

CORONERS COURT

INQUEST INTO THE DEATHS IN THE 1999 SYDNEY TO HOBART YACHT RACE

STATEMENT OF HOWARD ELLIOTT

On 16 July 2000, I, **HOWARD ELLIOTT**, of 11 Hillside Crescent, Epping, in the State of New South Wales, telecommunications consultant, say:

Background

1. I have been sailing since I was seven years old both inshore and offshore. I have sailed in 5 Sydney to Hobart Yacht Races ("SHYR") and most of the Australian east coast races. I have also sailed in various regattas and national and world championships in Australia and overseas including one Olympic trial in Russia.
2. I am a qualified ISAF Race Management Official, AYF National Judge and a member of the Yachting Association of NSW Racing Rules Committee ("YA of NSW").
3. I have been a member of the SHYR Race Committee and Race Management Team for the past six years including the 1999 SHYR.

Summary of SHYR Management

Sailing Committee & Sailing Office

4. The Sailing Committee is responsible to the CYCA board for the overall conduct and management of the SHYR. However, it delegates the day to day planning of the SHYR to the Sailing Office, which co-ordinates and organises the race up to and including the start.

Race Committee & Race Management Team

5. The Sailing Committee delegates its responsibility for the conduct of the SHYR to the Race Committee from the commencement of the race until the finish. However, the day to day race management is delegated to the Race Management Team.

6. The Race Management Team is based in Sydney for the start of the SHYR and from midday on 27 December is based in the Race Control Centre ("RCC") at the Royal Yacht Club of Tasmania ("RYCT").
7. The delegation of responsibilities to entities such as the Sailing Office and Race Management Team is common for international long offshore races.
8. In the following paragraphs I will outline the roles of the Race Committee and Race Management Team in the 1998 SHYR and my involvement in that race.

1998 SHYR

Race Committee & Race Management Team

9. As I noted above, the Sailing Committee delegates its responsibility for the management and conduct of the SHYR to the Race Committee from the start of the race. However, the day to day control of the race is delegated to the Race Management Team. Consequently, there is no schedule for the Race Committee to convene during the race. However, the committee is available, if necessary, to convene and make decisions and/or deal with any issues which may arise during the race.
10. In 1998 the Race Committee consisted of Hans Sommer (Chairman), Bruce Rowley, Phil Thompson (Race Director), Mark Robinson, Robert Badenach, David Boyes and myself. Attached and marked "A" is a true copy of the CYCA's letter to me dated 12 February 1998 inviting me to be on the Race Committee.
11. In 1998 the Race Management Team consisted of Phil Thompson (Race Director), Mark Robinson and myself. Sam Hughes, the AMSA Liaison Officer based in the RCC, was also considered an unofficial member of the Race Management Team.
12. In 1998 the Race Management Team under the direction of the Race Director performed the following tasks:
 - (1) In or about January 1998 Thompson, Robinson and I met to discuss the 1997 SHYR and what changes were desirable for the upcoming race. This included a discussion of the necessary changes to the Notice of Race and Sailing Instructions.

- (2) Some time thereafter, the Race Committee and Race Management Team received the draft Notice of Race and Sailing Instructions for their comments prior to them being submitted to the Sailing Committee and YA of NSW for approval.
 - (3) In or about December 1998 Robinson and I organised the computer systems for the IMS course construction and the production of results after each Sked. I also arranged the data communication systems and interfaces to the web site for the race.
 - (4) After the start of the race, the Race Management Team was responsible for the overall management of the race including:
 - (a) Co-ordinating and controlling the on and off water conduct of the race;
 - (b) Monitoring Skeds;
 - (c) Monitoring the weather forecasts received from BoM;
 - (d) Collating position reports and producing results after each Sked;
 - (e) Updating the SHYR website after each Sked;
 - (f) Liaising with Hughes, as the AMSA representative based in the RCC;
 - (g) Liaising and co-ordinating with the Radio Relay Vessel ("RRV"), Media Centre and other organisations/ authorities and personnel involved in the SHYR; and
 - (h) Publication of final results.
13. In 1998 Robinson and I were responsible for the production of results after each Sked.

