

Q. But you didn't?

A. No, because as I previously stated, I believed that I had a special arrangement with the Weather Bureau to supply me with information that was relevant to the fleet.

55

CORONER: Q. What, beyond the scheduled special race forecast--

A. No, by the special race forecast that anything that was relevant to the fleet would have been in these forecasts. If I hadn't had that service then I would have had to expect that I would have to go and get all the information out of the public domain but seeing that I'd purchased a special race forecast, anything that was pertinent to the fleet would have been in this forecast.

5

10

Q. What made you pick the low as being off northern - what, northeast Tasmania is what you're saying?

A. It's got a lat and long so it's actually got a position of where the low is.

15

Q. I see, so you've calculated as it's off northeast Tasmania--

A. And they gave a direction and speed, they gave a direction and speed of 20 knots heading east northeast, so in 10 hours it was going to be 200 miles out to sea.

20

HILL: Q. Did you check with the Weather Bureau at all on that day?

A. Yes, I rang at approximately between 6 and 7 in the morning.

25

Q. Between 6 and 7 in the morning?

A. Yes.

Q. Is that the conversation at page 62 of your statement of 20 October 1999 where you say I can remember on the morning of the 27th speaking to the guy and he said - and I said rather what's the likely wind strength they're going to get and he said 20 to 35 and I said oh well, as per what we've had before, is that right? Sorry, 25 to 35. And he said yes and you say then now obviously he's talking about 25 to 35 with under his little scheme that can be up to 60. I was literally taking him as 25 to 35.

30

35

A. Yes.

40

Q. If he said 25 to 35, you would have added 10 per cent onto that?

A. Yes.

Q. Doesn't that 25 to 35 rather conflict with what you'd read in the special forecast?

45

A. It does and this is one of the errors that I'd made and I'd actually corrected that in the third statement that I'd put in the wrong - given the wrong figures, it should have been higher.

50

Q. What should it have been?

A. It should have been as per the forecast that they were going to get 25 to 35 then reaching 40 to 50 as it - they reached the low.

55

Q. So he had told you what?

A. He virtually confirmed the forecast that--

Q. You tell us what he told you?

A. My recollection is that he virtually read out - reconfirmed the forecast that I'd been sent at 2 o'clock.

Q. Now tell us what the winds were that he told you? 5

A. I can only remember talking 25 to 35 knots but again I could be - I can't remember the entire conversation.

Q. You say you've corrected this?

A. Yes. 10

Q. What have you corrected it to? Can I just stop you before - you're going to go to your latest statement to see what you corrected it to?

A. Yes. 15

Q. If you corrected it, is it not in your memory?

A. All the details?

Q. Yes, all the details. 20

A. On some of the figures I'm not 100 per cent certain, there's been so many figures about wind strengths at different times that I would want to check just to make sure that I actually am giving you the right information. 25

Q. On 20 October 1999 what you said was that he said to you 25 to 35 and I said oh well, as per what we've had before, he said yes. You now say that is wrong, that correct?

A. I don't say it's all wrong. My recollection of the conversation I had with the forecaster is that he reaffirmed the 2 o'clock weather forecast that I had, he didn't-- 30

Q. Giving wind speeds of what?

A. I can't give you an exact answer. 35

Q. When you corrected this statement in your latest statement, did you in fact reconstruct by simply reading off the weather forecast? 40

A. No.

Q. Then what was it that he said to you? Or has your memory now gone blank? 45

A. No, my memory hasn't gone blank but I have trouble recollecting the exact words that were said.

Q. The reality was at about 6 o'clock in the morning when you telephoned you were made aware that the winds near the fleet were extremely strong, weren't you? 50

A. No.

Q. What were you made aware of? Take us to the now corrected version of this conversation? 55

A. When I spoke to the forecaster I was - I finished that conversation having had an update that the winds weren't going to - weren't going to increase from any of the forecasts I'd received and so therefore I literally took him as the forecast that I had that they were going to reach 40 to 50 knots around the deepening low.

Q. Take us to where it's been corrected in your present -
in your latest statement?

A. I think it's 153.

Q. Paragraph 53?

A. One hundred and fifty three on page 33.

Q. In relation to question 450 I cannot recall what was
said during that conversation. However, I do recall that
the senior forecaster confirmed the earlier forecast.

A. Yes.

Q. Look at it. In relation to question 450 I cannot recall
what was said during the conversation. Do you recall?
What's the likely wind strength they're going to get and he
said 25 to 35 and I said oh well, as per what they had
before. You cannot recall any of that?

A. No. I - no, not with a great deal of accuracy, no.

Q. Can you recall anything of the conversation you had with
the Weather Bureau personnel on that day, the morning of the
27th?

A. I can't recall detailed information.

Q. So when you go on to say in question 452 now obviously
he's talking about 25 to 35 with under his little scheme
that can be up to 60, I was literally taking him as 25 to
35. That's just nonsense, isn't it?

A. Sorry, which--

Q. That's incorrect?

A. What, that I took him literally?

Q. Yes, that you took him literally.

CORONER: Q. At 25 to 35.

A. I took the speeds as being literally that. When the
forecast said reaching 40 to 50 knots off the low I took it
that it was going to reach 40 to 50 knots off the low.

Q. But you told us about 10 per cent a minute ago, that you
knew all about that?

A. Well, 10 per cent with gusts.

HILL: Q. What did you do next?

A. We flew to Hobart that morning.

Q. Who's we?

A. Robinson and myself.

Q. What time did you leave?

A. About 8.30.

Q. You left the CYCA at 8.30?

A. Yes.

Q. Who did you leave in charge?

A. I had Sommer and Rowley in Sydney, Elliott and Sam

Hughes had gone on an earlier flight and I was unsure how Badenach and Boys were getting to Hobart but I knew they would both be in Hobart.

Q. Now I'm going to take you back a little bit. You say you had Rowley in Sydney? 5
A. Yes.

CORONER: Q. Sommer and Rowley. 10
A. Sommer and Rowley.

HILL: Q. Yes but Rowley wasn't part of the race management team? 15
A. No.

Q. Sommer wasn't part of the race management team? 15
A. No.

Q. The race management team takes over we're told from about 12 o'clock on the 26th? 20
A. Yes.

Q. And they have specific tasks? 25
A. Yes.

Q. Now, who in the race management team did you leave in charge in Sydney when you left at 8.30? 25
A. In Sydney?

Q. Yes. 30
A. I left Rowley as my - in charge.

Q. But he-- 35
A. No, I agree, he wasn't as far as I say, in that case there was no-one in Sydney.

Q. There was no-one in Sydney, you would be out of communication for how long? 40
A. Approximately an hour.

Q. An hour? 40
A. Because we had a scheduled stopover in Melbourne.

Q. Did you make any phone calls from Melbourne when you stopped? 45
A. No, not that I'm aware of.

Q. What time did you get into Hobart? 50
A. The flight was delayed, we arrived just as the sked was starting.

Q. 2pm?
A. Yes.

Q. Who was in Hobart and in charge from the race management team? 55
A. Elliott.

Q. Hmm?

A. Howard Elliott.

Q. Elliott?

A. Yes.

5

Q. What time would he have arrived there?

A. He should have arrived at about 10 o'clock.

Q. So I take it then for an hour and a half between 8.30 and 10 there's no-one from the race management team that can be contacted?

10

A. No, we all have our mobile phone numbers.

Q. Yes but you're on aircraft aren't you?

15

A. No, sorry, our flight was at 10.

Q. So what, as Elliott gets on the ground you would then be able to switch off, is that what you say?

A. Yes, we do have to turn our mobiles off when we get on the planes.

20

Q. Is that not cutting it somewhat fine in regards to communication?

A. Yes but all our phones have message banks on them so--

25

Q. You heard Mr Honeysett yesterday?

A. Yes.

Q. He had got a weather fax showing that Wilsons Promontory had 71 knots, that was at 7 o'clock in the morning?

30

A. Yes.

Q. Do you think that was pertinent?

A. To the race?

35

Q. Yes, to the race?

A. No.

Q. No?

A. No.

40

Q. Why not?

A. Should I - if I'd received the fax, do you want me to go--

45

Q. No, I'm asking you why you don't think 71 knots at 7 o'clock in the morning at Wilsons Promontory is pertinent to the race?

A. Okay. I grew up in Victoria and we spent a lot of our school holidays at a place called Port Welshpool which is the top of Wilsons Promontory. In getting to know the local fishermen from that area, I learnt from an early age to discount the weather at Wilsons Promontory because it was so high. In isolation the weather at Wilsons Promontory I would have gone further and investigated to see what the other stations were reporting and also what other information I had from Wilsons Promontory.

50

55

Q. So the concern of Mr Hughes from AMSA and the concern of Mr Honeysett is unfounded, is that what you're saying?

A. It's unfounded if it's in isolation.

Q. It requires looking at, doesn't it?

A. Yes.

Q. And what I'm going to suggest to you is that a prudent race director, having got such a forecast and been advised of such wind strengths, would have pursued the matter further, to see what was happening, you accept that?

A. No.

Q. You don't accept that?

A. No.

Q. What, you would just ignore that, would you?

A. No, I wouldn't ignore it.

Q. What would you do?

A. In our case I believed that the Weather Bureau through our special race forecast would have supplied me with any information that was relevant to the fleet in our forecast.

Q. Look, Mr Honeysett had taken this facsimile into the race control centre?

A. Yes.

Q. He told Sam Hughes from AMSA about it, you accept that?

A. Yes.

Q. You heard that?

A. Definitely, yes.

Q. So Mr Honeysett was concerned, Sam Hughes was concerned. Are you saying that it wouldn't concern you?

A. I'm saying if I'd been given the fax I would have looked at it and I saw the copy of the fax yesterday. When you look at the coastal reports, Wilsons Promontory was 71, the other coastal stations around it in the general area were very low, a lot of them down around the nines and tens. As we've heard, the weather forecast for the rest of Bass Strait was 35 up to 50 knots and had a sea state of up to eight metres. Wilsons Promontory was only giving a sea state of two metre seas.

Q. But the point is you could have found that out on the morning at 7 o'clock of the 27th?

A. I could have?

Q. Yes. Had you been organised and had someone focusing on the weather, you could have found that out, couldn't you?

A. I could have found it out, yes.

Q. Having that knowledge at 7 o'clock in the morning, that could have been communicated to the fleet, couldn't it?

A. It could have, yes.

Q. It could have been communicated to them between three minutes - sorry, between 7 o'clock and three minutes past, couldn't it?

A. Yes.

5

Q. And it could have been communicated at half past 7?

A. Yes.

Q. Because of the silence periods?

A. That's correct.

10

Q. So on every hour and every half hour between first being appraised of that knowledge the fleet could have been warned and told what was happening with the weather?

A. The fleet already had the weather from the special race forecast, if they had read the forecast.

15

Q. That was at 3 o'clock in the morning. You gave - look, the fleet were told about the weather at 3 o'clock - 3am on the 27th, weren't they?

A. Yes.

20

Q. And the next time they were going to be told about the weather was at 2pm on the 27th?

A. That's correct.

25

Q. So you could have obtained additional information that some people had concern about at 7am in the morning, that's correct isn't it?

A. Yes.

30

Q. And that was some hours before the fleet started to encounter that weather, wasn't it?

A. I don't - I couldn't give you an exact - where the time line sits with the 7am and the fleet.

35

Q. Doctel Rager at 12.35 said it was getting 50 to 60 and gusts of 70 knots, you've seen those records haven't you?

A. Yes, yes.

40

Q. And that was verified by other vessels around it, you accept that?

A. Yes, definitely.

Q. So that's when the fleet appears to start to be getting into the foul weather, you accept that?

A. Yes.

45

Q. So the reality is there was at least four hours from 7am till 11am when the fleet could have been told what they were sailing into and possibly five hours to 12 o'clock?

A. Yes but the weather at Wilsons Promontory was in isolation.

50

Q. But they could have been told, you could have gone further had you known that and found out what they were actually receiving around the area?

A. I would have found that the rest of the coastal stations

55

were all reporting light airs. Wilsons Promontory was 120 miles away from them, the closest station to the fleet was Gabo Island, most of the boats were less than 20 or 30 miles from Gabo and it had light airs, it had less than 10 knots of breeze.

5

Q. But it didn't just suddenly strike, it built up, that's the evidence of the sailors that were involved in this race.
A. Exactly.

10

Q. You could have monitored the situation, had you known, isn't that correct?
A. Yes.

Q. It was your duty as part of the race management team to monitor the weather?

15

A. Our monitoring of the weather extended to the special race forecasts which we'd been receiving from the Weather Bureau to ensure that the fleet received that weather.

20

Q. And nothing else?
A. No.

Q. So monitoring the weather forecasts received from BOM and that's it?

25

A. To ensure that the fleet got that information.

Q. Do you not think that the Tasmanians might have some valuable information to give you with regards weather?

A. The bureau used the Tasmanian bureau.

30

Q. What about Mr Honeysett, who has sailed around there?

A. All I can suggest is Mr Honeysett should have passed his concerns on to myself.

35

Q. The point is this though. Under your race management team, under your administration, there was no ability to use that information, was there?

OBJECTION (WEBER). FACTUALLY UNTRUE. QUESTION WITHDRAWN AND REPHRASED.

40

Q. The situation was when Mr Honeysett got that facsimile at about 7am there was no-one from the race management team who could have utilised that information until Mr Elliott arrived about 11.30?

45

A. No-one in Hobart?

Q. No one in Hobart.

A. No.

Q. And that was because of the way you had organised the race management team? 5

A. Yes, but Mr Honeysett could have easily rung any one of us.

Q. And is that your answer, that everyone else could have contacted you? 10

A. If they had concerns, yes, they could have or should have contacted us.

Q. Don't you think that you as the race director and your race management team had a responsibility to be pro-active and do these things and not sit back and wait for others to do them? 15

A. We were involved in a lot of tasks, and if somebody gets a piece of information I would have thought that they would have - they should have passed it on to the relevant people. We can't monitor every spectrum of information. If somebody gets some information, I would have expected them to pass it on. 20

Q. Well do you think that the problem might lie in not having a race management team that is fully established both in Hobart and in Sydney throughout the race? 25

A. Whilst we have the race management team, we also have race committee members. Now - and the race committee members have a duty and responsibility to the race. We had Robert Badenach and David Boys down there acting as race committee representatives. Now they could have easily passed on any information that was relevant. You know, Robert Badenach came into the club early. 30

Q. Yes, as we've heard as evidence. 35

A. And was part of the organisation. The mere fact that he wasn't part of our small race management team didn't mean that - relieved him of all his responsibilities as far as a race committee member. 40

Q. Wasn't the situation that the race management team was a little enclave to itself?

A. Not at all. 45

Q. Well we've heard from Mr Sommer that he deferred to you.

A. That's correct.

Q. That you were in charge.

A. That's correct. 50

Q. You accept that you were in charge?

A. Yes.

Q. What time did you say you arrived? 55

A. Just as - in Hobart?

Q. Yeah.

- A. Just as a sked was starting.
- Q. Were you briefed on what had been happening?
A. By Mr Elliott, yes. 5
- Q. About Doctel Rager?
A. I can't remember specifically Doctel Rager.
- Q. Wasn't it brought to your attention that Doctel Rager had been saying that they were getting 50 to 60 knots up to 70? 10
A. I can't - my first - my memory of that was hearing the Sword of Orion, that was the first - the thing that sticks in my mind is the reports from Sword of Orion. 15
- Q. So that was the first time that you were told that they were getting - or you were made aware in any way that they were getting 70 to 80 knots?
A. Yes. 20
- Q. When you got off the aeroplane, did you look on your message bank to see if anyone called you?
A. Yes. 20
- Q. No one had called you?
A. No. 25
- Q. So there had been no system where this could be reported to you?
A. I believe that they would have - they could have called me. 30
- Q. Who are they?
A. Sorry, Elliott or Sam Hughes. 35
- Q. Why Sam Hughes?
A. He was our AMSA liaison.
- Q. But what's he got to do with the race management?
A. Sam keeps an eye on the progress of the fleet and what the conditions are like and anything relevant to keep AMSA informed. 40
- Q. What about Elliott? He should have called you, do you say that?
A. Yes. 45
- Q. But he was attending some briefing between 12 and 1.
A. So - I heard that in evidence yesterday. 50
- Q. And you knew that?
A. No.
- Q. Are you saying that you didn't know that he would be attending a meeting between 12 and 1?
A. Yes. 55
- Q. You didn't know that?

A. No.

Q. What, did he do that off his own bat?

A. I don't know.

5

Q. You don't know?

A. I've - that was the first I've heard of it yesterday.

Q. What was he supposed to do when he got down there?

A. Howard, initial role was to check the computer systems that were in place for the phone operators and get an update of what was happening from the Tasmanian perspective and keep myself informed.

10

Q. How could he keep you informed?

A. Through the mobile phones.

15

Q. Do you know whose idea it was that he should attend this briefing?

A. I don't know.

20

Q. You don't know?

A. No.

Q. You said that your flight was delayed in Melbourne?

A. Yes.

25

Q. How long were you in Melbourne?

A. I can only presume an hour or a bit longer, an hour and a half.

30

Q. What was the weather like?

A. I couldn't tell you.

Q. Did you not look out the windows?

A. Probably, but I don't have any recollection of what the weather was like in Melbourne.

35

Q. Wasn't the weather fairly severe in Melbourne?

A. I - as I said, I don't remember.

40

Q. Well they had postponed races there hadn't they?

HILL: My friend says that--

45

CORONER: Are you implying he knew that at that time, Mr Hill? Are you implying he would have known that at the time?

