

SENIOR CONSTABLE UPSTON

Q1 This is an electronic record of interview between Senior Constable David Upston of the New South Wales Water Police and Phillip Roy Giffin at the Pymont Police Station on Wednesday, the 22nd of the 12th, 1999. The time on my watch is now 10.25am. And, Phillip, for the purpose of the interview, could you please state your full name?

A Phillip Roy Giffin.

Q2 And your date of birth?

A 27th, 9th, '65.

Q3 And your address?

A 52 Lockerbie Road, Thornleigh.

Q4 And your occupation?

A Fitter.

Q5 O.K. And also present and seated to my left and opposite, is John Giffin and John you're here for the purposes of just sitting here with your son while the interview is being conducted.

MR GIFFIN

That's right.

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Q6 O.K. Phillip, could you give us your sailing experience, please?

A All right. It's about 7 years, I think, 7 or 8 years sailing. I got into sailing through my brother, he bought a Thunderbird 26 with his brother-in-law and he needed crew to sail it round, through RANSA for a

number of years, then his boss was involved in sailing with a J-24, then he decided to sell the J-24 and step up to Farr 37. So I was invited one day to come out with David Taylor, the owner, to go sailing, so went out sailing with him and he decided to do some races and that's pretty well how I got, got involved in sailing.

Q7 O.K. Well, that's good. Phillip, I'll just point out now that for the purposes of why we, why I've got you in here is that as I explained to you earlier, prior to conducting the interview, I'm making inquiries into the 1998 Sydney to Hobart Yacht Race and that's the reason why I've got you here to talk to you about your involvement in the race and in fact as a crew member on the yacht Pippin. Is that correct?

A Yes.

Q8 O.K. That's no worries. Thank you. And who owns the yacht Pippin?

A David Taylor and Anne Taylor.

Q9 O.K. And whereabouts is the yacht moored?

A Moored, is C.Y.C. Yacht Club, Rushcutters Bay .

Q10 O.K. And how long have you been sailing on Pippin?

A Ever since they bought the boat.

Q11 And how long ago was that?

A I think it's about 3 years, 3, 4 years.

Q12 O.K. And what type of yacht is it?

A It's a Farr 37.

Q13 Mmm.

A 37 foot long, ocean going boat, that's about it really.

Q14 O.K.

A O.K.

Q15 And what class of yacht is it, what, what race category did it race in?

A It races in Cat 3, Cat 2's and Cat 1's, it's been racing in the short ocean races from C.Y.C. which is a category 3 race, division 2, they've been racing in.

Q16 Mmm. And do you know the stability index of the yacht?

A I think it's a, well, it's changed because he's put a new keel on it, I think it's possibly 118 degrees.

Q17 O.K. And that's the latest measurement - - -

A Yeah.

Q17 - - - that it's had?

A I think so, somewhere.

Q18 O.K. All right.

A Close to that, somewhere.

Q19 O.K. And at the start of the race what was your position and what, what position do you play on the yacht?

A I look after the mainsail but at the start of the race I was looking after the genoa and the spinnaker so - - -

Q20 O.K. And, and then your - - -

A - - -

Q20 - - - position altered throughout the race?

A Yes, I'd go back and take over the main, mainsail.

Q21 O.K. Now you had a clear race, a, a clear start, I should say last year, there was no problems about the start of the race?

A No hassles really - - -

Q22 Mmm.

A - - - just, just had to tack a number of times to get, get out of the harbour.

Q23 Yeah. And how many people sail on the boat?

A Eight people.

Q24 All right. O.K. And you know them all fairly well?

A Yes, fairly well.

Q25 Yeah. O.K. Now you sailed down the coast - - -

A Yes.

Q25 - - - and I think the following day, the 27th, there was an approaching storm?

A Yes.

Q26 Were you aware of the storm as it approached?

A We could see grey haze, which gave us no indication of wind speeds, there were a number of boats, we were still on the spinnaker, we saw the grey haze, we didn't up on deck hear about any radio reports of storms.

Q27 Yes.

A There were a number of boats further out to sea with spinnakers up.

Q28 Mmm.

A We were travelling around about boat speed, probably about 12 to 14 knots, I think the wind was about 30, 30

knots and so, the only indication of the storm was just a grey haze - - -

Q29 Mmm.

A - - - as I said and that - - -

Q30 All right. Did you attend the weather briefing at the C.Y.C. prior to the commencement of the race?

A Yes, I did.

Q31 O.K. And what sort of, and what was your opinion of that?

