

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Robert Badenach at Hobart C.I.B. on Friday, the 11th of February, the year 2000. The time on my watch now is 11.44am. Also present seated to my left is Senior Constable David Upston from New South Wales Water Police. For the purpose of the record, Robert, could you please state your full name?

A Robert John Badenach.

Q2 Your date of birth?

A 26 of the 2nd, 1944.

Q3 Your current address?

A 34 Redchapel Avenue, Sandy Bay, 7005.

Q4 And your occupation?

A Solicitor.

Q5 O.K. As you are aware, Senior Constable Upston and myself are making inquiries in relation to the 1998 Sydney to Hobart Yacht Race. Basically, there's just four or five questions I would just like to ask - - -

A Sure.

Q5 - - - you just to clarify a few points. Firstly, did you attend the final briefing at the C.Y.C.A. prior to the 1998 race?

A I did.

Q6 Are you aware that at that briefing a number of boats were read out who hadn't completed the necessary paperwork to sail?

A I, I can't recall. I, I, there could've well have been
- - -

Q7 O.K.

A - - - but I, I've no specific knowledge of that.

Q8 O.K. Are you aware whether they adopt that procedure
prior to the race commencing in relation to boats
supplying the necessary paperwork? Not specific boats,
but generally?

A Well, everybody's got to have their paperwork in.

Q9 Right. And that's one way of doing it, as you recall,
prior to the race?

A Well, it's done, it's done well before the race.

Q10 O.K.

A There's probably, there are, there are a heap of forms
that, you know, if somebody's radio, for example,
might, mightn't be working properly, they've got to go
and get, go and get that fixed and certified.

Q11 O.K. Are you aware of a, of a fax that was sent to the
C.Y.C.A. on the afternoon of the 26th of December, 1998
from the Bureau of Meteorology?

A No, I was in Hobart - - -

Q12 O.K.

A - - - that day.

Q13 Was that fax ever brought to your attention by any
other race committee members?

A I'm not aware of any fax, no.

Q14 O.K. You flew to Hobart on Christmas Eve, is that
correct?

A Yes, that's correct.

Q15 O.K. And you set up the, the radio - - -

A We - - -

Q15 - - - or the Race Control Centre?

A Yes, we run that from, that went, that, yes, we, we set that up.

Q16 O.K. Were you aware or were you present during a conversation between Mr Phil Thompson and Mr Sam Hughes from AusSAR at the Race Control Centre in relation to the weather which had developed during the first couple of days of the race?

A I've no specific recollection of that conversation.

Q17 Do you recall any conversations or discussions in relation to possibly cancelling the race after it started?

A No.

Q18 O.K. Now you fill the position down here as Race Director for this end?

A Yeah.

Q19 Tasmanian end? I believe there was a new rule brought in last, last year for the '99 Hobart race where boats were required to radio in at Green Cape?

A That's correct.

Q20 Is the situation that they, each boat radioed in individually?

A Yes.

Q21 And they gave particulars in relation to their circumstances?

A Yeah.

Q22 Sea conditions were mentioned as well as weather, are you aware?

A I'm not aware of that.

Q23 O.K. And once those boats are confirmed to be in a good position, they're then allowed to proceed into Bass Strait?

A That's right.

Q24 O.K. Are you aware if that same rule applies, but from the other end, the end of the race when boats are returning to Sydney?

A I'm not, no, I'm not aware of any rule.

Q25 O.K. That's fine.

SENIOR CONSTABLE UPSTON

Q26 Just one question. Coming down onto that, to Green Cape prior to proceeding across, what's your understanding of, of the rule that has been made in relation to the yachts?

A Well, the, the, the boat's got to be in seaworthy condition, its radios have got to be working, the life raft has to be, has to be intact, the, all the safety equipment has to be intact, it's just, it's, it's another safety check part way through the race.

Q27 And what judgement would the racing committee make if something was amiss?

A Well, if they, if they're not, if they, if all wasn't well, they couldn't, they, they would have to retire.

Q28 And if they continued on and did not take advice from the race committee, what would happen?

A Oh, that's a matter I really, I really don't think I could speculate on that.

Q29 But as a, as a race committee member, was any instructions given to you about this rule in regards to what action would be taken - - -

A No. No.