HILL: No, no, I'm asking about the weather.

50

WITNESS: I have no recollection of what the weather--

WEBER: Indeed your Worship, or whether it happened at that time.

55

CORONER: The question's disallowed.

HILL: Q. You can't recall what the weather was like?
A. No.

Q. Have you any idea why the plane was delayed?
A. I don't know. 5

Q. Moving on to the afternoon.

CORONER: Before we do that we'll take a break. 10

SHORT ADJOURNMENT

HILL: Q. Mr Thompson, you say that you were there for the
2 o'clock, 2pm sked on the 27th?
A. Yes. 15

Q. And you heard Sword of Orion?
A. Yes.

Q. That was the first time that you knew the weather that
the fleet was in?
A. That's correct. 20

Q. Had you made any attempt to find out what weather it was
in prior to that time?
A. No. 25

Q. When you heard the Sword of Orion give this--

CORONER: Q. Why didn't you make an attempt to find out
what the weather was like? 30

A. I believe that the Weather Bureau was supplying us with
forecasts and that if there'd been - as they'd done
previously sent me an additional forecast, an update, and
I'd spoken to them at 7am. 35

Q. Out of sequence?

A. Out of sequence, and I'd spoken to them at 7am and left
with the understanding that the fleet had the updated
information and that they had all the relevant information.
At the end of the day they're the ones that must make the
decisions as to whether they are to continue or not. 40

HILL: Q. I'm sorry, they - at the end of the day?

A. The fleet, the skippers on the boats are the ones that
have to make the decisions. 45

Q. What you are talking about is they are in the best
position to decide how their vessel will be managed?

A. Yes. 50

Q. Do you think that they would be aided in making those
decisions if they were fully informed?

A. The more information you can get, the better off you're
going to be. 55

Q. So do I take it that fully informed you'd agree with?

A. Yes.

Q. So do you think that the winds at Wilsons Promontory would be an aid for them to make decisions?

A. They could have accessed that information and the weather - the information that we were getting - that Mr Honeysett received about Wilsons Promontory was after all produced by the Weather Bureau.

5

Q. What I asked you was not whether they could access it, whether the winds at Wilsons Promontory would be an aid to them?

10

A. I don't think the winds at Wilsons Promontory in particular would have been an aid to them, no.

Q. You see at 05:38 on the 27th, I think it's Magleri is it Wines, a vessel?

15

A. Sorry yes, Magleri Wines, yes.

Q. So at 05:38 on the 27th they requested Lew Carter for a weather update and they were advised only had the 02:13 report, and at 05:45, a short time later, he requested, that is Lew Carter, the CYC, Mark, to get a weather update for the fleet, and at 05:50 the CYC advised Lew that the next weather would be at 13:00 hours. He then at five to six in the morning advised Magleri Wines of that. Do you see that as a--

25

OBJECTION (WEBER). NOT EVIDENCE ACCORDING TO LOG.

HILL: Mr Coroner, I withdraw the last part of the question and perhaps I'd be allowed to cross-examine him.

30

CORONER: Okay.

WEBER: Perhaps you can ask the questions fairly.

35

CORONER: Yes, all right gentlemen, all right.

HILL: Q. Do you see that as a problem in the set-up of the administration of the race?

A. Advising competitors to access weather from the varying coastal stations and public domain, no.

40

Q. You don't see that?

A. No.

45

Q. Do you think that it would be a responsibility for the race administration to tell them what they knew?

A. The race administration would have told them the information they had at whenever they'd been updated by the Weather Bureau.

50

Q. What's the purpose then in the sailing instructions? 48, severe weather forecasts, requests for and receipts of information regarding severe shall not be classed as an infringement of sailing instruction 47.

55

A. Receiving private weather forecasts that are not in the public domain is against the racing rules of sailing. Receiving weather by whatever means from whoever regarding

severe weather is permitted.

Q. You don't see a problem - is this what you're saying, you don't see a problem with a yacht requesting a weather update and being told to read the pages which will allow them into the public weather system? 5

A. Lew Carter could have phrased it differently. I would have said there are a number of coastal stations issuing forecasts at particular times. 10

Q. What I'm driving at is what was wrong with the CYC having a reasonable weather information there and then to give to them, just like Mr Honeysett did when he dialled the number and got a facsimile? 10

A. My understanding was that the competitors all knew where to obtain weather from throughout the race and we obtained from them special race forecasts for set periods. 15

Q. Incidentally, you said in your statement that you couldn't understand why Mr Batt didn't telephone you. 20

A. That's correct.

Q. Earlier on we've had this what's been called Telstra Sydney Hobart yacht race 1998 race personnel contact list. 25

A. Yes.

Q. You've seen that tendered?

A. Yes.

Q. It was said that there was a letter, a covering letter that you had sent - and I don't mean the CYC, I mean you personally-- 30

A. No, no.

Q. --had sent to the bureau and you were going to do a search for that because you didn't have it at that time. 35

A. That's correct.

Q. Did you find that letter?

A. No, I didn't send it via - with a covering letter. 40

Q. What did you send it via?

A. I gave it to Ken Batt on the night of the Telstra Cup briefing with the bag and other kit. 45

CORONER: Q. You just gave him the list?

A. Yes.

HILL: Q. I may have missed that in your new statement. Did you refer to that in your new statement? 50

A. I believe so, yes.

Q. You did, do you?

A. Yes. 55

Q. So there is no letter?

A. No. Some of the corporations got letters, others I - depending on who - how I was dealing with the organisation,

I just handed them the contact list.

Q. So you gave that to Ken Batt?

A. Yes.

5

Q. What about the letter that you'd received from the bureau? Who had signed that?

A. That?

Q. That letter from the bureau.

10

A. I believe it would have either been - I couldn't tell you offhand. I believe it would probably have been Bruce Buckley or Mr O'Sullivan.

Q. What, you expected Mr Batt to hand this on did you or something?

15

A. I believed that Ken Batt was the bureau's point of contact as I was the CYC's point of contact.

Q. So when Mr Harris said to the Court when he tendered that, and you were here--

20

A. Yes.

Q. --that you had sent this by letter, that was incorrect was it?

25

A. Yes.

Q. You were also here when he put to Mr Batt that there was this conversation at 12 o'clock on the 26th, weren't you?

A. I'm not sure, to tell you the truth.

30

Q. Both those things were wrong, that is the conversation being at 12 o'clock and that there was a letter with these phone numbers attached?

A. Yes.

35

Q. Back to the 2 o'clock sked on the 27th. What did you do when you heard the news from Sword of Orion that it was getting between 60 and 70 - sorry, 70 and 80 knots?

A. I was very concerned for the fleet.

40

Q. What did you do?

A. We'd just arrived as the sked had started, so Sam Hughes was monitoring the sked. I had a debrief with Howard Elliott and we started to compile varying lists of what the position was with the varying boats, who had retired, who hadn't and what was happening. I then spoke to Hans Sommer in Melbourne and advised him that I would be telling Lew Carter to remind the fleet of their responsibilities and they needed to assess the situation before they went forward.

45

50

Q. That was to read them out the rule that the CYCA were not responsible for anyone and that it was up to them?

A. Not as such, no. My conversation wasn't that detailed.

55

CORONER: Q. Just read the rule, just told them--

A. My - the gist of my conversation was primarily about for

them to assess their situation before going ahead and remind them of rule 4 which is laid out in the front of the sailing instructions.

HILL: Q. And rule 4 is the rule that says the CYC is not responsible? 5

A. No, no, it doesn't say the CYC is not responsible.

Q. What does it say?

A. Rule 4 is about the owner's responsibility. 10

Q. Well where did this - you've seen the text of what was read?

A. Yes. 15

Q. Did you hear it?

A. No.

Q. So what did you tell Carter to read?

A. I asked - I spoke to Michael Brown because Lew was actually doing the sked, reminded - I wanted Lew to remind the fleet of them to take stock of their situation, for the skippers to assess their situation before moving forward into the fleet and remind them of rule 4. 20

Q. Well what was read to them was I think rule 7 isn't it, responsibility? Clause 7 of the sailing instructions. 25

A. I don't have a set of sailing instructions, but I know that is in the front of the sailing instructions from memory. 30

Q. What Lew Carter said was "firstly I would like to draw attention to all yachts competing in the Telstra Sydney Hobart yacht race, page 2 of your sailing instructions, paragraph 7. All those taking part in CYAC races do so at their own risk and responsibility." You didn't tell him to read out that? 35

A. No. The first time I had actually seen any of that transcript was in the Court. 40

Q. What did you tell him to read out?

A. I didn't actually in detail tell him to read anything out. I asked him to remind the fleet to consider their situation and assess the situation before going forward and reminding them of rule 4, which is an owner's responsibility. 45

Q. Rule 4 of what?

A. Of the racing rules of sailing. 50

Q. And you didn't tell him to read out clause 7?

A. No.

Q. He did that of his own volition?

A. I presume so. 55

Q. And you didn't hear that?

A. No.

Q. So you told him to read "a boat is solely responsible for deciding whether or not to start or to continue racing"?

A. Yes.

Q. That's all you wanted read? 5

A. No, that was the second part. My prime emphasis on was for the - for the skippers to consider the condition of their boat and the crews before moving forward into the - into Bass Strait.

Q. So there were two lots to it? 10

A. Yes.

Q. First of all that and rule 4?

A. Yes. 15

Q. So what did you tell him to do?

A. To read that out.

Q. Read what out? 20

A. Literally it was as simple as that. I didn't actually construct a paragraph for him to read out, I simply said for him to remind the skippers that they needed to assess the situation before going forward and in reference to rule 4.

Q. And you passed that to who, Mr Brown? 25

A. Michael Brown because Lew was on the - was conducting the sked.

Q. Well have you ever raised with them why they read out rule - or rather clause 7? 30

A. As I said, I actually had no knowledge of what was actually read out until this hearing.

Q. Until this hearing? 35

A. Yes.

Q. Well have you raised it with them since?

A. No. 40

Q. You were here in Court when Mr Carter was giving his evidence?

A. Yes.

Q. And you heard me go through this detail about how he read this out? 45

A. Yes.

Q. Your counsel was here?

A. Yes. 50

Q. And you made no objection to that?

A. No.

Q. You made no comment to your counsel that you hadn't asked for that to be read? 55

A. I informed my counsel I hadn't done it.

- Q. You informed your counsel that you didn't do this?
A. Yes. I didn't speak to Mr Carter. We haven't spoken about the race to any of the potential witnesses at all.
- Q. Are you saying that you informed your counsel to point this out, that you hadn't-- 5
A. No, no, not to point it out, no.
- Q. Well what was it that you had said?
A. All I said to them is I didn't tell Lew to - the context of what to read, the actual wording. 10
- Q. It simply wasn't - Mr Carter wasn't corrected about that?
A. No. 15
- Q. So you just asked him to read out owner's responsibility?
A. The owner's responsibility was very much the second phase of the - of the request. The comment was more for the owners to consider their situation before moving forward. 20
- Q. Do you recall what time that would have been?
A. That was during the sked. 25
- Q. During the sked?
A. Yes.
- Q. That's when you asked him to do it?
A. Yes. 30
- Q. Do you recall when it was broadcast?
A. I don't, know.
- Q. Did you listen to it being broadcast at all? 35
A. No. We were listening to the sked on the yacht coms, and when the yacht coms finished it went back to the radio room. We were then - the situations had started to escalate so - and seeing we'd only just arrived, my concern was to become fully briefed on what the fleet had - what was happening with the fleet, and I was confident that Lew or Michael would pass those concerns on. 40
- Q. Between the sked and the first mishap, I think it was the Sword of Orion wasn't it? Do you recall? 45
A. I couldn't tell you in which order they all happened in.
- Q. Whichever, but between the first one--
A. Yes. 50
- Q. --what were you doing?
A. We were compiling as accurate a picture as we could as to where the fleet was, who had retired and where the boats were going and then started a process by ringing the next of kin, a contact person to advise them that the boat - that their particular boat was heading to a port, to give them the updated information. 55

Q. Well did you contact the weather to find out what was happening, the Weather Bureau?

A. No.

Q. Wouldn't that have been fairly fundamental, to know what was happening with regards the storm the fleet was in? 5

A. At that time I had got the latest update of weather, special race forecast, and my concern was to become aware of where all the boats - their position and what their status was. 10

Q. So you didn't actually ring anyone up at the bureau and speak with them?

A. No. 15

Q. You were quite happy to rely simply on the special forecast you'd got?

A. Yes, very much so.

Q. Was it ever brought to your attention the facsimile of Mr Honeysett? 20

A. No.

Q. Never brought to your attention?

A. No. 25

Q. Do you see that as a failing?

A. Yes.

Q. A failing on whose part? 30

A. The team's part.

Q. When you say the team, what do you mean by it?

A. Howard Elliott, Hughes. 35

Q. Do you think it might be a failing of not having a system in place?

A. We had a system in place.

CORONER: Q. An adequate system. 40

A. Well an adequate system, okay. In the confusion when I arrived, it was understandable that something has happened. However, it doesn't solve the problem that it did happen.

HILL: Q. But look, that facsimile has been there since seven in the morning. Do you not see that as a failure in not having an adequate system that would have brought that to the attention of the team immediately? 45

A. Yes, but I also rang the Weather Bureau at approximately 7am in the morning. Now if it had been relevant to the fleet I would have thought - the Weather Bureau had this information, so surely the forecaster would have had this information in Sydney. If he thought it was relevant to the fleet he would have said something. 50

CORONER: Q. But you can't remember what the Weather Bureau said to you. 55

A. No, but he didn't mention a Wilsons Promontory at 71

knots.

HILL: Q. How do you know?

CORONER: Q. He mentioned more than 30, whatever you said, 35, 25 to 35 winds didn't he? 5

A. Yes.

Q. You came away from that knowing that there was a storm warning well and truly did you not? 10

A. I - yes I - but I thought the storm was at the top of Tasmania at--

Q. That's right. You ignored Wilsons Promontory because you felt with your experience that it was probably irrelevant to the fleet? 15

A. Yes.

Q. It's a dangerous sort of assumption isn't it?

A. Well I was working on the assumption that if the Weather Bureau had that information and it would have been relevant to the fleet, that they would have passed it on. 20

Q. How? The contract was for special race forecasts wasn't it? 25

A. True, but I'd spoken to the forecaster at seven and he must have had that information at seven.

Q. So despite the contract, you felt that the BOM should in some way go beyond that if necessary? 30

A. Well if necessary, yes. If they thought that there was - and they had done that by issuing the - and that's why I was confident that they would if they felt - because they had already issued one additional forecast. 35

HILL: Q. You say you felt confident, but you've told us you had a conversation with Batt at 10am on the 26th. He'd told you that the breeze was going to be what? What was the wind going to be? I think it's page 48 isn't it of your first statement? 25 to 35 and then you get a storm warning that afternoon. 40

A. But when I'd come in there'd been the upgrade, they'd given me the gale warning.

Q. They had given you the gale warning? 45

A. That was - yes, that was--

Q. When did they give you the gale warning?

A. The gale warning was on the 12 o'clock special - on the special forecast. 50

Q. I thought you said earlier that you didn't get the gale warning.

A. No, I didn't get the gale warning. No, I got the faxes as they came in. 55

Q. Well when did you--

A. When I - when I came back at 2.33 they were sitting in

the fax machine.

Q. Which faxes did you get?

A. I got the special race forecast at - there would have been the 12.09 on the 26th sitting there and the 2.13.

5

Q. And is that the gale warning, 12.09?

A. Yes.

Q. So you got that you say--

A. Yes.

10

Q. --at about 2.30?

A. About 2.33.

15

Q. And you got the storm warning as well?

A. And the - yes, a storm warning - sorry, hang on - and the storm warning was there as well, yes.

Q. Look, they're radically different to the conversation that you had with Batt at 10 o'clock in the morning?

20

A. I wouldn't say they're radically different. The first one Ken said there was going to be a bit of a blow down off Jervis Bay and I took that to be in the order of, you know, 30, 25, 30.

25

Q. 25 to 35?

A. Which is line with what the gale was forecast for.

Q. You're told 25 to 35 at 10 o'clock?

30

A. Yes, yes.

Q. At the 2.30 you're told upgraded to gale and immediately behind that presumably it's upgraded to storm. Did that not cause you any concern?

35

A. It did cause me concern but I knew that the fleet would get this information. They'd had plenty of time to assess their situation and the fleet would deal with it the best way they felt possible.

Q. Did you think of picking up the telephone and speaking with them and saying look, what's happening? I'm told 25 to 35 at 10 o'clock, then I've got a gale upgrade, now I've got a storm warning, what's going on? Did that enter your mind at all?

40

45

A. No. It entered my mind but I felt confident that - as I've said, I also took the speeds to be pretty much literal, that the storm warning was a lot further down the coast, and when I read the forecast the storm was forecast for westerly winds, so I thought the fleet would be inshore in flat water.