A Pretty hopeless. It wasn't as good as the one in the previous year. Yeah, it was just a bit lacking on preparation and what we really should do when we get into heavy weather. No indication how rough the seas could become and what, what action we really should take.

Q32 O.K. All right. Did, do you know if the owner employed any other external weather briefings or from anybody else apart from the Weather Bureau?

A I don't think so, no.

Q33 O.K. So does the name Roger Baddam, make any sense to you?

A I can't, can't remember

Q34 O.K. All right. No, that's fine - - -

A Yeah.

Q34 - - - that's fine. Now, O.K. so you sailed down and then the storm approached - - -

A Yeah.

Q34 - - - and then you had to. What did you do then?

A David Cunningham, which was, who was steering at the time, told us to go straight down the storm jib, so we put the storm jib up. Then we hit the front and there was just massive wind. We didn't have any wind instruments, we lost those on a previous accident when we Chinese jived it flicked the instruments off, the wind, the instruments off on top of the mast, so we still had a compass, still had most of our instruments, but we didn't have wind instruments.

Q35 Is that in the same race?

A Yeah.

Q36 Yeah.

A Same race. We put the storm jib up and then we just kept on sailing south off the wind, the storm jib was off the rail. I'm not too sure what apparent wind angle we were on.

Q37 And, and then what happened?

A And the sea, well, we had blinding spray for, I have no idea what, it was early morning, I think, we, we indicate, well, had a rough idea, probably around about 60 odd knots or something. We could only see about 20 metres in front of the boat at one stage. Seas were coming up, it was starting to get quite large, about 10 metres. We had a rough we thought the, the size of the seas were around about 12, the swell was about 12 metres and the waves, the white caps were starting to get probably about half a metre on top of the swell. Kept on heading south for, for a number of hours, I'm

not too sure of the time but in one area the waves just got closer and closer together. We had a boat to our leeward side, which turned out to be Solo Global Challenge. They looked like they had a number 4 jib up and probably about, we were running next door to 'em for probably about half an hour or so and then all of a sudden they, David Cunningham the steerer saw 'em roll over, which he thought they had, did a 360 degree roll. They, they came up with no mast. We sailed past them, then we called the, David Taylor, the owner up on deck and told him what we saw, we saw a boat roll and get on the radio and indicate their position. David Taylor came up. We decided to turn around for 'em. We turned back. We drove past them to see if they were O.K. and probably about 5 minutes after we passed them, we got knocked down. I think we probably rolled to about 100 degrees, maybe 120 degrees, and came straight back up. I was tied on in the cockpit with a harness. All of a sudden David Cunningham yelled out, Wave, I looked up, all I saw was a wall of water. I tried to hang onto the main sheets. I lost my grip. I, well, the power of the water pushed me over the rail, on the leeward side of the boat. I tried to hang onto the rail, managed to hang on the side of the rail. David Taylor, the owner, tried to pull me over the rail but he couldn't, 'cause the harness, plus the wet weather gear was dragging on the lifelines and I lost my footing, I lost my hand grip, fell off the side of the

boat into Bass Strait, in the water, I still had a harness on or a tether. I got dragged behind the boat for, I don't know, maybe a short time, probably a minute at the most. I was facing forward, I turned around on my back, so I could float on my back. I managed to grab the side of the back of the stern of the boat. And also I noticed that David Cunningham, the steerer was over the back of the boat too. Shane, Shane, one of the crew members, Ferguson, who was a, what is it, lieutenant commander in the Navy from Nowra, he was on deck too, he grabbed the, the helm and just tried to steer the boat into the waves. David Cunningham managed to climb up the back of the boat, back up and take the helm again. I think then they decided to get the main halyard and tie it onto my harness and winch me back on deck. So I managed to tie it around my shackle, well, well, the clip on the harness and winch me over the rail and back on deck and then I went down below. A little bit shaky, cold, Bass Strait was quite warm, I thought, yeah, a bit shaky, went down below, then we found out one of the windows had popped out, something inside pushed out one of the windows on the leeward side, well, starboard side, water cascaded down over the instruments, killed the H.F. radio, G.P.S. and we thought it had killed our V.H.F. radio, this is about 5 minutes after we passed Solo Global Challenge. Anne, Anne, who is David's wife was supposed to be on the radio at that time to Telstra

Control to find out what to do about Solo Global Challenge to try and stand by and we were trying to tell 'em what the conditions were like. So we had no radios and so we decided to get out the emergency G.P.S. and plot a course to Eden. So that, that took a while to set up because we had to punch in a latitude and longitude after a certain distance as it hadn't been started since Sydney. After, after we set course back to Eden, we've tried to start the motor, charge the batteries up, we found out that water was in the fuel, so we spent about 3 hours pumping water out of the fuel tank, which was David and myself and I think Andrew helped us out to pump the water out. So this was early, early morning on the next day.

