

To Pass for Alun Hill
- Copy for me
Ja: SC

16 June, 2000

Mr John Abernethy
Coroners Court
44 - 46 Parramatta Road
GLEBE 2037

20.6.00
RECEIVED
18 JUN 2000
CORONERS COURT

Exhibit "B9"
request touching the death of <u>Sydney - Hobart</u>
ate Coroners Court, 44-46 Parramatta Road Glebe
ate 13.3.00
Court Officer

Dear Mr Abernethy

Further to the letter from Mr Phil Jones, CEO of this Federation, dated 17 April I submit the following observations from the first stage of the inquest for your consideration.

I should say at the outset that I appreciate the attention to detail and preparation of Alun Hill and the team assisting you in the inquest. The detail and presentation has been first class in my view.

I would like to reaffirm my statement to you from the stand in that the world of Ocean Racing awaits your findings. This is the first occasion that some of the changes to Ocean Racing regulations made following the 1979 Fastnet race tragedy have been put to the test.

I can advise that the Special Regulations Committee (Safety Equipment Committee) of the Offshore Racing Council has already acted on some of the matters raised in the CYCA report.

These include:

- As from 1 January 2001, new boats will be required to have a special stowage built in for the life rafts. The existing provision to carry rafts below decks will be withdrawn for boats launched after that date. Existing boats will be encouraged to retro fit this facility.
- An additional 30% of safety harness lines are now required
- A coloured "flag" is to be embedded in the safety line from January 2001 similar to that required for industrial harnesses.
- A new requirement that before starting, every individual in a race in which the equipment is required, shall have personally fitted and adjusted the safety harness and PFD which he or she will wear during that race.
- On the basis that ISO has been working on liferaft standards for 11 years, a sub-committee has been formed to review and revise the ORC standard bearing in mind the issues raised in the CYCA report.
- David Lyons (Australia) is investigating the construction standards of decks, coachroofs, hatches and windows.



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- A minimum list of topics to be covered in training programs has been developed with at least 30 % of the crew in category 0 and 1 races required to have undertaken training, both theory and practical. All crew will be strongly encouraged to do likewise.
- Storm sails are now required to be highly visible coloured material such as dayglo pink, orange or yellow or have a highly visible coloured patch on each side.
- EPIRBs now need to be 406 type.

Prior to the 1979 Fastnet Race there was no International Standard for liferafts or safety harnesses and the Fastnet Inquiry revealed a need for such standards. The Offshore Racing Council appointed a committee to draw up standards for each of these items which were adopted in November 1981.

Safety Harness

I chaired the committee appointed to prepare the safety harness standard having been involved in the formation of the Australian Standard. The ORC standard remained in place until 1998 when it was withdrawn when the International Standards Organisation produced its final ISO draft. This is based on the EN and Australian Standard. The performance standards are identical.

We await the release of the report of Hugh Hurst to support changes to these standards. The question of how defective lines could be branded with old approval labels also needs to be taken up with Standards Australia.

Liferafts

We also await the release of the excellent report by Tony Boyle so that we can put pressure on liferaft manufacturers to improve the standards where appropriate. Such matters as colour, packing of the equipment in the raft, entry facilities, drogues, raft equipment in general and so on, as outlined in the report need to be pursued.

As outlined above, there was no standard prior to 1981 and this is the first real test of rafts since then in racing conditions.

I acknowledge that the ORC standard does not require the 30 day exposure test as reported to you however there has been no evidence presented that the PRO SAVER raft had not been subjected to that test. The material supplied by RFD to Mr Boyle and included in his report, would indicate that the raft may have undergone that test as it states that "Correctly equipped, the PRO SAVER life raft will meet all regulatory requirements for coastal, offshore and ocean voyages."

The International Standards Organisation has been considering an ISO standard for liferafts for 11 years without publishing a final draft as yet. The Offshore Racing Council, at its meeting last November, agreed to appoint an International Committee to review its standard in the absence of an ISO standard being forthcoming in the foreseeable future. Australia is represented on that committee by Greg Halls and the committee hopes to finalise its recommendations and present them to the ORC at its November 2000 meeting. Mr Boyle's report would be of great assistance in that review.

Market Place

As I indicated to you in my evidence, in some instances the Australian market is not sufficient to be able to have a product designed around Australian requirements so we need to be sure that what we prescribe for use here, is available. What we can do is seek to influence the manufacture of these products so that they are better products for the world market.

For example, some years ago, the Australian technical requirement for SSB radios resulted in no one being able to obtain one in Australia. The world market place declined to alter the production run for the relatively few that would be sold in Australia!

International EPIRB's were not accepted for pleasure boats in Australia where an intermittent signal was required. The intention was to differentiate between a plane in trouble and a pleasure boat! The result was that search aircraft could not home in on a boat in trouble as the signal kept cutting out!

Identification

The AYF Special Regulations require that "Sail numbers and letters of the size carried on the mainsail must be displayed by alternative means when none of the numbered sails is set."
(Regulation 4.1)

Regulation 4.26 requires that "A standard orange sheet 1.8m x 1.2m with a black "V" or black square above a black circle, with lanyards attached shall be carried."

Had the boats that were seeking assistance from the rescuers displayed this material, the difficulties experienced by the searchers would have been reduced.

General concerns

One concern is that some of the suggestions made to the court, while appearing to be desirable or necessary, may not result in safer sailing.

Some examples are:

Practical participation in survival techniques by all crew members.

This includes liferafts, flares, helicopter rescue procedures and the like.

The CYCA introduced a requirement for the 1999 race that at least one third of the crew of each boat had to have attended a Safety Survival course before the boat could participate. The course provided for practical observation of various procedures with practical participation where possible.

To achieve 100% of crew participation in practical experience in all these matters could take many years to accomplish, apart from being very expensive. There were approximately 1,500 participants in the 1999 race and over 3000 attended the various courses conducted around Australia.

A balance between what is a practical essential and what it is possible to gain from direct observation of a demonstration is a difficult line that has to be balanced.

Prevention better than cure.

We need to address the minimum standards of items such as safety harnesses and lines as an example. The need to review the Australian Standard for Safety Harnesses and to take on board the difficulty in releasing is acknowledged.

On the other hand, one needs to balance the need to sometimes be able to release in difficult circumstances, with the need for an always positive, one handed attachment action to ensure that premature unexpected release does not occur. I believe there will be more lives saved by that process in ensuring those that believe they are attached in fact are, than by being able to release in an emergency.

To my knowledge, over the years, there have been 2 reported deaths caused by not being able to release. While those deaths are unfortunate and undesirable, we have to balance that against those that have been saved by remaining attached to the boat, some of whom gave evidence before you.

Minimum Standards

Over regulation in itself can be counter productive. The AYF and the ORC have been aware of the need to ensure that what is regulated as a minimum standard, is what a prudent seaman would want to have on board.

For example, we prescribe that a radio be carried and that certain frequencies be fitted. We do not proceed to list all the matters that this "simple" minimum regulation imposes.

The law in Australia provides that the radio has to be licensed and that the operator of the radio is required to have a restricted radio operators license. The detail of the use of the radio, including distress and emergency traffic, is contained in the various government regulations involving the use of the radio.

The AYF / ORC regulations do not go into that detail as regulations of other authorities, which are beyond our control, cover those matters.

As always, the AYF is here to assist in whatever way possible and please do not hesitate to call should you believe we may be able to help. We look forward to the release of the various reports made to you so that we can circulate them worldwide.

Yours sincerely



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Technical Manager

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