50

Q. When did the fleet - when were they informed of this?

A. They would have been - they would have got the - at the 8 o'clock sked.

55

Q. Nothing preventing you from contacting because you were the race director weren't you?

A. Yes.

Q. Nothing preventing you from contacting Carter and saying to him look, at the next listening time put a Securite across and tell them we've got a storm warning. Nothing preventing you from doing that? 5

A. And I knew he would.

Q. You knew he would do what?

A. Because I got this information, these forecasts. I knew then that Carter would also have them. 10

Q. Yes, but there was nothing preventing you instructing Carter to have the next listening time - and you know what that is don't you? 15

A. Yes.

Q. To put a Securite across the frequency and tell them that we've got a storm warning. There was nothing preventing you from doing that, was there? 20

A. No.

Q. There was nothing preventing you from ringing up Batt or one of the other Weather Bureau people and asking what was going on, was there? 25

A. No.

Q. And there was nothing preventing you from ringing up the Weather Bureau after the 2pm sked on the 27th to clarify what the situation was with regards the storm? 30

A. The 2pm in the afternoon sked?

Q. Mm.

A. No. 35

Q. But you didn't do either of those things?

A. No.

Q. Between the end of the 2pm sked and the time when AMSA from Canberra had asked Sam Hughes to call off the race-- 40

A. Yes.

Q. --what were you doing?

A. We're in the - we're making sure that we kept up to date with the incidents as they occurred and kept the varying people informed of any developments. 45

Q. Prior to AMSA through Sam Hughes speaking to you about calling off the race, did you consider that at all, you?

A. Personally? 50

Q. Yes, you.

A. Yes.

Q. When did you consider that? 55

A. At the - when I arrived in Hobart at the 2pm sked.

Q. You considered calling off the race then?

A. Yes.

Q. Why didn't you?

A. Because I felt that it wouldn't have achieved anything. 5

Q. Why not? This is at 2pm remember.

A. Yes.

Q. This is long before any casualties have occurred, that's what you said. 10

A. At this stage we'd been - Sword of Orion was getting 80 knots. Sword of Orion is about a mid-boat in size, so it meant that if she's got that, the bulk of the fleet being larger and smaller were in the storm, and with the bigger boats slightly ahead and the smaller boats behind. I thought abandoning the race won't get - won't solve the problem. I can't get them physically out of the area. 15

Q. That was the only reason?

A. That was my - about as far as I went at that particular stage before we considered it further. 20

Q. But some of these vessels were still racing at that stage.

A. In the storm? 25

Q. Yeah.

A. Racing what - it was a - they were in the race. I don't know that they were actually racing. 30

Q. Well they were still heading for Hobart?

A. Yes.

Q. And some of them were still under sail?

A. I would have thought the majority of them would have been under sail of some sort. 35

Q. There were quite a few that were actually going in and seeking shelter along the coast?

A. Yes. 40

Q. You knew that?

A. Yes, and I thought it was a very--

Q. So some of them were still continuing on? 45

A. Some were considering, some had decided to seek shelter and some had retired.

Q. Those ones that when you first had this thought of abandoning the race, those ones that sought shelter, none of those vessels got into trouble did they? 50

A. I don't know.

Q. You don't know?

A. No. 55

- Q. So because you couldn't get them out of there, you decided that you wouldn't call off the race?
A. Yes, that was my first instant - and admittedly in amongst us there was a lot of information, I was trying to get up to speed on what was happening with the fleet. 5
- Q. What was important at that stage in your mind, the race or the safety of the fleet?
A. Safety of the fleet. 10
- Q. So that was the first thing?
A. Yes. 15
- Q. That was uppermost in your mind?
A. Yes. 15
- CORONER: Q. Wouldn't have calling off the race have started to get the fleet thinking in terms of survival? Wouldn't it have been a graphic illustration to them that there was big trouble, forgetting about getting them out of the area, that's patently obvious. 20
A. Yes.
- Q. You can't do that.
A. I believed that regardless of whether the boats were racing or not that the skippers and the crews would have assessed the situation and decided what was the best option for them, be it seek shelter, be it retired or whatever and from my experience there is a natural tendency when you have finished a race or retire from a race to let your guard down. You don't necessarily have the best helmsman on the helm, people tend then to go down below and relax. 25 30
- HILL: Q. Are you saying that those sailors and skippers, if you had said the race was abandoned or postponed or whatever, they would have then let their guard down against the seas they were in? Is that what you're saying? 35
A. No, I'm saying it's one of the things I considered.
- Q. Did you consider that seriously? 40
A. Yes.
- Q. You actually considered that seriously?
A. Yes, because I had actually had an experience of that in '93. 45
- Q. Look, you accept that the skipper and the crew are the best people to decide whether or not to continue doing something?
A. Yes. 50
- Q. Such as a race?
A. Yes.
- Q. That's because they're on the spot and they know their vessel? 55
A. Yes.

Q. Do you consider that they may also be the best people to consider what should be done if you postponed or cancelled the race?

A. Sorry?

5

CORONER: Q. The argument is quite simple. You're giving them all the responsibility for making their own decisions--

A. Yes.

Q. --yet you're suggesting that if you cancel the race all of a sudden they won't, they'll just go into a relaxed mode where their guards are down. I find it hard to see the logic of it.

10

A. The logic was my experience of what had happened to us in '93.

15

HILL: Q. What you said in your statement was that - and this is when AMSA asked you to consider calling off the race was one of the reasons was that they may have turned and gone to Eden, turned back the other way, you remember that?

20

A. Yes.

Q. Can you not see the contradiction in saying that these people are capable enough to know what they're doing in a race, whether or not they should continue or not, because they're on the spot, they know their boats and they're skippers and on the other hand saying that if I told them that the race was postponed or cancelled they would have done something silly like turning back and going straight to Eden? Can you see a contradiction in that?

25

30

A. I can, yes.

Q. Do you not think that they would have the ability to know what was best for their vessel in a storm?

A. I do but in hindsight that some of them obviously didn't.

35

Q. When you say in hindsight, what do you mean by that?

A. Some of the boats that headed to Eden got into more trouble from when they initially retired and other boats that I had spoken to that had taken other actions seemed to come through with minor damage.

40

Q. But those were vessels that were still going towards Hobart after 4 o'clock. You see, the ones that had retired or gone and sought shelter at about the time you first contemplated cancelling or postponing the race, they sought shelter and got shelter. Does that tell you anything?

45

A. It told me that they'd made the right decision.

50

Q. When Sam Hughes passed to you the information about cancelling the race from AMSA, did you consider that AMSA were reaching the end of the resources for rescuing people from the water?

A. I was unaware of that.

55

Q. But did you consider anything like that, or was it solely the race?

A. At that stage the race as such had no bearing on any of our decisions.

CORONER: Q. Yes but to answer the question, you didn't really think at all in terms of AMSA's resources of lack of them, did you? 5

A. No, because I thought that Sam was handling the resources or through AMSA and that if they - if that was a consideration that we would have been advised, we weren't privy to what - how AMSA were conducting any of the searches. 10

HILL: Q. If the race wasn't entering your considerations at that stage, why did you consider whether or not to call it off? 15

A. The request from AMSA?

Q. Mm. You've just said at that stage the race wasn't entering into your considerations at all.

A. As far as making decisions whether to continue it or - no. 20

Q. It wasn't entering your - therefore there would have been no problems about calling it off?

A. I didn't see what calling - what benefit calling the race off would give the competitors. 25

Q. Do you think it may have got through to some people that they should do various things other than simply head for Hobart? 30

A. Again I thought at that stage at midnight on the 27th that they'd have been in conditions where they'd experienced these conditions for a considerable amount of time and then me saying the race was being abandoned at that particular point in time was just not relevant. 35

CORONER: Q. You feel it was shutting the gate after the horse had bolted?

A. Yes. 40

HILL: Q. Was that basically it?

A. Yes.

Q. The other reason you've given is because the storm was abating? 45

A. Yes.

Q. Where did you get that information from?

A. My recollection was that I phoned someone at the bureau, I can't be 100 per cent certain of that, I spoke to someone and got some weather information. 50

Q. Hang on. Are you saying you're not sure if you spoke with someone at the Weather Bureau?

A. I spoke to - I spoke to someone about the weather and got weather information. My first recollection was that I'd spoken to someone at the bureau, I can't be 100 per cent certain that it was. 55

Q. What phone would you have used? We'll just look it up.
A. I can't be certain.

Q. Would you have used your mobile?

A. I wouldn't have thought so because we'd disconnected the yacht coms between skeds and we'd plugged into a series of land lines. 5

Q. Could it have been someone else other than the Weather Bureau?

A. It could have been, yes. 10

Q. Who else would you have called?

A. As I said, I'm not sure. 15

Q. Would it have been the Sydney bureau that you would have phoned?

A. As I said I can't be 100 per cent certain on who I spoke to. 20

Q. What telephone numbers would you have with you with regards the Weather Bureau?

A. Weather? I would have had the Hobart numbers and the Sydney numbers for the bureau. 25

Q. Is it more likely you would have phoned the Hobart number?

A. I wouldn't have thought so that would have been my first - I wouldn't have thought-- 30

Q. Let's try it this way. Who else would you have called in regards to the weather?

A. As I said, I'm not sure that I actually did make a phone call I got the weather from and I could have got it from someone else in the centre. 35

Q. You may have spoken to someone?

A. Yes.

Q. That wouldn't have been very reliable though, would it? To base the concept of the storm lessening? 40

A. That was also relevant to our - to the information we were getting off Young Endeavour and the fleet, the boats were all reporting in wind strengths over this period and the storm appeared to have been abating at this stage. 45

Q. You are aware aren't you that prior to 1995 when you took over that sailing office was manned even when the race group went out on the water, on the start?

A. Yes. 50

Q. You discontinued that?

A. Yes.

Q. Why? 55

A. The roles had changed slightly on the water and how we actually carried out the starting procedure and the advent of mobile - the wide use of mobile phones I felt that that

was more appropriate.

Q. The wide use of mobile phones?

A. We each had a mobile--

5

Q. They were not around in--

A. We each had a mobile phone and we'd made sure that on each of the phones in the club that all our contact details had been placed and all the duty managers and media representatives knew of our movements and where they could contact us.

10

Q. You don't have a mobile facsimile do you?

A. Mobile fax?

15

Q. No.

A. No.

Q. Someone in there would be able to take those sort of messages, that come in by fax?

20

A. In by fax?

Q. Yes.

A. Yes, the duty manager was around, in his role.

25

Q. You discontinued it because it was easier to telephone you on a mobile phone after 1995, is that right?

A. Yes.

Q. Tell me, is the sailing office now manned on Boxing Day?

30

A. No.

Q. It's not?

A. No. Same procedure.

35

Q. Same procedure?

A. Yes.

Q. So you are still having the same procedure, are you?

40

A. Yes.

Q. You don't see any need that someone should be there?

A. No, though I base our supervisors, they keep a much closer watch on the sailing office rather than having a roaming role.

45

Q. What's Miss Holt do when she goes out to watch the start?

A. She ensures that all boats are recorded correctly as starters, ensuring that she establishes the numbers of people on board and that they all - and that she views them with their trisail and stormsail set.

50

Q. Who else goes out? What does Mr Robinson do?

A. Robinson does the same.

55

Q. The same?

A. Yes.

Q. And what do you do?

A. I'm at the other end of the line, coordinating the start, between--

Q. There's no volunteer that could do either that so that you could have one of your personnel in the sailing office during that time? 5

A. No volunteer to do the start?

Q. Yes, to do the start? 10

A. I see it as our function to do the start and ensure that we have all the starters recorded correctly.

Q. And you don't see it as your function to have someone in the sailing office between say 11 and 3 o'clock on the race day start, Boxing Day? 15

A. No.

Q. You don't see that as - okay. The other thing that does come out, page 67 of your first - sorry, your second interview, this is down the bottom. You were asked this question, it's question 486, what I'm trying to say to you, do you know what I'm trying to say to you and your answer is, it's very much the owner and skipper's call, this is regards responsibilities and you were then asked, so you feel there's no responsibility from yourself or the race committee to have input to assist a skipper to make a decision. And you say I'd rather not answer. Surely you would see that you'd have a responsibility to have input to assist a skipper to make a decision as the race director? 20 25 30

A. For input? Depends what you mean by input, to what level.

Q. Information, to tell him everything that you know, to keep nothing back? 35

A. Certainly.

Q. You'd accept that that's a responsibility that you have? 40

A. Yes.

Q. For instance, if you have something on the weather and you can relay it to them, you should give it to them? 45

A. If - as long - if they weren't going to get it, yes.

Q. Not if they weren't going to get it but to make sure that they've got it, just in case they are laggards and they haven't done that, you don't see that as a responsibility? 50

A. I see it's my responsibility to make sure that there's a system in place whereby we give them everything that we have got. 55

Q. And surely everything that you can get?

A. Not everything that I can get, I don't think we should - I don't see it as our role is from the start of the race to the finishing is searching for things.

Q. Do you accept that as far as Wilsons Promontory was concerned it was easy enough to obtain that information?

A. Yes.

Q. It was of concern what was seen by some people?

A. Yes.

5

Q. It was a fairly easy thing to do for the race management team, one of you, to say to Carter tell them this?

A. Yes.

Q. None of that would have caused you a problem?

A. No.

10

Q. It may very well have been of great assistance for skippers so that they could make fully informed decisions, do you accept that?

A. Yes.

15

Q. Do you think that you had a responsibility to ensure that that sort of information was conveyed to them?

A. If I'd had it, yes, I would have given it to them.

20

Q. We heard from Mr Badenach yesterday.

A. Sorry, yes.

Q. You phoned him about Mr Collinson?

A. Yes.

25

Q. What did you say?

A. I asked him about what information was Mr Collinson going to present to the Coroner.

30

Q. What did he say?

A. He said he didn't know.

Q. What did you say then?

A. I didn't - he said he would find out for me.

35

Q. Did he find out?

A. No, I don't think he did.

40

Q. Didn't get back to you?

A. He did but he said he'd spoken to Mr Collinson and Mr Collinson said he would rather not comment.

Q. Didn't you say to him that you were upset about someone from the club giving evidence that would be critical of the CYCA?

A. I didn't know that his evidence was going to be critical and no, I wasn't upset.

45

Q. You weren't upset about that?

A. No.

50

STANLEY: Q. Mr Thompson, were you in Court yesterday when I was questioning Mr Elliott?

A. Yes.

55

Q. I want to put some of the same questions to you that I

put to him, I hope his Worship will bear with me. What do you say as to whether anybody on the race management team had a specific responsibility with respect to weather and weather forecasting so far as this race was concerned?

A. I believe it was my role to ensure that the competitors were appraised of the special race forecast.

5

Q. Is that as far as you see your role to be?

A. Yes.

10

Q. So as far as you're - and do you say that you of the race management team were the person who was therefore solely responsible so far as weather issues were concerned and weather forecasts?

A. I wouldn't say weather issues solely, in the team as in the race committee people have a very broad spectrum set of responsibilities. If people have information they should bring it to the attention of whoever they feel is relevant but in general my role was to make sure that the fleet got the Weather Bureau's special race forecast.

15

20

Q. So in that regard can we take it that the race management team's responsibility was what you perceived your responsibility to be, they were the same?

A. Yes.

25

Q. Does it follow from that that you saw the responsibility of the race management team as being simply to ensure that the fleet received the special race forecasts that you'd requested from the bureau?

A. Yes.

30

Q. That was as far as your concern with weather went?

A. Yes.

35

Q. And beyond that it was entirely up to each boat skipper and crew on the basis of what the special race forecasts told them and on the basis of whatever other enquiries they might make as to the weather to determine whether they race or whether they don't?

A. That's correct.

40

Q. You see the race management committee as having no further input or no further responsibility beyond the provision of the race forecast?

A. That's correct.

45

Q. I just want to turn to the - before I go to that, you when you were first spoken to by the police officer and the record of interview was made on 2 January 1999, only a week or so after the race?

A. Yes.

50

Q. Days after the race. The police asked you and I'm looking at question 113, page 19, whether basically as a whole you were quite happy with the way the race was run and you don't have any misgivings. Your answer was definitely not. You told them you definitely had no misgivings about

55

the way the race was run, that was your answer, wasn't it?
A. Yes.

Q. Is that still your view?

A. In hindsight I believe that we could definitely have improved the race-- 5

Q. Any - sorry?

A. We were found - our paperwork as Mr Bush pointed out was not up - was not as good as it could have been. 10

Q. Could I just restrict you to the weather.

A. I'm sorry.

Q. Sorry, my question was broad but I'm now asking you to direct yourself to the question of the weather and forecasting and advising the crews, the boats and so on in relation to weather. Do you think that - do you have any misgivings now with respect to those matters? 15

A. I have and I believe we've corrected them in the '99 race. The pre-race briefing, the crews are all explained how the Weather Bureau will issue their forecasts. I think that was an area that needed some work and we also then incorporate in our special race forecasts only maximum gusts that they will encounter. 20 25

Q. You have sought to convey the impression that it was up to the Weather Bureau to tell you if there were any factors with the weather that might be relevant to the fleet, is that so? 30

A. Yes.

Q. You were the person who instigated the arrangement, the agreement, between the bureau and the CYCA with respect to the provision of the special race forecasts for this race, weren't you? 35

A. Yes.

Q. You in fact instructed Mr Brown to communicate with Mr Colhoun(?), the senior member of the bureau with the request that the bureau provide special race forecasts in the same way as they had the year before? 40

A. Yes.

Q. Did you ever see the fax that Mr Brown at your request, at your instruction, sent to Mr Colhoun? 45

A. No.

Q. I'll ask you to look at this and I tender the fax. It's a copy of a fax. Have you seen that fax before? 50

A. No.

Q. Do you accept that it's in accordance with your instructions that it was sent?

A. I wouldn't, no. 55

Q. So you dispute that?

A. Sorry.

Q. Do you accept that it was in accordance with your instructions to Mr Brown that that fax was sent?

A. No.

Q. I'm sorry?

A. No.

Q. You don't?

A. No.

Q. Would you read the first sentence?

A. Dear John, Phil the race director of the CYC has asked me to make contact with you re the following.

Q. Had you made contact with Mr Brown regarding the matters you've read in that fax?

A. Yes. Not as detailed as this.

Q. That fax sets out in considerable detail what it is that the CYCA require in the special race forecasts, doesn't it?

A. Yes.

Q. In great detail?

A. Yes.

Q. If you look at the special race forecasts I suggest they are set out precisely as that fax requested them to be in terms of headings, in terms of matters to be dealt with, do you agree?

