

TRANSCRIPT OF VIDEOTAPE OF PRESS CONFERENCE AT CYCA ON 1 JUNE 1999
HANDING DOWN RACE COMMITTEE ENQUIRY REPORT INTO THE 1998 SYDNEY-
HOBART YACHT RACE

Following the formal presentation of the report, a journalist asked Peter Bush to comment on *Business Post Niad*. Peter Bush said words to the effect that the matter has been referred to the Coroner and a decision had been made not to make any further comment.

ANOTHER QUESTION.

Could you speak about 69 Rules of Racing and *Sword of Orion*. Can you outline what the rule is? (Bush refers question to Commodore.)

Commodore: Rule 69 of the Racing Rules deals with an area called Gross Misconduct. Under the Racing Rules. It is historically the rule that has been used in the administration of the sport for resolving, among other things, allegations of not rendering assistance to yachts that are in distress.

Question: Can you put that in a context of the culture of yacht racing? What is it within that, the obligation to render assistance?

Commodore: The rules of yacht racing in maritime law are quite specific in terms of the obligations to render whatever assistance they can safely provide to a yacht that is in distress. Not dissimilar at all to not stopping after a car accident.

Question: So eventually we are talking about an allegation of ignoring a Mayday call.

Commodore: No, I don't think that is actually correct.

Question: Can you tell us what the allegation is.

Commodore: Not even sure that it is an allegation as such. There is a report or there are reports that have been received from interviewing both *Sword of Orion* and *Margaret Rintoul*. They indicate that at some stage *Sword of Orion* sighted a yacht that passed fairly close by. That they let off various signals and flares to try to attract their attention. Our understanding is that at that stage they were not in radio communication. They were not sure whether the other boat had actually seen their flare or not. The conditions were atrocious. Visibility was very poor and the *Margaret Rintoul* did not stop or acknowledge the signals had been seen.

Question: So for this matter to have gone this far, you must have quite substantial evidence that perhaps a wrongdoing has happened.

Commodore: There is sufficient evidence there for us to refer it to the Protest Committee to consider under that rule and determine more fully whether there is in fact a basis to the evidence or not.

Question: If the owner of *Margaret Rintoul II* is found guilty of gross misconduct, what might be the consequences?

Commodore: Again I believe that, under the rules of racing, it is up to the Protest Committee to assign a penalty with respect to that. Historically, where similar situations have been found by Protest Committees, it has led to a ban from competing in yachting events for a period of time.

Question: Is it a criminal offence?

Commodore: I don't know the answer to that.

Question: Could it potentially be that in light of the Coroner's Enquiry?

Commodore: I don't know the answer to that.

Question: The Protest Committee which will hear this protest - when is it going to happen?

Commodore: The Protest Committee, it was initially referred to the Protest Committee that was in place for the Sydney-Hobart race, but that Protest Committee comprised internationally accredited jurors from overseas who have indicated that they were unavailable to attend, so the Protest Committee now comprises some of the originals and others, and all the members of the Protest Committee presently are international jurors (accredited) by the AYF.

Question: Can you put it in the context of the conditions that the two boats were in at the time? One was, I understand that one was coming back and the other was still going forward. But the weather conditions as well.

Commodore: The *Sword of Orion* at the time had lost its mast and sometime earlier, a crewman over the side and was essentially disabled. The other yacht was still sailing and headed in the direction of Hobart.

Question: And the weather conditions at that particular time?

Commodore: At the peak of the storm. Atrocious.

Question: So would it have been safe and would it have been advisable to go round at the point like that to try and get close to a boat which was in distress?

Commodore: I would be speculating in terms of what the conditions were on *Margaret Rintoul* or the other boat as to whether that was an option that was available or in fact a safe prudent option that was available to them.

Question: When will the protest be heard then?

Commodore: I believe the protest has been set down for Wednesday 8 June. Next Wednesday.

Question: Has *Margaret Rintoul* been given an opportunity of putting its evidence?

Commodore: That is the purpose of the Protest Committee, to give both parties the opportunity to present evidence formally before the Protest Committee.

Question: (Has *Margaret Rintoul* made a statement so far?) (inaudible)

Commodore: They were involved in an interview with members of the Race Committee. Yes.

Question: And what have they said about their actions on the night in question?

Commodore: I do not believe it is appropriate for me to comment on that, you know, in an (helpful/useful/appropriate) manner, without having seen the actual documentation as to what was said.

Question: The owner of *Margaret Rintoul II* has admitted that he did speak at length with officials after the event when he got to Hobart. Did he speak to you in Hobart? And did he confirm to anyone that he did see the yacht, and did he explain why he may not have turned back?

Commodore: Yes to some of the questions, no to others. Yes, he did speak to me briefly at one stage in Hobart. He had mentioned that there was some agitation with respect to the issue and asked me to endeavour to mediate with respect to it. Which I did, and I put the two parties in contact with each other. I did and I believe that at that stage it was resolved to let the matter take its proper course.

Question: Do he admit to you that he did see the yacht, and did he explain to you why they didn't turn back?

Commodore: No, I didn't have the discussion with him at that time.

Question: If there is a ban, is that only in Australian waters, or also in international waters?

Commodore: I believe that the International Sailing Federation has the power to make it an international ban.

Question: Has that been the case historically?

Commodore: I don't know the answer to that.