Bureau of Meteorology ("BoM")

14. I was not aware of any formal protocol in relation to communications between the CYCA and BoM. My understanding was that if BoM was concerned about the weather and/or the safety of the fleet, they would contact Thompson or someone else from the Race Management Team or Race Committee.

15. I note that during the on water crisis in the 1993 SHYR the Race Management Team had numerous conversations with BoM in relation to the weather, some of which were initiated by BoM. —
16. As a result of the 1993 race, the CYCA realised that their relationship with BoM and AMSA was not close enough. Consequently, since 1993 AMSA has had a representative in the RCC throughout the race and the CYCA has consciously built its relationship with BoM. Furthermore, since 1993 the CYCA has produced contact lists every year and distributed them to all committee members, personnel, authorities and organisations involved in the SHYR including BoM.
17. The first test of this relationship was the 1994 50th SHYR. During that race we were in constant telephone communication with BoM. Conversations took place prior to every Sked. Those conversations were initiated by the CYCA and were primarily to gather weather information for the calculation of the IMS course construction (which in 1994 was done before each Sked). The candour of our communications with BoM in 1994 and subsequent SHYR was such that I believed BoM would contact the RCC if they had concerns about the weather and as such, for the safety of the fleet.

Typical SHYR

18. Over the last 5 years the Race Committee has gradually built a model of the “typical” weather encountered during a SHYR. This model has been created for the purposes of plotting the IMS course construction and reflects the needs of that purpose. The model is based on anecdotal historical evidence and the weather experienced during the races since 1993. My interpretation of this model suggests a “typical” SHYR starts with NE winds of 15 knots which allows the fleet to sail quickly down the coast under spinnaker until they hit a southerly front around Gabo Island of 45 to 55 knots with gusts of up to 60 knots. The front will usually last for 12 hours maybe longer during which the fleet will experience big seas with waves of 3 to 5 metres. After approximately 12 hours, those conditions gradually abate and by the time the fleet reaches the Tasmanian coast the winds are approximately 15 knots.

24 December 1998

19. On 24 December 1998 I attended the pre-race briefing at the CYCA along with other members of the Race Committee and Race Management Team.

20. From Ken Batt's weather prognosis during the pre - race briefing, I believe that the fleet was aware that it would probably be an uncomfortable race because the strong southerly current and southerly winds would generate very steep seas. —

25 December 1998

21. On 25 December 1998 a quorum of the Race Committee attended the CYCA to plot the course construction for the IMS handicapping based on a weather forecast Thompson had received from BoM that day. To the best of my recollection, Thompson, Robinson, Sommer and myself were present for that meeting.

26 December 1998 – Start of SHYR

22. At or about 0700 on 26 December 1998 I had a telephone conversation with Thompson, who was at the CYCA, in relation to a weather update he had received from BoM that morning. As there was no major changes in the forecast, we decided it was unnecessary to alter the IMS course construction.
23. At approximately 1100 I attended the pre-SHYR cocktail function at the CYCA. At approximately 1130 I left the CYCA to go out on the harbour for the start of the race.
24. I returned to the CYCA at approximately 1500 and went to the Sailing Office to collect the disc with the data for the production of results. While I was in the Sailing Office, we arranged that Robinson would monitor the 2000 and 0300 Skeds from the Sailing Office and I would also monitor the 2000 Sked from home.
25. At the time I left the Sailing Office I was not aware of the storm warning. Nor was I aware that representatives from BoM had requested to see the Race Committee that morning. The Race Committee was not scheduled to be briefed by BoM that morning.