A. I agree, yes.

Q. We could get a special race forecast and look at it if you wish?

A. No, I - that's--

Q. So you accept that there was a request made of the bureau for specific matters to be included in the special race forecasts?

A. Yes.

STANLEY: I tender that fax, if your Worship pleases.

CORONER: Show it to counsel.

STANLEY: Q. While that's being done Mr Thompson, do you have a copy of the letter that was sent by the bureau to you dealing with these matters, letter of 25 November 1998?

A. Yes.

STANLEY: It's exhibit 5, your Worship.

WITNESS: On November 25, yes.

STANLEY: Just hold that for the moment.

EXHIBIT #61 COPY FAX FROM CYCA TO THE WEATHER BUREAU
TENDERED, ADMITTED WITHOUT OBJECTION

Q. Following that fax, there were discussions held between yourself and Mr Buckley and I think probably also Mr Batt regarding the special race forecasts?

A. Yes.

5

Q. Following those discussions this letter was forwarded to you?

A. Yes.

Q. It sets out the services that are proposed in support of the race?

10

A. That's correct.

Q. The first paragraph indicates that it is to include the pre-race briefing as discussed for the Southern Cross Yacht Race and also most notably the Sydney to Hobart Yacht Race. It then sets out the nature of the services and the first ones are the forecast provided from Sydney and then below that in brackets are the words contact senior forecaster and there's a phone number. Why do you think that phone number was given for you to contact the senior forecaster?

15

20

A. That was a contact that we could use.

Q. But why would you need one if the obligation was to be on the Weather Bureau to contact you if anything relevant to the fleet occurred with respect to the weather outside of the special race forecasts?

25

A. If I wanted as my custom was to ring the Weather Bureau which I do for our normal Saturday races.

30

Q. So it is in fact your practice to ring the Weather Bureau and make enquiries as to weather and anything dealing with forecasts relevant to races that you're directing?

A. That's correct because we don't have a - normally have a special race forecast.

35

Q. If we go down to the next, the forecast provided from Hobart. Once again there is a contact number, the senior meteorologist, and there's a specific direction mention Sydney to Hobart race.

40

A. Yes.

Q. Why do you think that was put in there?

A. So that the people in Hobart would know what we were ringing in relation to.

45

Q. So that when people connected with the race, the CYCA, wanted to contact the bureau for any information, they'd be able to get through to the right person?

A. Yes.

50

Q. If we go to the bottom of the page there's an indication that - the cost breakdown is set out and then the last paragraph is this price is based upon and it then sets out what's to be done, sending the forecasts and the facing of the forecasts.

55

A. Yes.

Q. Over the page there's reference to a promotional exercise and advice that an e-mail address has been set up. So it's clearly a contract, isn't it?

A. Yes.

5

Q. The cost of the contract, the cost of the services provided is set out there specifically?

A. Yes.

Q. The second last paragraph on the second page, request you to please confirm the suitability of the above arrangements with suggestions for alterations to the services being most welcome.

10

A. Yes.

Q. Did you make any suggestion that those services should be altered in any way?

15

A. No.

Q. Was there any request that the bureau should communicate with you in the event that something occurred with respect to the weather outside and beyond the provision of the special race forecasts?

20

A. I took that as being an accepted practice.

Q. Accepted practice?

25

A. Well if somebody had information that concerned the fleet that regardless of who they were they would have contacted me, especially somebody like Ken Batt who had a keen interest in the race.

30

Q. Are you suggesting that the bureau could have told you more than was in the special race forecasts, or their standard forecasts?

A. No.

35

Q. And you now say you got all that, didn't you?

A. Yes, yes.

Q. So what could Ken Batt have told you that would have made any difference?

40

A. My only concern was the forecasts were that I felt especially in relation to the storm warning that it lacked detail.

Q. In what way? You know what a storm warning is, don't you?

45

A. Yes.

Q. You know that a storm warning means winds in excess of 48 knots?

50

A. Yes.

Q. It means very rough and very high seas?

A. But if the bureau thought that the fleet was going to get in the vicinity of 70 to 80 knots, that's a lot different to something above 50.

55

Q. Let's say the bureau didn't think that. Whoever said the bureau thought they were going to get persistent winds of 70 to 80 knots?

A. No-one.

5

Q. No, so if they told you that they'd be talking rubbish wouldn't they, in advance? You'd have said this is rubbish?

A. No.

Q. You didn't accept the storm warning, did you?

A. I did accept the storm warning.

10

Q. You thought they were over-cautious?

A. I did accept the storm warning.

15

Q. I thought in your statement you said that you thought that they were being over-cautious and that really their forecast of 25 to 35 knots was the correct wind speed?

A. For the first front at Jervis Bay yes.

20

Q. When you considered your position and in particular the position of your race management team with respect to the weather forecasting and what was done or what wasn't done so far as calling off the race is concerned, were you of the view that - or did you form the belief that you'd never received the storm warning fax?

A. That I'd never received it?

25

Q. Yes.

A. Sorry, I'm - are we talking about the storm - the consideration from the AMSA request?

30

Q. I'm talking about the storm warning issued on 26 December, shortly after, an hour after the start of the race.

A. Yes.

35

CORONER: Q. Faxed to the CYCA.

A. Okay. Sorry, could I have that question again?

40

STANLEY: Q. When did you first remember that you might have received that fax?

A. I can't recall when I--

Q. You see, you--

45

CORONER: Q. We called a plethora of female witnesses from the club on the basis that you didn't receive it, didn't we?

A. Sorry, there's two forecasts. This is - this is the special race forecast not--

50

STANLEY: Q. We are talking about the forecast that was sent to the CYCA at 2.50 on 26 December.

A. The special race forecast?

55

Q. The forecast that went to the CYCA which is the special race forecast.

A. The special race--

Q. And as his Worship said a plethora of female witnesses were called to establish that that fax had never been received.

OBJECTION (WEBER). LEGAL ARGUMENT. QUESTION ALLOWED.

5

Q. Mr Thompson, when you were spoken to by the police on 20 October 1999, question 330, you were asked whether you had ever seen that fax, that was the fax that was forwarded to the CYCA at 2.50 or thereabouts, 10 to 3 on 26 December. You see the question?

10

A. Yes.

Q. You were asked have you ever seen that fax and what was your answer?

15

A. My understanding was that--

Q. What was your answer?

A. No.

20

Q. And then if we go over the page you were asked again, so as far as you're aware you haven't seen the document, that's question 336.

A. No.

25

Q. Your answer is no?

A. No.

Q. You were then asked and as far as you're aware none of your staff have seen the document. What's your answer?

30

A. That's correct, yes.

Q. You say no?

A. No, that's correct.

35

Q. So you were denying to the police that either you or your staff had seen a fax of a storm warning at any stage?

A. No.

Q. What were you doing?

40

A. I was denying that I hadn't seen 1414 forecast which is the one that they showed me.

Q. They showed you a fax that was forwarded to the CYCA at 1449 on the 26th and you denied having received that, didn't you?

45

A. The one I was - I believed I was shown was the 1414 forecast.

Q. You denied having been shown the fax and you denied I suggest knowing that a storm warning had been issued?

50

A. No.

Q. Let's look at the very next question, question 338. What would have been your response in seeing this document as a race director and your answer is I would have contacted the Weather Bureau. Why would you have contacted the Weather Bureau if you'd seen that fax indicating a storm

55

W1131 261/00 RMB-H2

warning?

A. The 1414 one?

Q. Either one?

A. The 1414 one has more information in it than the special race forecast one. 5

Q. Why would you have contacted Ken Batt or the Weather Bureau, having seen there was a storm warning?

A. To get more information. 10

Q. You didn't contact them, did you?

A. No.

Q. Because you didn't see the forecast? 15

A. The 1414? No, I didn't see the 1414.

Q. Which is the 14:14 forecast?

A. The 14:14 forecast is the just general--

Q. But you did see you now say the special race forecast?

A. Yes.

5

Q. You were asked by the police about the fax that was sent at ten to three.

A. At the same time I was shown this forecast.

10

WEBER: The transcript should indicate the witness is referring to the 14:14 fax.

CORONER: Thank you.

15

STANLEY: Q. So having the special race forecast, you didn't consider it necessary to contact the Weather Bureau?

A. When I read the special race forecast, the winds were west. The storm warning was for winds west south of Jervis Bay to moderate over 48 hours, so I thought that the fleet would be in flat seas, in close to the coast.

20

Q. So you formed the judgment yourself, it wasn't necessary for you to contact the Weather Bureau?

A. No.

25

Q. The storm warning that you now say you did see was one that indicated that the storm warning was current for south of Merimbula, but there was no estimate of wind speeds?

A. That's correct.

30

Q. So as far as you were concerned, what you were being told by the Weather Bureau was that there was going to be a storm warning, and you knew I take it that the storm warning was the most serious that the Weather Bureau could issue?

35

A. I was unaware that it was the most serious. I was aware that it was going to be plus 50 knots.

Q. I'm sorry?

A. I was unaware that it was the most serious.

40

Q. Are you seriously telling the Court that you with your experience and being a director of this race, didn't even know that a storm warning was the most serious of severe warnings that the Weather Bureau could issue?

45

A. After the '93 race I'd heard Ken Batt talk about hurricane force conditions experienced in the '93 race, and I thought there was a special provision to issue hurricane warnings if necessary.

50

Q. So your answer to my question is no, you did not know that storm warning was the most severe?

A. No.

Q. So what did you understand the maximum wind could have been simply on the advice that a storm warning had been issued?

55

A. I thought it was going to be in excess of - in the low

50s.

Q. Why in the low 50s?

A. Well plus. I knew that the storm warning was for plus 40, high 40s. 5

Q. Well it was 48 and above wasn't it?

A. Yes.

Q. No upper limit? 10

A. No.

Q. It could have been 70 couldn't it for all you knew?

A. It could have been. I would have-- 15

Q. You would have what?

A. I would have thought that if there'd be winds of that severity that they would have been incorporated into the forecast. 20

Q. Why didn't you ring the Weather Bureau and find out when you got this fax telling you that it's a storm warning with no winds mentioned?

A. Because I looked at the direction that it was coming from and ascertained that the fleet would have had the same information and therefore the fleet would have been in close to the coast in flat water. 25

Q. So again it's simply a matter of forming the view as long as the fleet get the special race forecast, we've done our job? 30

A. In a timely manner, yes.

Q. You've heard evidence given to this inquest that with a storm warning, naval frigates go to - move in from sea, commercial shipping avoids these conditions. You heard that evidence? 35

A. Yes, I believe so.

Q. Is it in accordance with your understanding of the nature of the seas that that happens? 40

A. I - I don't know of that protocol.

Q. The mere fact that a storm warning had been issued apparently caused you no concern whatever, is that so? 45

A. No, it did cause me concern.

Q. To what extent? This is on - I'm talking about on the day of the race, the 26th.

A. It definitely caused me concern, but I was confident that given that the bureau had forecast the storm warning which they were due to get - the fleet was due to reach the next day, that the skippers and crews had enough time to assess their situation and would make the right decision. 50

Q. So you were concerned about a storm warning were you? 55

A. Yes.

Q. Did you discuss it with anybody that afternoon?

A. I would have but I couldn't tell you who.

Q. Well did you discuss it with anybody who was in a position of responsibility so far as the race was concerned, in particular with your fellow team members?

5

A. I would have spoken to Robinson and Elliott about it.

Q. You say I would have. Did you?

A. I can't - I can't recall a specific conversation talking about the weather.

10

Q. You see Mr Thompson, this is the first time a storm warning has ever been issued for the Sydney to Hobart race. Did you know that?

15

A. No.

Q. You certainly knew it was the first time one had been issued for the race as long as you'd been involved in it, didn't you?

20

A. Since '95, yes.

Q. And before that you'd sailed in the race?

A. Yes.

25

Q. And you'd never ever sailed when a storm warning had been issued, had you?

A. I couldn't tell you whether a storm warning had been issued for the places that I sailed in.

30

Q. You knew that a storm warning had not even been issued for the 1993 race?

A. No, I didn't know that.

Q. You didn't know that?

35

A. No.

Q. Did you not race that year?

A. Yes.

40

Q. And you didn't know what had been forecast?

A. I couldn't tell you whether a storm warning had been issued for that race.

Q. But this was I suggest to you a very unusual event, that is the issuing of a storm warning for this race, wasn't it?

45

A. Yes.

Q. You knew that?

A. Yes.

50

Q. And it was a matter of concern to you?

A. Yes.

Q. Why is it that you can't remember specifically speaking to people, people in responsible positions about that fact and what should be done with respect to it?

55

A. Events, subsequent events are clearer. Those

conversations aren't.

CORONER: Q. Mr Thompson, you say you regard the storm warning as serious?

A. Yes.

5

Q. You had your own views about where the storm was going as opposed to the fleet I take it--

A. Yes, yes.

10

Q. --from your evidence about northern Tasmania?

A. Yes.

Q. Did it ever occur to you to discuss with anyone, the BOM, the rest of the committee, the management team, the prospect that you could have been wrong about it, that there might have been an impact between the storm and the majority or most part of the fleet? Did you ever think to discuss that?

15

A. Your Worship, I believe it would have come up in discussions but I can't give you examples of when it would have. We had ongoing discussions the whole time between Robinson, Elliott and Sam Hughes.

20

Q. Yes, but about the nexus between the path of the storm and the fleet, or the likely path of the storm and the fleet?

25

A. It would have covered the - what I considered and what they considered the fleet was going to encounter.

30

STANLEY: Q. Mr Thompson, that matter has not been raised before in the inquest I believe. It's never been put to any of the other witnesses that there was a prospect of the storm missing the fleet in the way that you described, has it?

35

A. I just - I wasn't present for Robinson's, but the others, no I haven't.

Q. Is it something that's just come to you late in the day as an excuse?

40

A. No sir.

Q. Why didn't you mention it to the police or in your statement?

A. In sorry, the October--

45

CORONER: Any of the statements.

STANLEY: Q. Any of your records of interview or statement.

50

CORONER: Q. I mean it's a very important matter surely, if that was on your mind?

A. As I said, in the early statements in October I wasn't functioning particularly well as far as--

55

Q. But the last statement, Mr--

A. Sorry, in the last--

Q. You had every chance to say exactly what you wanted. CYCA's own lawyers assisted in the drafting of that statement, didn't they?

A. Yes.

5

Q. You never mentioned it. It's the first time I've heard it this morning is that you had this view about the path of the storm.

(No verbal reply)

10

Q. Well I may have misunderstood you or Mr Stanley may have misunderstood you, but it seemed to me you said at some stage that when you looked at where the storm seemed to be going, and the winds, and you spoke about the top of Tasmania.

15

A. Yes, from the--

Q. You came to the view that the fleet weren't in danger because of it. That's the case isn't it?

A. Yes.

20

CORONER: We'll take the break I think, Mr Stanley. I'm sorry I interrupted.

WEBER: Your Worship, could I raise a matter in the absence of the witness before your Worship rises?

25

CORONER: Yes, all right.

<WITNESS STOOD DOWN

30

WEBER: Could I respectfully draw your Worship's attention to paragraph 103.1 of the witness's statement.

CORONER: It's in there is it? I stand corrected.

35

WEBER: It's not in it your Worship, but he does--

CORONER: I missed it. What is it, 103?

40

WEBER: Page 24, paragraph 103, subparagraph (1).

CORONER: That's the 2.13. What are we talking about there?

SPEAKER: The 27th.

45

CORONER: I've read that to refer to a period well after what he's talking about in evidence today, and I think both Mr Stanley and Mr Hill agree. We'll be fair to him, definitely be fair to him about that, and Mr Stanley I think we can rely on to be fair about that and clear that up, but on my reading of that he's not referring to the time when he may have had thoughts about the likely path of the storm and the path of the fleet. It's a matter that's important and I think it's got to be raised. I undertake - Mr Stanley is in cross-examination, he'll cover that and not leave the witness at a disadvantage.

50

55

HILL: Before your Worship rises I think I should say this. It's now come out that there is a direct conflict between this witness's evidence and that between Mr Robinson.

CORONER: Obviously.

HILL: Well I just want that made known because my learned friend is appearing at this stage for both of those people, and somewhere someone's going to have to say who you should accept.

CORONER: Would you like to see me in chambers with Mr Hill might be the best way of doing it Mr Weber, very briefly I think. I don't think you'll need to come in Mr Stanley unless you want to.

SHORT ADJOURNMENT

<PHILLIP ERNEST THOMPSON
ON FORMER OATH

STANLEY: Q. Mr Thompson, I just want to take you back to your answer at question 103 of your statement.

