

# INQUEST INTO THE SYDNEY TO HOBART YACHT RACE

STATEMENT BY LEWIS JOHN CARTER OF 3/13 DUMARESQ ROAD, ROSE BAY,  
SELF EMPLOYED BUYER IN THE MOTOR INDUSTRY

1. Since 1989 I have been involved with the Sydney to Hobart Yacht Race as one of a voluntary three person team in the CYC radio operations room. The other members of the team have been Mr Michael Brown and Mrs Audrey Brown.
2. My first race as radio operator was conducted from the motor vessel "Alcherina". Thereafter, for the years 1990 to 1992 inclusive, the radio operations were performed aboard the motor vessel "Mia.Mia".
3. From 1993 up to and including 1998 the CYC radio operations for the Sydney to Hobart Yacht Race have been conducted aboard the Royal Australian Navy vessel "Young Endeavour".
4. The *Young Endeavour* has its own radio equipment on the bridge of that vessel. In the 1998 race, the Cruising Yacht Club operated its own equipment in the mess of the *Young Endeavour*.
5. The equipment is brought on board and installed before the race by members of the Cruising Yacht Club - but this activity does not involve me.
6. The race starts at 1300 hours on Boxing Day. It is my practice to board the *Young Endeavour* at 0800 hours that day. Mr and Mrs Brown also board the boat at about that time.
7. We remain aboard the boat for the duration of the race to Hobart.
8. The radio relay vessel generally tries to position itself in the middle of the fleet.
9. The equipment installed aboard the *Young Endeavour* for use by the Cruising Yacht Club consists of two radio sets. In addition, our team has access to a mobile telephone which is part of the equipment of the *Young Endeavour*. This telephone is attached to

a bulkhead which is within arm's length of the position where Michael Brown is usually seated. Its number is 018 237 628. It is not for the exclusive use of our team.

10. One of the abovementioned radio sets is a VHF radio. One of the channels available to that radio is channel 16 and is a designated distress channel. The bridge of *Young Endeavour* also has access to VHF 16.
11. The second radio is an HF radio. It has access to numerous channels. For race purposes, however, only two channels are used: 4483 (the primary channel) and 6227 (the secondary channel). I refer to the use of these channels more particularly below.
12. Before any particular race, the Cruising Yacht Club of Australia issues sailing instructions for the particular race. It has been the practice of the radio team for those sailing instructions to be either collected by Mr Brown a couple of weeks before the race or to be sent by facsimile.
13. Included in the sailing instructions is a section entitled "Radio Instructions". Insofar as the 1998 sailing instructions are concerned, these "Radio Instructions" commence at page 12 of the document.
14. It will be observed that the Radio Instructions draw a distinction between the *Young Endeavour* and "Telstra Control" (the latter being the Cruising Yacht Club personnel on board the *Young Endeavour*).
15. It will also be observed that in paragraph 41.1 of the document it is noted that *Young Endeavour* (ie, the bridge of this naval vessel) "...will maintain a continuous listening watch on 2182KHZ and VHF channel 16". Channel 2182KHZ is also a distress channel. This is a channel to which Telstra Control is not tuned.
16. During the course of the race, the three person members of the Telstra Control team maintain a watch system of two hours followed by four hours off - subject to the following paragraphs.

17. During the course of the race, SKEDS are broadcast each day at pre-determined times: 0305 hours; 1405 hours; and 2205 hours. On starting day, however, the first SKED is at 2005 hours. All three members of the radio team are present for each SKED. The first two SKEDS are mandatory listening for members of the fleet; the last is suggested listening.
18. The SKEDS are broadcast on HF channel 4483. The designated purpose of this channel is for the broadcast of SKEDS and general race radio communication - not distress communications.
19. It should be noted that the information conveyed to Telstra Control during each SKED is not only received and recorded by Telstra Control, it is also recorded by Hobart Race Control situated in the Royal Yacht Club Tasmania. It is also recorded by the CYC in Sydney at the early stages of the race.
20. The procedure followed for SKED broadcasts is that first Mr Brown reads the weather forecast. I then call through the fleet in alphabetical order for the purpose of recording on a printed pro forma sheet the position of each boat as at the time of broadcast. At the same time as I record the broadcast positions upon that printed sheet, Mrs Brown separately records on a pad those positions. The reason this is done is that if I have had difficulty hearing the broadcast but Mrs Brown has not then she can convey that information to me rather than my having to recall the boat. After the positions have been recorded, Mr Brown repeats the weather forecast.
21. Whilst I am completing the SKED sheets, I not only record the latitude and longitude but occasionally I make annotations upon the sheet to record additional information. By way of example, the SKED sheet for 27 December 1998 at 1405 hours contains a handwritten annotation by me along side the entry for "Winston Churchill", namely "Adrenalin". This notation indicates that the position of *Winston Churchill* was not in fact conveyed by that boat but rather was conveyed to me by the boat "Adrenalin". The relaying of a position of a particular boat by another boat in this manner is not an unusual occurrence.