20:00 Sked on 26 December 1998

26. I monitored the 2000 Sked from home. I do not recall the specifics of the weather broadcasted during that Sked. However, I do recall that 40 to 55 knot winds were forecasted South of Merimbula. I was not alarmed by those wind speeds. Although winds of that speed are rough and unpleasant, they are not unusual for a SHYR and were in the vicinity of what I had previously expected the fleet to encounter.

27. At the time of preparing this statement, I had the opportunity of reading page 24 of Volume 8.3 being the transcript of the RRV's weather broadcast during the 2000 Sked. I note the following in relation to that weather forecast: —

- (1) The storm warning was for south of Merimbula. The bulk of the fleet do not usually reach Merimbula until say midnight on Sunday;
- (2) There was only a gale warning north of Merimbula, which would be the area most of the fleet would be sailing until midnight Sunday/ early Monday and gale force winds are not unusual for a SHYR;
- (3) It forecasted NE 20/25 knot winds which meant the fleet would be under spinnaker down the coast until they hit the W/SW change of 25/30 knots;
- (4) When the W/SW change hit, the fleet would reach down the coast and stay close to the coast or rhumb line where the water would be flat;
- (5) The stronger gusts near Jervis Bay at around midnight would not affect the fleet as by that time the fleet would be close to the coast where the seas would be flat;
- (6) The fleet would reach Merimbula from around midnight on Sunday where they the wind direction would change to W/NW 40/55 knots. At that point, the fleet would move east of the rhumbline which would be uncomfortable but very fast;
- (7) The 40/55 knot winds south of Merimbula were only expected to last until Monday evening; and
- (8) The waves and swell were not unusual for a SHYR.

28. After the 2000 Sked, I thought there would be a lot retirements because of the hard and fast conditions but that it would also be a record breaking race. I did not find the forecast alarming, it was consistent with my expectations of the weather for a SHYR.

29. If Ken Batt was concerned about the weather and the safety of the fleet, I would have expected him to call Thompson, myself or some other member of the Race Committee or Race Management Team. He knew all our telephone numbers and, in any case, should have had a copy of the CYCA's SHYR contact list which has all the relevant numbers noted on it.

30. If I had been contacted by Ken Batt (or a BoM representative) prior to the 2000 Sked and advised that he was concerned about the weather conditions and for the safety of fleet and that essentially we were going to have the equivalent of a hurricane bearing down on the fleet, I would have immediately contacted Phil Thompson to discuss the situation and the actions we should take.
31. However, to my knowledge neither Ken Batt nor any other representative from BoM conveyed a message to the Race Management Team/ Race Committee to this effect.

27 December 1998

32. I also monitored the 0300 Sked from home. I recall the weather forecast for that Sked was similar to that for the 2000 Sked. To the best of my recollection, there were no reports of extreme weather being experienced by the fleet. In fact, the speed at which the fleet was progressing down the NSW coast added to my feeling that this was potentially a record breaking race.
33. After the 0300 Sked, I packed my computer and organised my family and at approximately 0600 we flew to Hobart. It had been previously arranged that I would fly to Hobart early on 27 December 1998 to set up the computers and communication systems in the RCC and to monitor the 1400 Sked. Robinson and Thompson were to fly to Hobart later on the 1000 flight.
34. I arrived at the RYCT at approximately 1100 and attended the briefing for RYCT volunteers. After the briefing, I set up the computers in the RCC and Telephone Information Centre. While I was setting those up, I received a telephone call from Thompson advising that their plane from Melbourne was delayed. To the best of my recollection, Thompson and Robinson arrived at the RCC during the 1400 Sked.

14:00 Sked on 27 December 1998

35. To the best of my recollection, I was the only person in the RCC when the 1400 Sked started. I cannot recall the specifics of the weather broadcasted during that Sked as my main focus was ensuring that I recorded the fleets' positions so that the results could be produced after the Sked. However, I do recall that *Sword of Orion* advised it was experiencing westerly winds of 50 to 65 knots with gusts of up to 78 knots, which was far more severe than had been forecast, and that the RRV repeated *Sword of Orion's* position and the weather it was experiencing to the fleet. During the position report another yacht advised that they were experiencing similar conditions to *Sword*

of *Orion* and a lot of yachts advised they had retired or were heading to Eden for shelter.