A. At which statement?

Q. The latest one, the main--

A. Sorry.

Q. The latest one. It's at page 24. Perhaps we should just go back to the previous page and you'll see paragraph 102--

A. Yes.

Q. --relates to the 3 o'clock sked on the 27 December. That so?

A. Yes.

Q. This was a sked that you in fact monitored?

A. Yes.

Q. You read that it was a storm warning?

A. Yes.

Q. You said "I do recall I didn't read a forecast at that time containing anything particularly unusual or alarming." That so?

A. Yes.

Q. One of the reasons that you state that you didn't read anything particularly alarming or unusual was that in paragraph 103 subparagraph (1), that "there was a deepening low near 41 south 149 east moving east northeast. At the time of this forecast the fleet would have been approximately 300 miles north of the low. Consequently as the low was moving east northeast it should have moved out to sea before the fleet reached that area." Was that something you thought about at the time or is that something that you thought about since as a reason why that forecast

was not alarming or unusual?

A. No, I thought about it at the time.

Q. At the time did you?

A. Yeah.

5

Q. Did you discuss it with anybody?

A. I would have discussed it with Robinson who was in the office, but to what detail I went into I couldn't give you--

10

Q. Why would you have discussed it with Robinson?

A. Because that was our practice, just it was one of the - in the pre-sked, the time before the sked we would have had this forecast in and I would have gone through it with him and spoken to him about it.

15

Q. Did you consider how large the low might be?

A. No.

Q. Did you consider how far out from the centre there would be storm force winds?

20

A. No.

Q. You should have, shouldn't you?

A. Well my reading of it was that the low was going to deepen, so therefore I took that as contracting and moving to the east and that it wouldn't - the two would never meet.

25

Q. At the time of the 3am sked the leading yachts were in fact only about 240 miles north of the path of the low, weren't they?

30

A. In round terms, yes.

Q. I also want to come back to the--

A. I might add though they had been chained from coming into running conditions at high speed, they were also therefore on the wind and therefore their speed over the ground would have dropped dramatically.

35

Q. With respect to the storm warning that was given at 14:50, you in your statement stated that you didn't read any forecasts, and you were referring specifically to the storm warning forecasts, "that struck me as being unusual or alarming for a Sydney to Hobart yacht race." That's at paragraph 90.

40

A. Yes.

45

Q. Is that still your view?

A. In hindsight?

50

Q. Yeah.

A. Should have we beefed up the weather forecasts as - and I believe as we have done in '99, the answer would - was no, because we did beef up the forecasts for '99.

55

Q. In 1998 you're the race director. You're the person who primarily is responsible for weather issues.

A. Yes.

Q. You're here being told by the Weather Bureau something that to your knowledge you'd never been told before with respect to a Sydney Hobart race, namely there is a storm warning. You say you didn't know a speed of the winds other than it would be above 50, 50 knots? 5
A. Yes.

Q. And yet you say you didn't regard that as unusual?
A. That's correct. 10

Q. But it had never happened before. It had to be unusual didn't it?

A. I took the speeds as being literal by up to 50 knots, and I have sailed in numerous Hobarts where we've experienced breezes of - or wind over 50 knots. 15

Q. But where is the justification for you taking the speed up to 50 knots? Storm warning is 48 and above. How can you reasonably and responsibly say I thought they weren't going to be any more than 50 knots? No one was telling you that. 20

A. No, but by the - no, my logic was that if it was going to be - that if it was going to be 70 or 80 that the Weather Bureau would have put that in there.

Q. When you were shown a forecast that had been faxed, when you saw the forecast in the sailing club on the 26th, you've told the Court that what you saw was the special race forecast. Is that so? 25

A. Yes, that's correct. 30

Q. When the police asked you about this, you say they showed you the forecast, the general forecast that had been issued at 14 minutes past two?

A. Yes. 35

Q. A storm warning, the initial storm warning?

A. Yes. 40

Q. But you told the police no, you'd never seen that.

A. The 14:14, no. 45

Q. Well why didn't you say to them no, I haven't seen that one but I did see the special race forecast that said storm warning? Why didn't you tell them that?

A. As I said, at the time of doing that interview I was - I found it very difficult because the events of '98 were being brought back to me, which I had never had to reconsider before, and so I - as I have said, there are numerous statements in my original statement that the answers are not particularly good. 50

Q. But this isn't something that's in your written statement. I'm putting to you that if it were true that you'd not seen the weather forecast that the police showed you but you had seen the special race forecast which told you essentially the same thing, namely that there was this event, namely a storm warning, surely you'd have said to the police no, I haven't seen that one but I did see the-- 55

A. In hindsight I should have, but as I said at the time I found it extremely stressful and don't believe that I gave necessarily the right answers at the time.

Q. Or at that time was it your plan to deny ever having seen a storm warning issued by the bureau on that day? 5

A. Why would I do that, because the special race forecast had been sent to Young Endeavour and was sent to the CYC. I knew that was going to happen, I arranged it, so the special - I knew that we were going to get the special race forecasts. 10

Q. And yet when you got it, nothing was done?

A. No, because I believe that the fleet had been given sufficient time in which to make their own decisions about the impending weather. 15

Q. You saw part of the function of the race committee or the race management team to monitor the skeds, is that so?

A. Yes. 20

Q. What was the purpose that you saw of monitoring the skeds so far as weather was concerned? Did it have any purpose at all?

A. As far - as far as weather to monitor the skeds, other than to ensure that the fleet had received the special race forecasts, none. 25

Q. So what was actually said about the weather didn't worry you, just to make sure that the fleet got it? 30

A. Yes.

Q. So monitoring could have been done by anybody without any sailing knowledge or experience?

A. For the weather section? 35

Q. Yeah.

A. Yes.

CORONER: Q. So your view was that the fleet was on its own, provided it got your end of the contract, the special race forecasts when it was meant to, and that was proved by having them relayed over the sked, that was it? 40

A. Yes. As long as they got-- 45

Q. No matter how bad the weather gets?

A. No, not as bad the weather - as long as they'd had plenty of time to assess the situation I felt I had - I would have stepped in if something - if the weather forecast for example had forecast the storm and they hadn't had time to prepare or assess their situations, that - given that they'd had plenty of time, I saw my role as just ensuring that they got the information and I - from listening to the skeds I knew they got that information - or my team listened to the skeds, I didn't listen to it, the 8 o'clock. 50 55

STANLEY: Q. So with this year's race, if on the first day of the race several hours after it starts, a storm warning

is issued by the Weather Bureau, simply that there was a storm warning for an area that the fleet is likely to meet the following day, you'd do nothing apart from just making sure that was included in the skeds?

A. This year?

5

Q. Yeah.

A. This year we would have again requested the services of a special weather adviser.

10

Q. I appreciate that, but I'm asking you to assume that all that was given you by the Weather Bureau was the fact that a storm warning has been issued.

A. We would have - we would request that the storm warning was given in more detail as per the - as per our '99 agreement and--

15

Q. What if they said the storm warning is for the area that's relevant and the forecast wind speeds as shown by our computer models are between 45 and 55 knots, but there may be gusts above or below that - above that and they could be as much as 40 per cent higher. If they had told you that?

20

A. Yes, which they would have all learnt of from the briefing that we now give them.

25

Q. But if they told you that, what would you as race director do if you had that information?

A. I would ensure that they got it and then also put out a call for them to assess their situation before making the decision as to whether they should move forward.

30

Q. You mean similar to the call that was put out on the--

A. Yes certainly, 2 o'clock on the 27th.

Q. Two o'clock on the 28th?

35

A. Yes.

Q. 27th I think.

CORONER: Well it was put out at 4 o'clock - five to five wasn't it, 16:55 or something?

40

STANLEY: In the afternoon.

WEBER: Your Worship is correct.

45

CORONER: Yes, late afternoon.

STANLEY: Q. As far as you were concerned, the fleet were not going to be advised of the storm warning until 8pm on the 27th--

50

A. Yes.

Q. --in the sked and that all they were going to get from Mr Carter was what was contained in the special race forecast?

55

A. That's correct, which gave them ample opportunity to assess their situation and gain additional weather

information out of the public domain.

Q. So you essentially see it very much as a matter of the individual responsibility?

A. Very much so. I don't believe that - I need them to make the decisions. 5

Q. Are you aware of the--

CORONER: Q. Hasn't this race proved otherwise though? 10

A. I - the '98 race?

Q. Yeah. Were they - with hindsight would you say they were up to it some of these people, a lot of these people?

A. In hindsight you'd have to say that I think the single biggest factor out of implementing the recommendations from the Bush report has been the need for better education, and that's where I see our seminars as being so successful, and I must thank the bureau for their fantastic input into those seminars. We've just had a Sydney to Gold Coast race which is under way now. There are some 200 people in that race, yet on the seminars over the last weekend we had over 300 people attend our seminars, so there's a vast need for improved knowledge on not only weather but all safety aspects. 15 20 25

STANLEY: Q. That race Mr Thompson is being run under the auspices of the CYCA?

A. Yes, it is. 30

Q. It's one of your three major ocean water races?

A. Yes, it is.

Q. For that race there were no special race forecasts were there? 35

A. No.

Q. So at the request of the CYC, the Weather Bureau did not supply special race forecasts?

A. No, they sent forecasts to Penta Comstat, our base in Gold Coast, and CYC but they weren't special race forecasts. 40

Q. They're just the standard weather forecasts?

A. Yes, yes. 45

Q. Do you think that's a good idea?

A. To have a special race forecast for a cat 2 race?

Q. Well to have a special race forecast.

A. For a cat 1 race I think it's different because they're going over a different area of water. For a category 2 race which is a coastal race, no, it's not necessary. 50

Q. You talk about education being necessary. I take it you would accept that as race director it's essential that you must have at least as much knowledge and preferably more knowledge than those competing? 55

A. I was the first to attend the seminars.

Q. I'm sorry?

A. I was the first to attend all the seminars.

CORONER: Q. That's nice. Would you answer the question?

A. Sorry, yes.

5

STANLEY: Q. You say you've attended seminars since this event, but Mr Ken Batt as been giving lectures and talks on the weather and courses on weather forecasting and how it can be used by sailors long before this race, wasn't he?

10

A. Yes.

Q. You never attended such a course, did you?

A. Not a formal course. I've been at lectures by Ken Batt though.

15

Q. But you'd never done a weather course, had you?

A. Not a specific weather course, no.

Q. Do you also accept that it's important that you should be aware of everything that the boats get in the equipment and the material that's provided them, written and otherwise?

20

A. I should - I believe I should know what they're getting, not necessarily the fine detail of all the content.

25

Q. But do you think you should know what they're being told about the weather in weather forecasts?

A. I attend the briefings with them to hear what they're being told by the bureau.

30

Q. You're aware that they are - the members of the crew are given the various extracts from magazines and documents from the Weather Bureau?

A. Yes, yes.

35

Q. Did you ever read them before the race?

A. As a - no.

Q. I don't want to read them out again, but you're aware that anyone reading them with an interest in the weather and what the weather forecasts are going to tell them should know that the Weather Bureau expresses its wind by means of a 10 minute average wind speeds and that gusts may be up to 40 per cent stronger than that speed?

40

45

A. I quite agree that is the case, but I would have expected that type of information to be presented at the briefing.

Q. Well it's here in writing for them, black and white. Don't you think that's enough?

50

A. No.

Q. And these are intelligent men aren't they? Do you think they should be--

55

CORONER: I don't think it's enough either.

STANLEY: I'm sorry, your Worship?

CORONER: I don't think it's enough either. Sorry. I don't think that - people just don't read these days.

5

STANLEY: They obviously haven't.

CORONER: No, and they don't. I don't think it's enough, Mr Stanley. I'm not criticising the Weather Bureau for that, but I think that they've got to go further than just publishing - well there's more got to be done than just publishing these things to educate these crews I think and the briefings are the right way to supplement it.

10

STANLEY: Q. I take it Mr Thompson that you've read other magazines, texts, books on sailing that deal with weather?
A. Yes.

15

Q. I take it that you're aware that the way upon which the Weather Bureau forecasts its wind speeds is the commonly accepted way in sailing literature?
A. As a 10 minute average?

20

Q. Yes.
A. Yes.

25

Q. And with gusts that can be as much as 40 per cent above?
A. I was unaware of the 40 per cent.

Q. Well I ask you just briefly to look please at some of these. These are extracts from the books that Mr Batt produced to this Court on 15 March 2000, and I've just highlighted some of the items there with the pink tabs. Do you see that? The first one is a book called Weather for Sailing. Have you read that?
A. No.

30

35

Q. You'll see the highlighted part indicates that "even in steady conditions the wind direction frequently swings 15 per cent or so either side of the mean and the wind speed also varies, often by about 15 per cent and less frequently by about 40 per cent from the mean." Do you see that?

40

WEBER: Degrees.

45

HILL: I think it's degrees.

STANLEY: Q. It should be per cent clearly. It doesn't make--
A. Just a moment.

50

Q. If we go over the page there's a book entitled - or an extract from High Performance Sailing. Have you read that book?
A. No sir.

55

Q. Have you heard of it?
A. No.

- Q. Well you'll see that the part that's been highlighted dealing with breezes of various speeds, that each is characterised by gusts and lulls, and then "the gust lull sequence of these breezes normally sweeps a range of about 35 to 40 per cent of the average wind speed. This is the difference between the average speed of the gust and the average speed of the lull." Do you see that? 5
- A. Yes.
- Q. Do you accept that? 10
- A. Definitely.
- Q. Did you hear Mr Batt deal with these when he was giving his evidence?
- A. Yes, yeah I have. 15
- Q. Had you read any of them before he gave his evidence?
- A. I'm aware of the heavy weather sailing books and also the extracts from Offshore magazine. 20
- Q. Have you read any of the others that he referred to since?
- A. I couldn't tell you what the others were.
- STANLEY: Your Worship, perhaps rather than take my time going through them all, if I could simply tender these as extracts. 25
- CORONER: Yes, that's okay. 30
- STANLEY: The copy that the witness has been highlighted and I'm happy to indicate to my learned friends the areas that have been highlighted.
- EXHIBIT #62 EXTRACTS FROM PUBLICATIONS BY MR KEN BATT TENDERED, ADMITTED WITHOUT OBJECTION 35
- Q. Mr Thompson, you attended the pre-race briefing given by Mr Batt?
- A. Yes. 40
- Q. We have a transcript of the full briefing. Were you the person that was in effect the compere? Were you--
- A. No. 45
- Q. Who was that, do you know?
- A. I believe it was Hugo van Kretschmar.
- Q. At the conclusion of Mr Batt's talk, the speaker on the full transcript, the full video, says this. "That brings a close to our briefing. Thank you everyone for coming and if there's any questions to Ken Batt or the weather people or any general questions here, please contact myself or the Commodore and others." Were you present when that was said?
- A. Yes. 55
- Q. So there was the opportunity given, specifically given for anyone there to ask questions of Ken Batt?

A. Yes.

EXHIBIT #63 TRANSCRIPT OF MR KEN BATT'S BRIEFING TENDERED,
ADMITTED WITHOUT OBJECTION

5

STANLEY: That has been prepared by my instructing solicitor from the tape. As a matter of formality perhaps we should also tender the video itself, your Worship.

EXHIBIT #63 SUPPLEMENTED BY THE ADDITION OF VIDEO OF
BRIEFING

10

Q. You indicated in your statement that on Christmas Day you had a number of conversations with Mr Batt regarding the weather?

15

A. Yes.

Q. You said the first of those was between 6 and 7 o'clock in the morning, is that so?

A. On Christmas Day?

20

Q. Christmas Day.

A. I think I - I think I would have spoken to Mr Batt on Christmas Day. This is for the course construction?

25

Q. Yes.

A. No, I would have spoken around midday.

Q. You're quite sure it was Mr Batt?

A. Sorry?

30

Q. You're sure it was Mr Batt?

A. To the best of my recollection, yes.

Q. You see Mr Batt's given evidence that in fact he wasn't at the bureau at all on Christmas Day, he had the day off with his family, and that he wasn't at the bureau and he had no conversation with you at all on that day. Do you recall him giving that evidence?

35

A. No sir.

40

Q. Indeed your legal representative, Mr Harris, on 15 March at page 41 of the transcript stated to the Court that there was no allegation being made that Mr Thompson spoke to Ken Batt on Christmas Day. He specifically said that. It was put that - I asked the - raised the issue in this way. I said "if it's to be alleged that Mr Thompson spoke to this witness" - that's Mr Batt - "on Christmas Day, the matter should be put to him," and the Coroner said "yes, I take it it will be." And Mr Harris then said "there is no allegation that Mr Thompson spoke to this witness on Christmas Day." Can you explain how Mr Harris could have said that when you now say you in fact spoke to Mr Batt on Christmas Day?

45

50

A. I thought I spoke to Mr Batt on Christmas Day. I spoke to a forecaster.

55

Q. And now you're not sure whether it was Mr Batt?

A. No, I can't be 100 per cent sure.

Q. Are you sure it was Mr Batt you spoke to about the weather on the morning, on the morning of the 26th, when you say he told you effectively the winds will be 25 to 35, a standard Hobart race? 5

A. Sorry, in the office?

Q. I'm talking about a different matter now. This is on the 26th. You said you saw him on the 26th, in the morning. 10

A. Yes, at about 10 o'clock, yes.

Q. Are you sure about that or you think you might be wrong about that too?

A. That's - to my best recollection is that I spoke to Ken Batt on that time. 15

Q. You see, his Worship's already put to you the point that by that time Mr Batt clearly knew that a gale warning had been issued and what you say he told you is totally inconsistent with that fact, isn't it? Do you see the point?