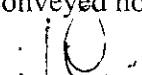
22. Once Mr Brown has read the weather forecast for the second occasion during any particular SKED, I then change the HF radio to channel 6227 in accordance with paragraph 43.1 of the Radio Instructions. The range of 6227 is greater than the range for 4483. At the conclusion of calling the outstanding position report on 6227, the HF radio is then switched back to 4483. Channel 6227 was first used by Telstra Control in this way in the 1998 race.
23. Other than by reference to channels 4483 and 6227, no other channel is used by me on the HF radio - this is done in accordance with the Radio Instructions - unless instructed to do so by the Commanding Officer of the *Young Endeavour* - or unless I became aware that a boat was in distress and using another channel, in which event I would turn to that channel.
24. Insofar as the range of VHF 16 is concerned, I note that it has very limited range, which range deteriorates in bad weather to as little as five nautical miles. As I understand it, the range is also affected by the height of the antenna of the transmitting vessel.
25. If at any time I received a distress call through VHF 16 (a designated distress channel) or through 4483 (a non-designated distress channel), it was my practice to convey that information to both the bridge and to Hobart Race Control (usually Sam Hughes).
26. I note that paragraph 41.3 of the Radio Instructions makes reference to "silence periods". My understanding of these periods is that on each hour and each half hour a three minute period of silence is observed. The only exception to that silence is for distress transmissions. However, it should be noted that the HF frequency prescribed for the silence period, ie. 4125kHz, was not monitored by Telstra Control because the radio instructions required continuous monitoring of ~~4483~~. *HF 4483*
27. During the silence periods Telstra Control remained fixed on 4483 insofar as the HF frequency was concerned.

28. At least by 1993, the radio team of its own initiative began recording transmissions received and dispatched from Telstra Control. The equipment for this was supplied by Mr Brown. It consisted of a hand held tape recorder. The tapes were changed every 45 minutes and the equipment was operated by Mr Brown.
29. At the end of each race, these tapes, together with all other relevant documents, eg. SKED sheets and logs, were sealed in envelopes and, upon berthing at Hobart, handed over to the senior CYC member. I am not aware, before 1998, of what was done with any of that material. In 1998 the Tasmanian Water Police boarded the *Young Endeavour* at the beginning of our entrance to the Derwent River. They took possession of all relevant tapes and documentation.
30. From the inception of this admittedly unsophisticated recording system, Mr Brown and I have requested of the Club that it improve the standard of that recording equipment. Particularly, we sought the installation of continuous recording equipment. I understand that Mr Brown wrote to the Club on a number of occasions. I did not write about the matter - however, I did orally complain about it to Mr Peter Bush (the past Commodore of the Club) and Mr Phil Thompson (the race director). I cannot now recall whether I raised this on more than one occasion with each of these gentlemen. The equipment has never been upgraded by the Club and remains a handheld tape recorder.
31. In addition to completing the SKED sheets at each SKED broadcast, the team maintained a radio log (Exhibit 24A). It was compiled in the following way. Whenever an incoming call was received on 4483 or VHF 16, I made a note of the contents on a working log (Exhibit 24B). I then handed the note paper to Mrs Brown who was sitting beside me and she completed the formal radio log. The transfer of the information on the note paper to the radio log was observed by me to usually be complete within half an hour; however, if there were adverse conditions it may have taken up to two hours. One of the pieces of information I am keen to note - and the first recorded in the log by Mrs Brown - is the position of the transmitting vessel.

32. Insofar as the MayDay issued by the *Winston Churchill* is concerned, I understand that that MayDay was transmitted by that vessel over the VHF 16 channel. It was not received by Telstra Control. However, I recall that someone on the bridge of the *Young Endeavour* called out to Telstra Control that they (the bridge) had received a MayDay concerning the *Winston Churchill*. This information was recorded at 1721 in the radio log. I understood from the communication from the bridge that the matter was being pursued by the bridge. I did, however, discuss the matter with the Commander, Neil Gellatly, and the RAN navigator, Matthew Rowe.
33. I recall being informed by Neil Gellatly that the dead reckoning position of the *Winston Churchill* was only ten miles away from *Young Endeavour* and I recall being excited that we were therefore only one and a half hours away from the relevant dead reckoning position.
34. I understand that there is an entry in the *Young Endeavour* Commander's log at 1725 hours, and I was also told by Mr Gellatly, that *Young Endeavour* had attempted to contact *Winston Churchill* with a request that it launch red flares to indicate its position. There was no response, as I understood, to this communication. I note that this log entry is four minutes after the entry of the MayDay in the Telstra Control radio log.
35. I note that AUSSA directed *Young Endeavour* to go to the assistance of *Winston Churchill*.
36. As to the *Sword of Orion*, Telstra Control did not receive a MayDay from that boat. I do not know if any such MayDay was picked up by the bridge of the *Young Endeavour*. The last radio contact which Telstra Control had with *Sword of Orion* was at 1644 hours. This entry provided the boat's then position together with information to the effect that it was heading towards Eden. This information was provided on channel 4483.
37. The radio log records a transmission received at 1920 hours from *Margaret Rintoul II*. This information is accurately transcribed from my note paper (folio 51). The