36. I was not overly alarmed by the weather reported by *Sword of Orion* as I thought it was likely they were experiencing a squall.
37. During and after the Sked, Thompson, Robinson and myself discussed the weather information received from *Sword of Orion* and I gave Thompson an update on everything that had occurred while he was in transit.
38. Shortly after the 1400 Sked, at approximately 1600 or 1630, I left the RCC. At that time, I was of the view that the fleet were going to experience strong winds and consequently, there would be a lot of retirements. I did not envisage that the fleet were going to encounter a storm of the magnitude which occurred later that day.

28 December 1998

39. I returned to the RCC at approximately 0245 on 28 December 1998 to monitor the 0300 Sked. At that time, I recall Thompson, Robinson, Hughes and Elizabeth Dolz (Thompson's wife) were in the room. I cannot recall if Sommer or Badenach were in the RCC at that time.
40. Prior to that time I was unaware of the escalation of on water incidents throughout the evening of 27 December 1998. At that point Hughes briefed me on everything that had occurred since I left the RCC the previous afternoon. At that time Hughes, as the AMSA Representative, was directing the Race Management Team/ Race Committee in relation to the manner in which the RCC could support AMSA's co-ordination of rescue operations.
41. From the time I arrived in the RCC, the RCC primarily performed the following tasks:
 - (1) Recording incidents/events as they occurred and hence, keeping abreast of the status of the fleet and the yachts in trouble. In this regard, we attached large sheets of paper to the windows in the RCC and recorded:
 - (a) Events relating to yachts in serious trouble on the left window. For example, May Days and MOB which had been reported to AMSA and were part of a search and rescue operation;

- (b) Yachts with incidents which were not critical on the middle window. This included yachts who had missed Skeds. If a yacht missed two Skeds it was moved to the critical window; and
- (c) Yachts that had retired and whether they had arrived safely at their destination on the right window.

I kept a log of my activities, as did some other members of the RCC;

- (2) Facilitating/ coordinating a flow of information between AMSA, the RRV and the fleet to enable AMSA to coordinate rescue operations and to enable the RCC to keep relatives informed;
 - (3) Keeping relatives of the yachts in serious trouble informed; and
 - (4) Coordinating the SHYR generally.
42. When I arrived Hughes was liaising with AMSA and the fleet through the RRV and communicating with the relatives of yachts in serious trouble. I essentially became his assistant and handled a lot of the telephone inquiries from the relatives of the yachts in serious trouble.
43. I listened to the 0300 Sked. I cannot recall the contents of that Sked except that the fleet was asked to deactivate their beacons if they were not in imminent danger.
44. I recall later that morning three people were winched off *Sword of Orion* with the balance to be picked up by daylight. We later received confirmation that the remaining six crew had been airlifted.
45. At approximately 0841 we were informed that the crew from *Business Post Naiad* had been airlifted with two dead crew remaining on board. I remember everyone in the RCC was shocked that two crew from *Business Post Naiad* had died because as far as we were aware they were motoring to Eden with *Midnight Special* standing by. At approximately 0655 on 28 December 1998 we were advised that *Midnight Special* was not standing by *Business Post Naiad* and then approximately 2 hours later we were advised that two crew from *Business Post Naiad* were dead. I refer to the RCC's *Business Post Naiad* Events Sheet.
46. Later that morning I telephoned the RRV and requested they instruct *Veto* to light their flare as they had missed two Skeds. Shortly thereafter, AMSA established a search pattern for *Winston Churchill*.