5

A. I see the point, yes.

Q. Do you think you might be mixed up, that in fact you didn't get that from Mr Batt on the Boxing Day morning at about 10 o'clock?

10

A. No, I'm--

Q. Mm?

A. No, I'm happy that my statement reflects that I spoke to Mr Batt on Christmas - on Boxing Day morning.

15

CORONER: Are you able to put to the witness what the bureau says is the position? Have you any instructions on what the position was both of those days to try to clear it up?

20

STANLEY: Both of?

CORONER: Those days, to try to clear it up.

STANLEY: All I can say with respect to the 25th is that the CYCA's records indicate that two calls were made to the bureau but not to Mr Batt. So far as the 26th is concerned, there's Mr Batt's evidence that he - apart from perhaps in effect passing the time of day with Mr Thompson, he had no recollection of any discussion about the weather. As your Worship's indicated, it would be inconsistent with his then knowledge of the fact that a gale warning had been issued.

25

30

Q. You indicated in your evidence that early on the morning of the 26th you rang the Weather Bureau?

35

A. Yes.

Q. Are you sure about that?

A. Yes.

40

Q. What was the purpose of your ringing them?

A. Just to get an updated four day forecast to compare the Christmas Day forecast to what the latest information they had for the purpose of--

45

Q. Where did you ring from?

A. From in the sailing office somewhere.

Q. You've looked at the records of the - the phone records of the calls made by the - from the sailing club?

50

A. Yes.

Q. I suggest there's no record whatsoever of any phone call being made to the bureau from the sailing club on the morning of the 26th?

55

A. On the standard phones, no.

Q. On which phone was it made?
A. I couldn't - I don't know.

Q. Can you explain how the records indicate that there was no call made to the bureau in the morning but that there was a phone call made to the bureau from the yacht club from the general office at 4.06 in the afternoon, that is about an hour or so, a little over an hour after the storm warning was faxed to the yacht club? Can you explain that phone call? 5

A. The 4 o'clock phone call? No. 10

Q. Did you make it?
A. No.

Q. Are you sure?
A. Yes. 15

Q. Do you think someone might have rung the bureau when they'd seen the storm warning?
A. They could have. 20

Q. Have you made any enquiries to ascertain who it is that made the phone call at 4.06 as shown by the records that you've produced? 25

A. No. Other than to - no, not really, no. We've all been at pains not to talk about anything to do with the inquest amongst ourselves.

Q. So you've got no idea who would have made that phone call or why it was made?
A. No. 30

WEBER: Q. Mr Thompson, I want to ask you questions about a series of topics and unfortunately they mightn't come in a particularly logical order but I'm just tracking your evidence this morning. You gave some evidence that at the time that you took over the management of the sailing office that there were no manuals as to how to manage the race, do you recall giving that evidence? 35

A. That's correct. 40

Q. What year did you take over that role?
A. In '75 - sorry, '95. 45

Q. So the '95 Sydney to Hobart was the first Hobart that you would be directly involved with as an administrator, correct?
A. That's correct. 50

Q. At or about say August of 1995 was it your expectation that you would be the race director for the 1995 Hobart race?
A. No it wasn't. 55

Q. Who did you envisage would be the director?
A. Greg Halls.

Q. To your knowledge had Mr Halls undertaken that task on a contract basis in the past?

A. He had.

Q. Did Mr Halls in fact take up the position of race director in 1995? 5

A. No, he didn't.

Q. When did the fact that he wasn't going to do the 1995 Hobart race become clear to you? 10

A. In about August or September, I can't remember the exact time but late.

Q. Can you tell his Worship what occurred in that regard?

A. I had a conversation with Greg and Greg had won a survey contract in Darwin and that was going to take him away from his duties with us. 15

Q. And so what, it was only at or about that time that you realised that you would have to take on the task of race director, is that right? 20

A. That's correct.

Q. Before he left, did he, Mr Halls, provide you with files and the like as to how he had organised the Sydney to Hobart in the past? 25

A. No.

Q. Did he provide you with any written information at all?

A. No. 30

Q. So how would you describe the situation that you were in, in September 1995 apropos the 1995 Sydney to Hobart race?

A. I had to very quickly come up to speed with the management of the Hobart race. 35

Q. You were asked some questions about the Christmas Eve briefing by Mr Hill, do you recall that?

A. Yes. 40

Q. Obviously you were at the Christmas Eve briefing weren't you?

A. Yes I was part of the briefing. 45

Q. At the Christmas Eve briefing did anybody on behalf of the club mention to the assembled sailors fundamental rule 4? 45

A. Yes, I did. 50

Q. Doing the best you can, what did you tell the assembled crews in relation to fundamental rule 4?

A. My role in the briefing is to go through the sailing instructions. The sailing instructions are not - are meant to be read and understood by the skippers so it's a matter of us then going at the briefing and re-reading the whole sailing instructions out at the time. It's a matter for them to digest the sailing instructions at a later date. I 55

merely highlight areas that they should spend - be extra diligent with and spend a bit more time really understanding what the sailing instructions mean.

Q. Was included amongst those topics fundamental rule 4? 5
A. That's correct.

Q. Doing the best you can, what did you tell the assembled crews about fundamental rule 4?
A. Not a lot, I just drew it to their attention that they should be aware of fundamental rule 4. The idea was that we don't go into detail because if we make a mistake it obviously will confuse the skippers so we don't go into detail. 10

Q. You were asked some questions about receiving the 1450 special purpose forecast and I think you said in response to it that you knew that that meant the fleet might experience winds of in excess of 50 knots, is that right? 15
A. Yes. 20

Q. And then it was put to you when you saw the change in the breeze didn't you think of calling Ken Batt. My note of your answer was that if the conditions were such, he would have rung me, do you recall giving that evidence? 25
A. Yes.

Q. What did you mean to convey to his Worship by if the conditions were such?
A. I had and still have a great lot of faith in Ken Batt as a meteorologist and Ken had participated in the '97 race and that he would have in having these instructions drafted that everything I needed to know in regard to the race would have been in there. 30

Q. What did you mean by - this was - your answer was if the conditions were such he would have rung me. What do you mean by if the conditions were such? It's a rather vague sort of expression. 35
A. Sorry, a very vague expression. My understanding that Ken Batt would have rung me if he'd had concerns for the fleet going into those conditions. 40

CORONER: Q. What did you base those - that belief on?
A. My long standing personal relationship with Ken. 45

Q. What, things you'd said or he'd said or what? Just you knew he was a good forecaster?
A. No, that he - I knew that he'd participated in numerous races, I'd had conversations with him about what we were trying to achieve at the club and I just believed that Ken would endeavour to make sure that the yachtsmen got the best possible information. 50

Q. But you never went into any detail with him about that sort of scenario? 55
A. No, no.

WEBER: Q. Mr Thompson, do you have with you the continuum of race - of forecasts both special and general purpose which you received from - which were issued by the bureau in the period from say Christmas Eve through to the 27th?

A. I've got the four day special race forecast and then my Sydney to Hobart special forecasts start from 4am on the 26th.

Q. Just so there's no uncertainty in your evidence about what you personally, Phil Thompson, received, what you analysed and what you made of each, would you mind just tracking through each one of those, identifying it for us as you go and so that his Worship can see your emerging understanding of what the fleet was likely to encounter?

A. This is - you want both forecasts or just the one?

Q. I want you to look at each forecast in order.

A. Okay. The first one is the special race forecast issued at 4.30am on the 26th. It's got a strong wind warning, 10 to 15 knots northeast breezes and a southerly change coming through around 3am.

Q. What did that tell you?

A. That told me that there was going to be a change, that there would be a good - the day would be a good day for the start and they would then have running conditions which were ideal in my way of thinking because it gave the fleet a chance to settle and then there would be a front coming through later that afternoon, early hours of the morning.

Q. Did that forecast cause you any concern for the safety of the fleet?

A. No, it didn't.

Q. If the weather actually materialised as forecast, how would that weather have been in relation to your conception of typical Sydney to Hobart weather?

A. Lighter.

Q. Could you go on to the next forecast?

A. This is a priority strong wind warning, it's the general public issued forecast and it talks about southerly winds.

Q. What time was that issued?

A. That's issued at 4am, southerly winds, 20 to 30 knots and it actually doesn't say - south of Ulladulla is they're going to get 20 to 30 knots.

Q. Did you see that 4am general purpose warning?

A. No.

Q. You didn't?

A. No. We only received the special race forecasts through the entire race.

Q. We being the sailing office?

A. Being Telstra Control, CYC sailing office and the race centre in Hobart.

Q. Then go on, continue through the process.

WEBER: Is this assisting your Worship?

CORONER: It's a matter for you.

5

WEBER: Q. Yes, continue through the process.

A. The next one is our special race forecast on the actual 9am on the 26th and this is the forecast that was handed out to the competitors. Again a low pressure over near Lord Howe, we've now got a gale warning, northeast winds, building up to 15 to 25 knots means hard running conditions and a 35 knot southerly change with stronger gusts near Jervis Bay moderating on Monday.

10

Q. Did you read that one when it came through at or about the time it came through?

15

A. No, I didn't, this was the ones that the Weather Bureau was photocopying and handing out on the day so I didn't--

20

Q. Alright then, when--

A. I saw this after I came back from the start.

Q. After you came back from the start?

A. After I came back from the start.

25

Q. What did that forecast tell you?

A. That meant - that was a continuation, the breezes were building, the front was going to be slightly stronger than they'd originally forecast, we were now up to 30 to 35 knots.

30

Q. Did that forecast cause you to have any concerns for the safety of the fleet?

A. No.

35

Q. What's the next one that you received?

A. The next one is - that I have, that I received?

Q. What's the next one you have?

40

A. The next one I have is the general public forecast 9.30 on 26 December. Again it's--

Q. Did you receive that one?

A. No I did not. This now talks about 30 to 40 knots with a southerly change and then easing back over the next 12 hours to Sunday morning and - so we've got a slightly increasing breeze.

45

Q. But your evidence is you didn't see the general warning to which you've just referred?

50

A. No.

Q. What's the next one?

A. The next forecast is again which we received after we came back from the start is the 12.09, the special race forecast. We've still got our gale warning, 30 to 35 knots with stronger gusts around - front coming through around

55

midnight to 2am and then northeasters - northwesterners ahead of the front.

Q. What did that tell you?

A. That told me that in looking at it that it seemed to have settled, it wasn't building, that we were going to get roughly something around, you know, 30 to 35 knots. 5

Q. Did it cause you to have any concern for the safety of the fleet?

A. No. 10

Q. How did that - if the weather would have actually materialised as predicted in the last mentioned special purpose forecast, how would you have placed such a Hobart in the continuum of Hobart races? 15

A. Again it would have been classed as in the lighter bracket.

Q. What's the next one that you received?

A. The next one which I have is the 1414 forecast, this is a general public forecast. 20

Q. Can I just stop you there. Did you receive - did you Phil Thompson receive the 1414 forecast on the 26th?

A. No. 25

Q. Did you see it on the 27th?

A. No. It wasn't until this inquest that I actually saw the 1414-- 30

Q. If you'd have seen the 1414 - hypothetically seen the 1414 forecast, what would it have told you?

A. It had more detail in it. It was talking about for the first time up to 45 to 55 knots so we had a major stepping up in the breezes and it also talked about southwest winds which are west to southwest, which means there's a strong southerly element. In the forecast that we received, being the 1450 element, it talked about a storm warning but it also then talked about gale to storm force westerly winds south of Jervis Bay moderating Monday evening. So my understanding was I knew what a storm warning was, that they were going to get approximately 50 knots. West meant it was coming off the shore and that the boats had received this information so my understanding of the fleet would have been they'd all be tucked nicely along the coast in very strong conditions, very windy conditions, not offshore at all. 35 40 45

Q. If you'd have hypothetically seen the 1414 forecast, what would you have drawn from that?

A. I would have drawn from it that we have got an emerging picture of that this is going to increase - the winds were going to get a lot stronger than what we'd originally thought they were. My understanding was I thought it had plateaued at roughly 30 to 35 knots, the 1414 forecast shows a stepping up again and has much more detailed information. 50 55

Q. Would the 1414 forecast, if you hypothetically received

it, have caused you to have concerns for the safety of the fleet?

A. It would have given me concern but having received it my - I would have ensured that the fleet actually had received the information via Young Endeavour at the time and I - given that there'd been a step up I would have rung the Weather Bureau and asked for some clarification, given that it was - - that these forecasts were issued at such similar times and yet seemed to have quite a bit of information that was missing between the two of them. So my concern would have been that I've received two forecasts, one's different to our race forecast, what's - why is information in one and not in the other.

5

10

Q. Go then to the next forecast which you, Phil Thompson, did receive.

15

A. Okay, I received the 2.13 sked on the 27th which - forecast which is just prior my sked. This shows that there's a low now forming off the top of Tasmania. Previous to this the front or the low had been off Lord Howe. This low had an actual position, a direction and a speed at which it was moving. They gave the weather as again reaching 25 to 35 knots which was in line with where I was thinking it should be and they then said that the winds will be reaching 45 - 40 to 50 knots. So by reading the word reaching I just assumed that it was going to reach 40 to 50 knots which I thought was quite a reasonable--

20

25

CORONER: Q. Now which forecast are we talking about?

A. This is the 2.13 on 27 December.

30

Q. So we've skipped from the 1414 forecast on the 26th?

A. Yes.

Q. To the 1413 forecast on the 27th?

35

A. Mm.

WEBER: Q. Mr Thompson, did you deal in this chronology with the 1450 on the - general - sorry, special purpose?

40

CORONER: Q. Or any in between?

A. Yes.

WEBER: Right.

45

Q. You had dealt with that one?

A. Yes.

Q. I'm sorry.

A. That's alright.

50

Q. Going back to the one that was early on the morning of the 27th, did that forecast cause you any concerns as to the safety of the fleet?

A. It didn't because I'd - whilst the 40 to 50 knots was again a step up from what I'd previously viewed, it was with the low and the low was off the top of Tasmania and heading for New Zealand. By this stage this fleet is in 25 to 35

55

knot southerly breezes, so they're rapid passage down the coast had slowed dramatically and my view was that the fleet and the storm were never going to meet and that the 40 to 50 knot breezes were with a low and were - would be formed as the low deepened.

5

Q. If that assessment of where the storm was actually going to be proved to be wrong and the fleet in fact encountered winds as predicted in the early warning special purpose forecast, how would that, to your mind at that stage, have rated that race in the continuum of Sydney to Hobarts?

10

A. It would rate it with the '93 race, again depends how long it lasted for, '93 it - there was severe breeze for a lengthy period of time but it would have been a - certainly one of the more difficult races to--

15

Q. Would be a tough Hobart?

A. Very tough Hobart. The other area in the 2.13 forecast on the 27th is that the outlook says that the breeze is going to moderate.

20

Q. When?

A. Over the next 48 hours and saying possibly still reaching 35 knots in Bass Strait. So that again was another indication that my original assumption of up to 35 knots was still pretty valid.

25

Q. Now the next - I think I might stop that process there. The next item of weather information you got I think you said is when you made the phone call at or about 5 in the morning to the Weather Bureau?

30

A. It's early in the morning, before I left to fly to Hobart.

Q. I'm only doing this to try and get the continuum and your evidence this morning was that that was confirmatory of that which had been the special purpose forecast?

35

A. Yes.

Q. That logically takes us to the situation of the evidence of Mr Honeysett.

40

A. Yes.

WEBER: Your Worship, might the witness have access to exhibits 59 and 60.

45

Q. While that's being done, if Mr Honeysett had concerns about the information that he got about wind readings at Wilsons Promontory, did he articulate those concerns to you?

A. No.

50

Q. If Mr Hughes in fact had concerns about what Mr Honeysett had relayed to him concerning winds at Wilsons Promontory, did he, Hughes, articulate those concerns to you?

A. No.

55

Q. Hopefully you'll have before you exhibit 59 which is the

Victorian regional bureau Bass Strait observations for 0655 on the 27th. Is that what you've got there?

A. Yes.

Q. That's exhibit 59. Now, as part of exhibit 60 should be a map? 5

A. Yes.

Q. Treat that with caution because I scrawled on it but could you just look at it, look at the map and content yourself that the information on the map is consistent with the information on exhibit 59. Can you do that please? 10

A. Yes.

Q. PH is Point Hicks, LE is Lake Entrance, KB is Kingfisher B, WP is Wilsons Promontory, W is Wonthaggi. 15

Sorry, have you contented yourself that--

A. Yes.

Q. I think your evidence was that if somebody would have raised with you the question of 71 knots at Wilsons Prom at 7am on Sunday the 27th you would have wanted to have seen that information in context or words to that effect? 20

A. Yes.

Q. Would you agree that the map exhibit 60 does place that information in a context? 25

A. Yes it does.

Q. If you'd seen the information in exhibit 59 in its totality, what would you have taken from that, those pieces of data? 30

A. I would have taken the wind reading at Wilsons Promontory was very high and then looked to the other relevant station reports around it, to try and get some pattern or confirm what the weather was doing. 35

Q. What conclusion would you draw from the pattern which is disclosed in exhibit 59 as set out in map form in exhibit 60? 40

A. I would have taken more consideration of the Kingfisher B because that's a lot closer to where the actual fleet is, looked at what Gabo Island was doing, that was the closest reference to where the fleet was, and then looked probably back to King Island to see what was coming behind the front. From that I would have said this is pretty much in line with what the forecast was issuing of my - you know, 25, 30, 35 knots. I've got stations reporting all in the 30s, Kingfisher B's 41, so that's in line with the way I thought it would pan out. 45 50

Q. Why do you say Kingfisher B at 41 is in line with those other figures?

A. They're forecasting 35 knots and Kingfisher B is slightly elevated, not as high as Wilsons Promontory, so the readings are going to be high. 55

Q. So would you also place some form of discount or other

on Kingfisher B?