Q38 Which would have been the 28th?

A The 28th, yeah. Got the engine started, that was fine. We found out that damage up, up on deck was, the boom was bent because the wall of water, the wave that we hit, it might have been a 3 to 4 metre white cap, just rolled, rolled up on us.

Q39 And then you just, you just headed off to Eden - - -

A Eden, yeah.

Q39 - - - made course and then - - -

A Yeah.

Q39 - - - approached Eden?

A Approached Eden. I think we hit Eden 8.00, 8.30, 8 o'clock in the morning. I had a look at my watch when Solo Global Challenge rolled, well, got knocked down or

rolled over, and I think it was about half past 4.00 or half past 5.00 in the afternoon.

Q40 On the 27th?

A 27th, yeah.

Q41 All right. And do you know, can you recall exactly or can you recall a, a, an estimate or a position that you may have been in?

A It may have been 3740, I think. That's all, all I probably recall.

Q42 Mmm.

A We - - -

Q43 But whereabouts off, off Eden?

A Probably about 40 miles south east of Eden - - -

Q44 Mmm.

A - - - probably.

Q45 O.K.

A Eh - - -

Q46 Then you just called into Eden and - - -

A We - - -

Q46 - - - you retired from the race?

A Yeah, we got on, well, we had two mobile phones in the cabin, which were O.K. We used those outside of Eden to contact C.Y.C. to tell, tell 'em that we were all right and we're retired from the race and heading to Eden.

Q47 O.K.

A Then I rang my father and - - -

Q48 Yeah.

A - - - told him I was all right.

Q49 O.K. That's good.

A Yeah.

Q50 Just a couple of points?

A Yeah.

Q51 Who owned the harness that you were wearing at the time?

A David Taylor. I, I owned the harness that was on me -
- -

Q52 Yes.

A - - - and David Taylor owned the tether.

Q53 O.K.

A Yeah.

Q54 All right. And what type of harness was, were you wearing at the time?

A I was wearing a Mustee jacket - - -

Q55 Yeah.

A - - - and a harness, probably a Mustee harness.

Q56 All right.

A And I was wearing a Mustee buoyancy vest.

Q57 O.K. And the lanyard, do you what type of lanyard that was?

A No - - -

Q58 All right.

A - - - it was a orange, it was an orange lanyard, and I think it was about a metre and a half long - - -

Q59 All right.

A - - - it was a bit too long, I thought.

Q60 O.K. Can you recall any, any stamps or standards that was on the, on it at all?

A No, I can't, I, I think there was like a tag on there, I'm not too sure.

Q61 Yeah.

A It was tag.

Q62 O.K. O.K. Just one quick thing, were you an employee, were you paid to go in the race or were you a volunteer?

A No, I wasn't. A volunteer.

Q63 O.K. Do you know if any of the crew of Pippin were paid?

A No, no crew were paid.

Q64 O.K. So they were all volunteers?

A Volunteers, yeah.

Q65 Did you receive any assistance getting back to Eden or were you to receive any, any assistance in Tasmania to get back to Sydney?

A We, we didn't get to Tasmania we only got to - - -

Q66 No, I know, but if, if you would have gone to Tasmania - - -

A No.

Q66 - - - were you going to be flown back or were you going to bring the boat back?

A I was going to, I was going to fly back.

Q67 O.K.

A So it wouldn't have got any money or anything - - -

Q68 Yeah.

A - - - no.

Q69 O.K. All right, then. Now is there anything else, Phillip, that you'd like to add, that you think that may assist us in the inquiry. I know it's a long time ago that it happened - - -

A Yeah.

Q69 - - - nearly 12 months now.

A Yeah, a bit too long. Only one area was very rough, the waves just got closer and closer together and that, the waves got quite nasty - - -

Q70 Yeah.

A - - - that's about it. Nothing else, only that I thought I should have had two tethers on to stop me from going over the side of the boat, and that's about it.

Q71 What, you mean a longer one and a shorter one?

A Yeah, probably that, yeah, well, probably the same length as before and a nice short one.

Q72 Yeah, yeah.

A So that's about it.

Q73 All right. Phillip, thanks very much for your time. The time on my watch is now 10.45am.

A Yeah.

Q74 This interview is now concluded.

INTERVIEW CONCLUDED