47. Throughout this period the search for Glynn Charles from *Sword of Orion* was ongoing. I recall that either Hughes or I called Mrs Charles every hour or so to keep her informed.
48. I was still in the RCC for the 1400 Sked. By this time the weather had abated and yachts were starting to leave Eden to continue racing.
49. After the 1400 Sked the first life raft from *Winston Churchill* was found. Not long thereafter, the search for Glynn Charles was terminated.
50. Later that evening the second life raft from the *Winston Churchill* was found with only two crew, who advised that the three remaining crew members had been swept from the life raft.
51. At sometime thereafter I went back to the hotel and had an hour or two sleep. However, I do not recall when I did that.

29 December 1998

52. I returned to the RCC before the 0300 Sked. As *Veto* did not report in during that Sked and had missed three Skeds, I asked the RRV to request that *Veto* activate its EPIRB. *Veto* did not comply with my request and a P3 aircraft was dispatched to search for them. Later that morning, we received a telephone call from the owner of *Veto* advising that they were fine and in Batesman Bay.
53. Later that morning Mick Bannister's body was found. At approximately 1700 the search for the two remaining MOB from *Winston Churchill* was terminated.
54. At some stage on 29 December 1998 we had a debrief in the RCC. Annexed and marked "B" is a true copy of the notes prepared from that debrief.
55. Despite a disaster plan not being in place in 1998, in my opinion the Race Management Team and other members of the Race Committee who were in the RCC managed and conducted the SHYR competently throughout the on water crisis.
56. At the time of preparing this statement I was informed that on the evening of 27/28 December 1998 AMSA requested that the RCC consider calling off the race and the Race Committee/ Race Management Team decided not to abandon the race. I was not present for that discussion. I do however support the Race Committee/Race Management Team's decision for the following reasons:

- (1) At that time the fleet were already in the storm and abandoning the race would not have removed them from that situation;
- (2) The fleet was aware of fundamental rule 4 of the Racing Rules of Sailing ("RRS") which states that each yacht is responsible for deciding whether to continue racing. Hence, each yacht would have already decided the safest course for their yacht and crew based on their particular circumstances;
- (3) If we abandoned the race, the fleet may have automatically turned around which was not necessarily the safest and best decision. Consequently, by abandoning the race we have may caused the fleet to act differently than they would have otherwise and as such, to their detriment; and
- (4) If we abandoned the race, the fleet would not have been required under the Sailing Instructions to continue to report in at Skeds. Consequently, there would be a fleet of yachts in storm conditions with no authority or organisation who had a procedure in place for the fleet to periodically report their positions and, if necessary, to pass that information on to AMSA.

CYCA's SHYR Race Review Report ("HRR")

57. I was a member of the CYCA's race review committee and as such, interviewed some yachts in relation to their experiences during the SHYR.

Police Interview

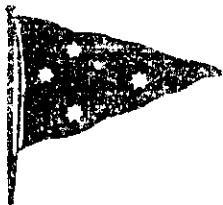
58. I have reviewed my police interview dated 16 February 2000 and wish to add the following comments in relation to some of my answers.
59. I refer to my answers to question 194 and 213. I did not hear *Doctel Rager* report that it was experiencing winds strengths of 50 to 60 knots with gusts of over 70 knots. I was confusing the weather report by *Sword of Orion* during the 1400 Sked on 27 December 1998. I telephoned Senior Constable Upston after the police interview to clarify this point.
60. I refer to my answers to questions 195 to 198. As I am now aware that the Race Management Team/ Race Committee discussed abandonment on the evening of 27/28 December 1998, I need to clarify my answers to the above questions. Firstly, I was not in the RCC when the MOB was reported on *Sword of Orion* nor when the Race Management Team/ Race Committee discussed abandoning the race. However, I was advised on my arrival at the RCC at 0200 on 28 December 1998 that

there was MOB on *Sword of Orion*, the crew of *Winston Churchill* were in life rafts and the status of the other on water incidents.