information provided was the then location of the *Margaret Rintoul II* and the fact that a red flare had been sighted at 1845 hours. No information was supplied as to whether the vessel which sent the red flare had been sighted or identified or the location of that vessel. From my experience, I was aware that a flare could be seen for up to seven miles from the point of its launch. Radio air time is valuable. Accordingly, I assumed that if the *Margaret Rintoul II* had had any further information concerning the identity or the location of the boat which had dispatched the flare, it would have been conveyed in this transmission.

38. I understand from records of interview conducted by Richard Purcell and Colin Betts with the police respectively dated 29 January 1999 and 10 February 1999, that it is asserted that the delay in the transmission of this information was because of the volume of traffic on channel 4483 at Telstra Control. (I note that in fact it was Mr Betts who made the transmission and that Mr Purcell was not present when this was done.) A reference to the radio log will disclose that between 1845 and 1920 hours there were only seven transmissions. As I have indicated above, radio time is valuable. Although I cannot precisely recall the length of these particular transmissions, they would have been very quick indeed - by way of example, there is an entry for 1830 hours from the boat "Kingurra" concerning a MayDay. It is to be noted that there is thereafter an entry for 1832 hours in respect of another boat. Clearly, the MayDay information was dealt with within two minutes. This is the most serious form of information communicated by radio and this transmission was completed within two minutes.

39. I also note that the information conveyed by *Margaret Rintoul II* was distress information; however, it was conveyed not on the designated distress channel but on the general traffic ~~channel~~ <sup>channel</sup> ~~general~~. 

40. On 2 January 1999, in the company of my wife and Mr and Mrs Brown, I was at the Royal Yacht Club Tasmania awaiting the official presentations ceremony. Mr Richard Purcell came up to our group and the following conversation took place:

Purcell: *"I suppose you heard about the little dust up last night. Sword of Orion alleges we didn't go to their assistance. I didn't see them. By the way, do you keep records of incoming transmissions on your radio?"*

Carter: *"Yes."*

Purcell: *"Can I see them?"*

Carter: *"No. The police have them."*

As to "Business Post Naiad" ("BPN")

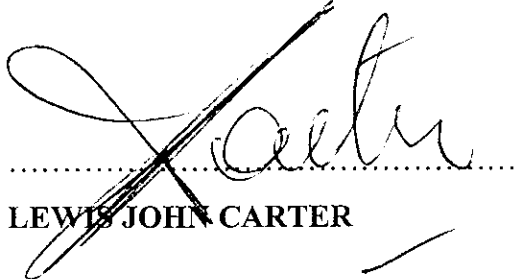
41. Telstra Control did not directly receive any MayDay from BPN. However, the radio log records an entry at 1749 from "Yendys" to the effect that it had received a MayDay from BPN. *Yendys* provided its own position and then certain information concerning BPN - namely, that it had rolled over, sustained major hull damage and was steering on course 174 (I thereby assumed that it had righted itself) and that it had activated EPIRB.
42. It is not uncommon for MayDay messages to be relayed to a radio control via an intervening vessel. I continued to communicate with *Yendys* concerning BPN until *Yendys* went out of range. I then communicated with *Tilting at Windmills*.
43. Whilst I was engaging in these communications with *Yendys*, Michael Brown was on a mobile telephone talking to Sam Hughes at AUSSA. Mr Brown informed Mr Hughes that a MayDay had been issued by BPN. I have reviewed the transcript of the tape recording. It clearly does not contain the totality of conversation occurring in the radio control room. The identity of the boat issuing the MayDay does not appear upon the transcript but I am informed by Mr Hughes that, like me, he can recall Mr Brown giving him the name of the boat in question and the other MayDay information provided by *Yendys* at 1749. This conversation between Michael Brown and Sam Hughes was taking place simultaneously with the initial information coming in from



*Yendys*. I was therefore aware that this MayDay had been conveyed to the relevant rescue authorities.

44. I have been provided with a copy of a document which is the record of a transmission from RCC Australia to AUSSA. It reads: "Cancel my 2707167Z DEC 98 AUSSAR 98/4382 distress relay message. Yacht Business Post Niaid (sic) located." The numerals 2707167Z is a reference to Greenwich mean time which, when converted to eastern summer standard time means 1816 hours. In other words, RCC Australia had issued a distress relay message concerning the *Business Post Naiad* MayDay 27 minutes after Telstra Control received the MayDay information from *Yendys*.

Dated: TWENTY SEVENTH (27)th DAY OF  
MARCH TWO THOUSAND (2000)

  
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LEWIS JOHN CARTER