A. That's correct, yes.

Q. Having analysed - if you hypothetically had analysed exhibit 59 on the morning of the 27th, would you have taken the step of communicating your conclusions therefrom to the fleet?

5

A. No.

CORONER: Q. Would you have discussed the matter with the other race - the other members of the team or whoever you could get in touch with?

10

A. Yes. Definitely. As we did throughout with any bits of information that came into the race centre from whatever--

Q. That's not really the picture I got from the other witnesses that morning. There was only - there was no-one there really, there was Mr Elliott but he didn't discuss it with you as far as I know by phone or any other way.

15

A. No.

20

Q. At any stage.

A. No.

WEBER: Can I move on, your Worship?

25

CORONER: Yes.

WEBER: Q. Can I take you to another topic. In the context of the evidence that you gave concerning your initial consideration of abandoning the race at or about the time of the 1400 sked on the 27th, you indicated that one of your concerns was that the crews might have subconsciously let down their guard or words to that effect, do you recall that?

30

A. Yes.

35

Q. I think with respect his Worship asked you a question which suggested that that was a surprising thing for any crew in those circumstances to do. I think it was in response to his Worship's question you said that you had an experience yourself of letting down the guard in 1993?

40

A. That's correct.

Q. Can you tell his Worship what that experience was?

45

A. In the 1993 race we had--

Q. You were sailing in '93?

A. Sorry, I was a crew member, I was the deck boss on board a yacht in the 1993 race.

50

Q. What was the yacht?

A. The yacht was Rager, now known as Doctel Rager. We were about halfway across Bass Strait when the - one of the helmsman and it's a term used by yachtsman dropped the boat off the wave. This was a timber boat, it sprung a couple of frames and it was decided to turn the boat around. Whilst we reduced the sail, the helmsmen that had been helming the

55

race throughout the race went below and tried to get some sleep because they'd been helming on a one hour rotation throughout the past 24 hours and we had a less experienced helmsman on board, not as many people on deck, the others had gone down to try to get something to eat and get some sleep. We came off a wave, I was in a bunk at the time but we came off a wave and put the mast in the water, laid the boat down on its side. From that point on we went back to our racing regime till we hit port.

5

Q. Was Rager in 1993 skippered by an experienced skipper?
A. Very experienced.

10

Q. Just some questions on a few topics, primarily on topics which have arisen lately in the proceedings before his Worship, Mr Thompson and I apologise but they might be a little bit haphazard. I apologise to his Worship too. There was evidence yesterday about yacht coms--
A. That's correct.

15

Q. --do you recall that? Now, with yacht coms in 1998 did that system allow the race management team to talk to the fleet?

20

A. We could have spoken to the fleet in the initial stages when they were close to the Sydney radio aerial farms but once it got further down the coast we couldn't communicate. We could listen to them very clearly but we couldn't communicate back.

25

Q. Could you talk to anybody except the Telstra operator on yacht coms at that stage?

30

A. Down the coast?

Q. Yes.

A. No, just the Telstra operator.

35

Q. So once the fleet was down the coast, you had to communicate with the fleet through Lew Carter, is that right?

A. That's correct.

40

Q. What were your avenues of communications with Lew?

A. We could use the radio room in at RYCT, we had a mobile phone on board Young Endeavour and whilst it's in contact we'd use that, we could send text messages via satcomsea. We could also send messages through our operators at Eden coastal patrol and in the early stages we could have also sent messages via the CYC radios till they got out of range.

45

Q. Just so that his Worship realises it's not a slip of the tongue, in 1998 Young Endeavour had satcomsea?

50

A. Yes, Young Endeavour had satcomsea.

Q. I think the evidence was a small number of the fleet had satcomsea on a trial basis?

55

A. We had approximately 20 units on a trial basis in '98.

Q. Just going back to yacht coms, I think the evidence was

that it was brought up, if I can use that expression, five minutes or so before the sked commenced?

A. That's correct.

Q. Could you tell his Worship how the yacht coms communication is brought to an end? 5

A. The yacht coms in tying up the Telstra coastal station radio farms, their directional - they have a directional ability to be able to hone in on certain areas, so we used to hone the radio farms from both Melbourne and Sydney in on the fleet and the Telstra operator would listen in and when he deemed that the sked had finished, he used to call us up and say all finished and we'd say either yes or no and they would go back to their normal monitoring position. 10

Q. Are you able to say whether you perceived that you were under I don't mean pressure in a pejorative sense but under pressure from Telstra to occupy as little time with yacht coms as you needed? 15

A. Definitely. The operators - this was something that was a bit unusual and they wanted to get onto their normal duties of commercial operations. 20

Q. You mentioned in the course of the previous couple of answers that you gave me concerning your capacity to contact Telstra Control with reference to Eden coastal patrol, do you recall that? 25

A. Yes.

Q. During the 1998 race, are you aware whether there was any arrangement with Eden coastal patrol concerning HF radio frequency monitoring? 30

A. Eden community had taken a great involvement in the race and used to greet all the boats that retired and they actually have a trophy which is presented to the first boat into Eden, something that's not actually sought after. But the local radio station monitored the sked and there is a very dedicated volunteer that comes down each year from the Navy and spends his holidays monitoring the fleet as they go past during that period. 35 40

Q. Is that a continuous or a partial monitoring of the HF? 45

A. He monitors it with assistance from the regulars virtually on a 24 hour basis. They've got a room set up for him and he stays there.

Q. His Worship's heard some evidence about the desirability of incorporating a form of 24 hour recording of the radio traffic for Telstra Control, are you aware of that? 50

A. Yes.

Q. I think Mr Carter's evidence was that he raised the desirability of that before the 1998 race? 55

A. That's correct.

Q. Did you take any steps to attempt to put in place a regime of continuous 24 hour recording of radio traffic for the 1998 race?

A. Yes, we did, but the Young Endeavour advised us that they didn't want us to use the term drilling any more holes in their boat, and therefore something of that size they didn't really want anything else placed on the boat. It was very tight in its area and--

5

Q. I think you've slightly got ahead of yourself, Mr Thompson. What were the dimensions of the 24 hour recording device that you had in mind to put on Young Endeavour in '98?

10

A. The recording units that I had seen and that we were going to be able to access were quite large. They were larger than a small briefcase, so to have a - and quite weighty, so to have anything like that on board the boat had to be secured in a position where it couldn't fly around the boat.

15

Q. And the Navy weren't keen for that to occur?

20

A. No.

Q. Can you go to your latest statement please sir, page 8, paragraph 31, subparagraph (4). In 1998 and the preceding years, approximately how many - what percentage of the IMS certificates which were initially provided to the sailing office were valid but not current?

25

A. In excess of 50 per cent.

Q. Is there a structural reason, if I can use that expression, as to why that would be the case?

30

A. The boats that raced with us on a regular basis renewed their IMS certificates every - at the end of July - no sorry, at the beginning of July. 1 July is when they - all certificates run out and have to be renewed. So the boats that raced with us on a regular basis, as those that did the Gold Coast race, had renewed their certificates. However, the majority of our fleet that comes from interstate and round - from overseas don't use IMS on a - for want of a better - in their domestic series. Virtually IMS is only strong in New South Wales so therefore they have no need to renew their certificate, and at the time of the applications, owners or some of the owners are keen to get approval before going ahead with the renewing of their certificate purely I believe as a cost saving measure.

35

40

45

Q. What, they want reasonable assurance that they're going to get in the race if they're going to wear the cost of getting an updated certificate. Is that--

50

A. Especially with their crew. They had to pass the crew experience criteria, and if they didn't pass it was sometimes easier just simply not to go rather than have to tell one of their mates they couldn't go, which was often an expression used or as a leverage tool against us.

55

Q. Page 16 please, sir. In paragraph 63 you say that to the best of your recollection you gave Ken Batt a copy of

the contact list during the briefing for the Telstra Cup on 15 December 1998.

A. Yes.

Q. I think your evidence this morning was that you gave it to him together with a pack generally of other material?

A. Yes.

Q. What was in the other material?

A. The other material would have been - the pack was the briefing kit, for want of a better word, and sailing instructions and just general information that would have been of interest to Ken on a personal note.

Q. You've used the form of words to the best of my recollection. Do you have any doubt at all that you did give it to him personally?

A. I believe I did, but I can't - it was 18 months ago now and I just - it wasn't something that I saw as being - or something that I did instinctively and did, so I don't - I didn't record that I had done it so there's no formal documentation I actually gave it to Ken.

CORONER: Q. What paragraph's that?

A. Sixty-three, your Worship.

WEBER: Sixty-three, your Worship, page 16.

Q. On an allied topic, had the mobile phone that you were carrying in December 1998 changed its number from the number which you had for your mobile in 1997?

A. It hadn't changed, no.

Q. Could you go to page 19, paragraph 80. There you give some general evidence about when you arrived at the CYC on Boxing Day and the fact that you were in and out of the office until 11.30. Doing the best you can, can you put a percentage on the amount of time that you would have actually been physically in the sailing office in the period 5.30 to 11.30 on that day?

A. It might be easier to break it down. The initial stages I was out of the sailing office.

Q. What do you mean by the initial stages?

A. Well say from 5.30 till 7 we were organising all the marks to go out on the harbour and organising the boats, so from that time I was out on the marinas, making sure that that process was in place. From about 7 I would have spent at least 70 per cent of my time in the - in the sailing office, maybe even higher.

Q. Sorry, what was the last--

A. Or maybe higher.

Q. Again on an allied topic, over the next page on page 84 - sorry, paragraph 84, page 20. There's been some evidence of a desire on the part of Bureau of Meteorology people who attended on Boxing Day to speak to you. Can you tell his

Worship where their stand was in relation to the sailing office?

A. Their stand was - they were actually partially blocking the doorway into the sailing office when people were standing around their stand, so it was - the only barrier between their stand and the office was a pane of glass.

5

Q. What do you say to the proposition that it might have been perceived by them to be impossible to speak to you on that morning?

10

A. Just not possible.

WEBER: Thank you, Mr Thompson.

HILL: There are one or two questions.

15

Q. You say that you did look at a 24 hour recording system for Young Endeavour?

A. That's correct, sir.

20

Q. When did you do that?

A. In - it would have been raised some time in I would say September, October.

Q. Of when?

A. Of '97.

25

CORONER: '97?

HILL: Q. 1997, that right?

A. Sorry, '98, sorry.

30

Q. '98?

A. Yeah sorry, a couple of months prior to the race. A couple of months - sorry, a couple of months prior to--

35

Q. A couple of months prior to the race, and you say that it was - why couldn't it be installed?

A. There were very cramped conditions on Young Endeavour and the Young Endeavour was already unhappy with having their mess converted into our radio room as it meant that the actual radios all had to be bolted down, and they felt that they literally just didn't want anything else bolted onto the boat.

40

Q. Who told you that from the Young Endeavour?

A. Margaret Powell.

45

Q. Margaret Powell?

A. Yes.

50

Q. What did she actually say to you?

A. Just literally words to that effect, that they - when I raised the concept of putting something else on the boat, they said unless it could be small and portable that they didn't want to have anything else drilled into the boat.

55

Q. I want you to tell us what you asked to be put on the

boat to Margaret Powell.

A. I asked for a - that we wanted to put on a tape recorder and gave her the rough dimensions of what it was going to be.

Q. What were the rough dimensions?

A. About the size of a briefcase and a bit thicker.

CORONER: Q. Like a reel to reel?

A. Yes, a reel to reel type.

HILL: Q. What was it that she said to you?

A. I can't give you in exact words of what it was. The outcome was that they didn't want to have anything else - if they could be portable and was - that they were happy with that, but they didn't really want anything else - any other holes drilled in the boat.

Q. What holes would have to be drilled?

A. Well this thing would have had to be secured to the boat somehow.

Q. Could it have been clamped?

A. I don't know, sir.

Q. Do you know what sort of machine it was that you were proposing to put on there?

A. We were - the ones I'd seen were the reel to reel tape recorders and they're the size of a large briefcase.

Q. Where had you seen these?

A. Sorry?

Q. Where had you seen them?

A. I actually had had one.

Q. Was it that one that you were proposing to put on?

A. No, no. This was previously. I hadn't seen one in a couple of years.

Q. So in fact--

CORONER: Q. Did you make any enquiries whether there was any new technology that replaces the reel to reel as to length of tapes?

A. I - when I enquired I could get lots of smaller portable ones but I couldn't get anything for a long play scenario.

HILL: Q. Where did you enquire?

A. Sorry, at the - with the I think Harvey - Harvey Norman, something like that, who we'd been dealing with.

Q. Well could you get a system for a 12 hour recording or an eight hour recording or a 24 hour recording?

A. I was looking primarily at a 24 hour type recording unit.

Q. Did you manage to speak with anyone that could supply

you with something like that?

A. No.

Q. Well is that where it stopped?

A. Pretty much, yes.

5

Q. Did you tell Carter about this?

A. Yes.

Q. You were here when Carter was giving his evidence, weren't you?

A. Yes sir.

10

Q. You heard him say that no one got back to him about that?

(No verbal reply)

15

Q. You were here when the Navy were giving their evidence, weren't you?

A. Yes.

20

Q. This was never put to any of the Navy people was it?

A. Well I wasn't dealing with the captain of Young Endeavour.

25

Q. What was wrong with buying a tape recorder that would have recorded the transmissions in Sydney and also recorded the transmissions in Hobart? Have two tape recorders.

A. Yes, yes we could have done that.

30

Q. Well did you think of that?

A. No.

Q. So because you say Ms Powell said you couldn't put one on, you took it no further?

A. That's correct.

35

Q. Do I take it to this day those transmissions are not recorded?

A. That's correct.

40

Q. Is there any proposal?

A. Yes.

Q. What is the proposal to record them?

A. Record where we're looking at a portable longer play radio for Young Endeavour and we will put in a 24 hour reel to reel type recorder in Hobart.

45

Q. Have you checked with the Young Endeavour as to whether the portable one will be allowed, will fit?

A. My understanding that if I could - if I could put a portable one on, that that would be fine.

50

Q. Well the portable one they had was falling off every now and again wasn't it?

A. Yes.

55

Q. So this one will have to be secured?

A. Yes.

Q. Do you now say they've agreed to allow the security of it do you? 5

A. I haven't had formal negotiations with Young Endeavour this year, but it'll be one of the changes that we're insisting on.

Q. All right, let's go back up now. You said that during the briefing you didn't explain in detail the sailing instructions in case you were wrong and that would be confusing? 10

A. Yes. The--

Q. What do you mean? 15

A. The idea of the sailing instructions is that the owners and navigators are to read them and to draw their own conclusions from the instructions. They're at other briefings and the best practice is that you don't read out the instructions in case you do make a mistake. For example, if you tell everybody they should go around an orange buoy at a particular point and it is actually a yellow one, there obviously will be confusion. 20

Q. Yes, but what about explaining in detail what you expect people to do for those fundamental sailing instructions such as the listening time and other vessels, the aid of other vessels? Do you not explain that? 25

A. No. 30

Q. Well what's the point in reading out the sailing instructions at all?

A. As far as the racing rules of sailing go, none. They're advised that you don't. 35

Q. Well then why do you do it?

A. We do it because we want to touch on all the areas and highlight the areas of us that we believe the skippers should draw special attention to. 40

Q. You were asked about rule 4.

A. Yes.

Q. What do you do about that at the briefing? Is that read out? 45

A. Rule 4 in its total? No.

Q. Well that's what my learned friend Mr Weber was asking you about. 50

A. No, it's not read out in its total at all.

Q. And you don't explain what you as the club expect from the skippers and crew?

A. No, because the skippers sign numerous documentation saying that they have read and understand the documentation including the racing rules of sailing. Rule 4 and the racing rules of sailing are fundamental to the sport. 55

Q. Yacht com.
A. Yes.

Q. I was under the impression Mr Elliott yesterday said that through that you could speak to the fleet. 5
A. In the initial stages, not when they got down past about Eden.

CORONER: Q. Do you remember him saying that? I thought he was more general than that and indicated to the Court that you could use yacht com throughout the race. 10
A. No, not throughout the race.