61. Secondly, the discussions I referred to in my answers to questions 196 to 198 in relation to abandoning the race did not take place until after the on water crisis had settled down, that is, from the afternoon of 29 December 1998 onwards. Those conversations were the result of perceived public/media pressure to explain why we had not abandoned the race. Those discussions were focused on whether the CYCA should give a press release explaining why we had not abandoned the race. Ultimately it was decided not to give such a press release.
62. I refer to my answer to question 213 and note that I left the RCC before the Race Management Team requested that the RRV broadcast a message to the fleet reminding them it was the skipper's responsibility to decide whether to continue racing and to seriously consider their yacht and crew before proceeding.
63. I refer to my answers to questions 391 to 394, 430 to 433 and 472 to 473. My responses to these questions were incorrect. The Sailing Office did not receive an e-mail from the AYF which contained stability data. After my interview, I telephoned Senior Constable Upston to clarify this response as well.
64. I refer to my answers to questions 490 and 491 and note that a current valid IMS certificate was required to be submitted to the Sailing Office by 5.00pm 22 December 1998 in accordance with the Notice of Race. However, I am aware that in 1998 the Sailing Office allowed competitors until midday on the day of the pre-race briefing to submit their outstanding entry documentation.

Dated: 16 July 2000


Howard Elliott



Cruising Yacht Club of Australia

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ADDRESS ALL CORRESPONDENCE TO THE GENERAL MANAGER

Mr Howard Elliott
30 Ralston Avenue
Belrose 2085

12/2/98

Dear Howard,

Thank you for once again giving up your time to be on our Race Committee for Sydney- Hobart and Telstra Cup. The regatta and Sydney-Hobart races were an outstanding success in no small part due to the efficiency and professionalism of the Committee.

With this in mind the Sailing Committee would like to invite you to be on the Protest Committee for the 1998 Telstra Cup and the Race Committee for the Sydney-Hobart. The race format will be almost identical to 1997 with racing on December 16, 17, 19 & 20 and the Sydney-Hobart starting on December 26.

Please let us know, at your convenience if you will be available for these regattas as we look forward to working with you again.

Yours faithfully,

Phil Thompson
Sailing Manager.

SEARCH AND RESCUE PROBLEMS / ISSUES

(Collated following debrief held 1500 hrs 29/12/98.)

Present: H. Sommer, Sam Hughes, Howard Elliott, Phil Thompson, Mark Robinson, E Drolz

Please note the issues are not in order of priority.

Next of Kin

- notification procedure
- NOK information needs to be checked for accuracy and include full name and relationship of NOK.

Crew Lists

- include crew addresses
- two contact persons
- ensure contact persons have all crew NOK details

Information

- accuracy and slowness of information forwarded to Race Centre
- lack of regular, consistent information from external agencies eg Eden Coastal Patrol

Media Issues

- information being released from multiple sources eg AMSA
- reportage of inaccurate and premature information
- negative image of race management created by the perception of our lack of information as a result of the preceding points

Communications

- secure / better communications channel to radio relay vessel
- Telstra Yachtcom access/usage
- radio reception not adequate
- position reporting system relies on too many variables

Process / Procedure Issues

- no formal 'disaster' control plan / process for Race Control on place
- knowledge deficit of AMSA process
- lack of inclusion of CYC role in AMSA process
- 'missed sched' procedure - time delay considered lengthy
- standard operations procedure manual required for all centres

Crew Procedure Issues

- Crews not following standard procedures such as listening watches (perceived) and 'missed sched' procedure

Race Centre Issues

- ? too many - CYCA, Eden, Hobart
- difficulty controlling multiple centres
- deputy backup required for AMSA personnel
- more secure office environment required

Eden Base

- Role clarification and duty statement required for personnel
- Formalised processes and procedures required

Safety

- review personal safety equipment to include mandatory items such as inflatable floatation jackets and personal EPIRBs