Q. No, no, I know you're saying that.
A. Sorry yes, yes. 15

Q. What's your recollection of what Elliott said?
A. My recollection, yes, that he did say that we could use that for the entire-- 20

Q. That was the impression I got.
A. Yes, yes.

HILL: Q. You say that Telstra, the operators of Telstra, that is the sponsor of this race, were somehow pressuring you to not use it, or to use it for at least as possible? 25
A. Whilst Telstra are the sponsors there are numerous divisions within Telstra, and the mere fact that we have Telstra as sponsor and use Telstra products don't necessarily go hand in hand, that you get any special benefits from having them as a sponsor. The yacht coms tie up the commercial radio waves, for want of a better word, of the coastal stations and they're keen to get back to doing their normal day to day duties, so they are keen that the - and they also know that we have another radio that is listening in in addition, so the arrangement is for the period of the skeds. 30 35

Q. Did you pay for this yacht coms?
A. No, we didn't. 40

Q. Was there some limitation by Telstra placed upon your use on that?
A. Yes. 45

Q. What was the limitation?
A. For the periods of the skeds.

Q. For the periods of the skeds?
A. Yes. 50

Q. That's the only time you could use it?
A. That was the only pre-arranged time that we could use it. 55

Q. Could you extend that? Was there a facility for extending it?
A. I believe we could have, yes.

Q. You could have done that by simply telling them couldn't you?

A. I think I'd have to go a bit more than just telling them but yes, I could have, yes.

5

Q. Well you say you were being pressured. Who was pressuring you?

A. Just the operator at the time was always keen that we - you know, when we'd finished that - and the - that he could then divert the aerals back to their normal duties.

10

Q. Well he would ask you presumably, or she would ask you whether you had now finished with yacht coms? Is that how it--

A. Yes, definitely.

15

Q. And if you said no, it would continue?

CORONER: Q. Or there'd be an argument. One or the other wouldn't there?

20

A. Yes, yeah, definitely.

Q. You'd get involved.

A. Yeah.

25

Q. You'd say well we want to, we need to.

A. Exactly.

HILL: Q. Was that the extent of the pressure? They would ask you have you finished?

30

A. A bit more than that but basically, yes.

CORONER: Q. There was an argument was there?

HILL: Q. Well you tell us what it was.

35

A. There was - if - they were always keen for us to turn them off at the end of the sked.

CORONER: Q. You've told us that, they ask you have you finished.

40

A. Yeah.

Q. I understand that but you said it's a bit more than that?

A. Yes, they - if we asked for an extension they would - as soon as it then went quiet they'd come back and say have you finished now, rather than us then saying well can we leave them on for an extra period of time.

45

Q. So you did ask for extensions at various times?

50

A. Yes.

HILL: Q. And were they granted?

A. Yes.

55

Q. And each time it went silent they would then come back and say have you finished now, is that right?

A. Yes.

Q. And then you would say no, I want a bit more time. Is that the extent of the pressure? Is that what you say?

A. It is, but it's the tone in which it was being delivered and the--

5

Q. The intonation?

A. Yes.

Q. Well you have a voice too.

A. Yes, definitely.

10

Q. And you could have told them that you required more time and that was that.

A. Yes.

15

CORONER: Q. It's a tad lame don't you think really?

A. Look, it is. I'm not--

Q. You're not seriously suggesting that they wouldn't let you use it if you gave a reason?

20

A. Look no, I'm not - I'm not suggesting that at all.

HILL: Q. What's the purpose during the sked of you having that? Is it just so that you can have it in the room is it?

A. With the vagaries of the 4 megs frequency there's often a lot of static, especially in the morning skeds, and when the fleet is - especially up round the New South Wales coast, the radios in RYCT have trouble picking them up, and also there is a lot of interference in - from buildings such as the RYCT with fluorescent tubes in their radios. By using the Telstra system you get a much clearer carrier signal.

25

30

Q. So it's for clarity?

A. Yes.

35

Q. Who is this skipper of Doctel Rager, or Rager as it was called in 1993, that let down their guard? Payne?

A. Peter Bush.

40

Q. Who?

A. Peter Bush.

Q. Well we can ask him tomorrow. What I am interested in is this. My learned friend Mr Stanley said that this race that's taking place at the moment up to Brisbane, you're getting normal race forecasts. Is that right? What's happening?

45

A. The Weather Bureau is sending weather forecasts to the three areas, the Penta Comstat which is the equivalent of our Telstra Control for this race and they are a coastal station. We've got a finishing line team up there so the forecasts are being sent there and also back to the CYC.

50

Q. What I'm worried about is this, that the special forecasts that are supplied by the Weather Bureau, they now say maximum gusts. Is that right?

55

A. For the Hobart race, yes.

Q. For the Hobart, yeah.

A. Yes.

Q. Well in this race, the one that's taking place now, it's a normal forecast and it won't have the maximum gusts on it?

5

A. That's correct.

CORONER: Q. You say it's a category 2 race?

A. It's a category 2 race, yes.

10

Q. Not so important.

HILL: Q. You don't see any problems with perhaps the yachtsmen thinking perhaps where they would get 25 to 35 that they may think that-35 is the maximum gust they're likely to get with that?

15

A. As I said earlier, the big improvement that we've made has been the education factor. We've made crews attend briefings whereby the Weather Bureau has I think putting it in stone for everybody concerned that how they issue their forecasts. We also only - we only issue one forecast a day. We are trying to train, which is not a particularly good word, but educate the owners to seek weather from alternate sources rather than being reliant on our forecast.

20

25

Q. So you don't see that as a problem?

A. No.

HILL: I've nothing further from this witness, thank you.

30

<WITNESS RETIRED

HILL: I note the time, Mr Coroner. It's 20 to, we could start Mr Halls or you could start Mr Bush tomorrow morning say at 9.30 to finish off his evidence, and then Mr Halls, or you could start Mr Halls at 9.30 tomorrow morning, whichever way you--

35

CORONER: Mr Halls has been sitting around for a long time. Let's get started.

40

<GREGORY WEBSTER HALLS(3.40PM)
SWORN AND EXAMINED

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

45

A. Gregory Webster Halls.

Q. And your address, sir?

A. 21 Lynwood Street, Blakehurst.

50

Q. Your occupation?

A. I'm an oceanographer.

Q. Can you give us some of your experience in regards to offshore work that you do?

55

A. I specialise in hydrographic survey work, marine geophysics, environmental work, waves, currents, tides.

Q. Are you familiar with the Bass Strait?

A. Very familiar with the Bass Strait.

Q. How is that?

A. I've been in the profession for 35 years and I have spent considerable time in Bass Strait on oil projects and engineering projects.

5

Q. I think that you are also a sailor?

A. Yes.

10

Q. What yachting experience have you had?

A. Over 30 years experience. I started out in skiffs as a young boy and I started in ocean racing in 1966. Fifteen Hobarts up to 1987 - '86, three Admirals Cups, Americas Cup, SORCs, Sardinia series, GN rallies.

15

Q. I think that in - well from the 1987 race to the 1994 race, Sydney to Hobart yacht race, you were the race director, is that right?

20

A. That's correct.

Q. You did that for eight years?

A. That's correct.

25

Q. You've been in Court today?

A. Affirmative.

Q. And you've heard that there appeared to be some criticism of your handover in August 1995 in regards to - well there was no documentation or anything like that. What do you say about that?

30

A. I've heard in Court in evidence in the last two weeks that I've been contracted. I don't still know where this word came from apart from the fact that it's been a verbal agreement between - I'm a member of the CYC, requested by the club to carry out this duty. The only remuneration has been expenses and so it's not a contractual situation I look at legally as being a contractual document between me and the CYC to do this - to do the office of sort of race management, race committee. The documents which have been produced over the years are vested in the CYC. There are - only ongoing interests for myself apart from upgrading areas of mistakes and things we find through the year, and they have always remained in the custody of the CYC.

35

40

45

Q. Let's just stop there. When you say the agreement was you would direct the race or be the race director, they would pay your expenses.

A. That only occurred from 1993. Prior to that it was all voluntary.

50

Q. Did you develop any documents?

A. Affirmative.

55

Q. What documents did you--

A. When we took over the sort of running of the event in 1987, Mike Fletcher and myself were asked by the club to

step in because a particular gentleman who was going to run the event fell ill at the last minute, and we put together a team fairly rapidly. It was almost November. And the 1987 event sort of went off with no real problems. Then I was requested in 1998 if we would do the same thing. It was around about March 1998.

5

Q. 1998?

A. Sorry, 1988. It was about March if I remember correctly, and the club wanted to review not only the notice of race and the sailing instructions, but part of the CYC had in those days a special regulation book which was applicable to the CYC, and there were problems in international yachting with adhering to a lot of the requirements of that special regulation manual, especially with overseas competitors coming to Australia for things like the Southern Cross Cup and the regatta which ran prior to the Hobart race. And they asked for a review of that to see what we could eliminate. Well as it was we eliminated probably 90 per cent of what was in that special regulations book because it was covered under the ORC rules in the majority of cases. And we wrote basically a notice of race in a draft set of sailing instructions which incorporated all those changes and deletions, but included the two or three items that we felt needed to be retained for the Hobart race. That was the initial start of a basic set of sailing instructions and notice of race. The radio relay ship were sort of vessels of opportunity which were always rather small and donated by club members, and there were some minor fees applicable. And we had problems with communications in the early days because of the frequency allocation that the race was run under which was a 2 meg frequency, and so we started to address that of how we could smarten up the radio communications side. It was virtually an old boys' network of getting the skeds through and having a chat. There was no real formality about it in the early days. And so that needed to have some procedures put into place and guidelines for people to do that. And in 1992 we actually did away with the radio relay ship and ran a vehicle down the coast of New South Wales, Victoria and Tasmania to carry out the radio relay communications in assistance with the local coastguard stations and Royal Volunteer Coastal Patrol stations. From that exercise, which was very successful in some ways but unsuccessful in others, we found a lot of the reasons for particular radio problems that we had, that I had encountered in the two or three years prior to 1992, and this was a fact of selection of a particular frequency which the race communications was carried out on, the selection of the platform being utilised for that communication. There's a atmospheric condition known as ducting down the coast and a few little black holes that we have used in terminology in radio communications. And just in way of explanation there sir, I am not a communications expert, but in my day to day operations I may be operating maybe 1000, 2000 men and probably 30 or 40 ships in a worst scenario.

10

15

20

25

30

35

40

45

50

55

CORONER: Q. So there's a fair bit of communications in your day to day work?

A. So there's a fair bit of communications in my day to day operations.

Q. At sea?

A. At sea. And so I was aware of the problems that we were encountering in offshore operations and this led to a complete review and rewrite of a procedural document for radio relay communications should we go back to radio relay communications, which was added to after the '93 event and the '94 event.

Q. So in other words, a document was produced for the radio relay vessel, is that what you're saying?

A. Yes.

Q. And it was added to in '93 and--

A. And 1994.

Q. Why was it added to?

A. Well we found - the history of communications in the Hobart race, we found in '92 that we were missing a lot of communications with various yachts although we could see them or they were close by, and Mr Howard Elliott, who we've heard evidence from, who was sailing in that 1992 event actually assisted us in Hobart in checking the communication facilities on many yachts, and we found that things like antennas weren't connected and batteries weren't charged up, there were no earths, the systems had not been maintained properly. So it was in 1993 that we instigated some wording into the notice of race and sailing documents that the communication installation on all yachts would be inspected and signed off by in those days a certified radio engineer. Now there being no certified radio engineers, that created a slight problem, but what we were aiming to get at was that somebody who was used to doing marine installations and was certified in that particular area would take over signing each vessel off. So that needed adding to because it became part of the communications system that we wanted to ensure that Young Endeavour, Sydney control or Hobart control had a fair degree of communication momentum between all those components.

Q. So in other words there was a book for the radio relay vessel that was produced?

A. Yes.

Q. Was it hard covered or what was the situation? How was it produced?

A. In its - in its entirety in 1994 it was probably 200 or 300-odd pages, but it included extracts from the operators' manual put out by the communication authority, and I actually do have here a copy of the draft that we sort of based it on with some modifications over from 1991.

Q. We'll get a copy of that. So that was the original one and it was improved upon after that was it?

A. That's affirmative. In that particular document we spelt out the role of the radio relay ship, what its real

role was, the job specifications for the various operators. I'll just pull it up. We had the radio relay ships, its objectives, the movement of the vessel, because we found that in races which I had competed in from the early 1970s to the mid-1980s, communications became a problem and we found that in rough weather the radio relay ship would tend to try and seek refuge like everybody else, and with the way the New South Wales coast is shaped we couldn't talk over one hill to the next. So we made a recommendation that the radio relay ship always remain east of the run line. There was then a section on communications, crew operations.

CORONER: Q. You'd have a problem with that wouldn't you with these small homely vessels that you used to use in the initial days?

A. That's affirmative, yes.

Q. So was there anything between the last of those and Telstra - and Young Endeavour?

A. We had - the Australian Maritime College made available--

Q. A bigger vessel?

A. Yes, and that worked very well. But this document then went onto the crew operations by the crew chief, assistant communications.

HILL: Q. Could I just stop you there. In other words, what you were recommending was that the little vessels that were used as radio relay vessels were no longer adequate?

A. That's correct.

Q. You needed a--

A. A larger platform.

Q. East of the run line and therefore it would be a bigger vessel?

A. Yes.

Q. Sorry, I interrupted you.

A. And this document went through the frequencies, position report skeds which as I said change from year to year. The sked times were usually dependent upon the event and what time we could go to press in Europe for European newspapers, depending on how many European boats were out to do the competition, and we--

CORONER: Q. It sounds like the Olympic Games doesn't it?

A. It is very much.

Q. On a smaller scale.

A. On a smaller scale.

HILL: Q. So in essence, if someone went aboard the radio relay vessel as an operative, they could pick up that document and they would know what their duties were and what they were supposed to do generally?

A. That's correct, yes.

Q. Would that just be kept aboard the radio relay vessel?

A. No, there was a copy in the sailing office, and we sent a copy to Hobart at one stage and it would occasionally come back to the office for upgrades because in 1994 we had a massive upgrade in the procedure due to the number of yachts that we had to get through on the skeds. And we also had multi-calling frequencies, people could call on a multitude of frequencies, because we were aware that with so many yachts, if we had a problem then we weren't going to clutter the system up, and more use was made of coastal stations. The document - parts of the document were also forwarded to the Royal Volunteer Coastal Patrol, Sydney Water Police, VKG and two or three other interested parties that followed the event.

5
10
15

Q. That's just dealing with the radio relay vessel. The situation is that - did Lew Carter have a copy of that?

A. Yes, he did.

Q. Do you know what happened to his copy?

A. I spoke at length to Lew 18 months ago about it and he advised me that his copy he returned to the sailing office about six to nine months earlier prior to the 1998 race, and he'd asked for it back and it had never been received and nobody knew where it went to.

20
25

Q. Did he say who he asked?

A. Well apparently it went to Phil Thompson. That's all I'm aware of. Because he asked me if I had a copy of it and I said well I've got the original draft of day one, when I sort of first started to put this together, and I think there might be a date on it, there might be 1986, '87 - '88.

30

Q. Moving from that document, was there any other documents produced as to the running of the race, bearing in mind according to Mr Thompson today he says that there was no documentation when he took over in August 1995.

35

A. Well as I said, all the documents which were produced by either Mr Fletcher or myself or Mr Brenac were vested in the interests of the CYC, and as far as I was concerned all the disks and documents sort of stayed there. But we had a series of volunteers who formed part of our race management or race operational team. It was - it's always been my view that the race committee appointed for the Hobart race, they are also the race management team, but we have a series of volunteers who we second to put into place for various operations such as organising the starting lines, buoys, marks which in fact the starting marks and sea marks were organised by the yard office at the CYC. So we had a starting team, we had a radio communications team and these were all volunteers, and meetings were held in the latter part of the year and the definition of what they were to do were clearly defined in their operational meeting minutes.

40
45
50

Q. In their operational - sorry?

55

A. Meeting minutes. We had - I have one set here from Young Endeavour which was, you know, 21 November which clearly defines what they were going to do and how they were

going to do it, with a further meeting to be held on the 22 December.

CORONER: Q. Just right in the day on this, I'd like it clarified. You're saying that in the period you were organising this race, you considered the race committee included the race management team? The management team-- 5
A. Yes, and I can't really see a difference between them.

Q. It's the one thing? 10
A. Yeah.

Q. So there was a collective responsibility? 15
A. Yes.

Q. And it was a bigger group than the three we've heard evidence of I take it? 20
A. Well we still had a race committee of six or seven members of which two came from Tasmania, but they are more hands on, and we didn't need a big team because we had this team of volunteers.

Q. And you say you'd have a team organising the start? 25
A. Yes.

Q. So you'd have no need for all members of the race committee to go to the start of the race?
A. That's correct.

Q. And a team that handled communications. I suppose Mr Carter was involved in that was he or-- 30
A. Yes, he was. And we had--

Q. And you had sort of statements of duties?
A. Yes. 35

Q. So they knew--
A. They knew what they were going to do.

Q. --where to go. 40
A. And when we had a - I used to sort of work on a worst case scenario and in '93 where we had a - what could turn out to be quite a disaster between Sydney Water Police and the CYC management and operational side, I thought we did a very very good job, and that led to AMSA being involved in 1994. 45

Q. Do I take it there was no such entity during the period you were the race director as a race management team?
A. No. 50

Q. There was no such entity, it was just the race committee?
A. The race committee. 55

Q. And these groups of volunteers who had specific tasks?
A. That's correct.

W1131 261/00 ACS-I2

CORONER: Is that a convenient time?

HILL: That is a convenient time, yes.

<WITNESS STOOD DOWN

5

ADJOURNED PART HEARD TO WEDNESDAY 2 AUGUST 2000 AT 9.30AM

10

oOo

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 1 August 2000

Dated at GOODSELL BUILDING
this 8th day of August 2000

NAME	PAGES	SIGNATURE
RMB	1-28 44-58 75- 86 87	RMB
ACS	29-43 59-74 88-104	AS :