Q29 - - - if a vessel sailed through?

A No, it would be one of those things if it, if it occurred, then, then, then it would no, no doubt be referred to the jury.

DETECTIVE SENIOR CONSTABLE GRAY

Q30 Is it also the situation so far as the race committee when boats were calling in from that Green Cape situation, was a decision, would a decision be made by the race committee about that boat, or an individual race committee member?

A Oh, I think the, think the rule still applies, it's, it's up to the individual skipper, but if, if their, if the boat's not in - - -

Q31 Yeah.

A - - - seaworthy condition, then, then he's, he's, he, the race instructions say he has to retire.

SENIOR CONSTABLE UPSTON

Q32 O.K. If a, if a report has been made to, to Race Control or Telstra Control, to the radio operator and something, are you aware of any instructions that if

something was amiss, then would that instruction be passed on to the Race Control?

A Well, I would assume it would be, yes.

Q33 But there has been no instructions in regards to this new rule?

A Well, I, I can't answer that because that's basically, as I've said to you before, we, we, we finished the race down here, I'm one of the two representatives on the race committee, and basically all those decisions are made by the Cruising Yacht Club, it is their race. We finish the race, we're partnered with them, but they basically have sole, you know, control of it.

DETECTIVE SENIOR CONSTABLE GRAY

Q34 So would you say that, are you saying that you hold two positions in the race committee from the Tasmanian point of view?

A No. I'm on the race, I'm on the race committee because I'm the Race Director down here.

Q35 Yes.

A The, the Royal Yacht Club has always had two representatives on the race committee, it's the Commodore at the time and the Race Director.

Q36 O.K. So there's two members?

A Two members, yeah.

Q37 Now is the relationship more than a sort of silent role between the remaining four members up in Sydney or six members in Sydney?

A No, no, I think, think it's, it's, we've got an active role, but it's like most committees, the duties are, duties, duties are, are, are divided.

Q38 Yes.

A We, we, we have our responsibilities down here too - -
-

Q39 Yes.

A - - - and they, they, they have their responsibilities in Sydney. Because the race starts in Sydney - - -

Q40 Mmm.

A - - - that's, you know, and the rules and the notice of race, sail instructions are all, are all prepared and done in Sydney.

Q41 Mmm. Is it the case there is sometimes a lack of consultation between Sydney and Hobart in a number of areas, taking into account that it is a race committee?

A Um - - -

Q42 Therefore, you're all involved in a number of decisions so far as the race is concerned if you are a committee, a race committee?

A Well, the race, the race committee is, is, the members of the race committee are all in Hobart during the Sydney/Hobart Race and we kept, we, we receive faxes from the Cruising Yacht Club on, on all matters, we get copies of correspondence on all matters pertaining to race notice instructions, things like that.

Q43 As a committee, I just mentioned to you before about the conversation between Sam Hughes and Mr Phil

Thompson, at Race Control Centre here in Hobart during the race in '98, was there at any stage that you were aware of discussions between any members of the committee about the weather situation?

A Oh, well, the, the, obviously the weather was discussed because - - -

Q44 Yes.

A - - - it was, you know, it was, but, but I mean people come and go, it's done in, people were coming and going out of the Race Control Centre. You know, I, I, I'm not aware of any specific.

Q45 And as far as you're, as far as you recall, at no time did the committee sit down and discuss this issue together, as far as you're aware?

A Oh, well, if you, it depends, we were all in the same room together - - -

Q46 Right.

A - - - at times but, you know - - -

Q47

A - - - not officially, but it wasn't a formal - - -

Q48 Right.

A - - - formally convened meeting. I mean - - -

Q49 Yeah.

A - - - I mean, we sort of, you know, we, we, we've been doing it for 55, the yacht club's been involved with the race for 55 years and you know, it's sort of, it's sort of, it's, the systems are there, we, we sort of do our bit.

Q50 O.K.

SENIOR CONSTABLE UPSTON

Q51 Was there, in, in the Race Control Centre here in Hobart, was there a, a chairman of any committee meetings that - - -

A Yeah. Yeah. Yeah, the, the - - -

Q52 Who would that have been?

A - - - the chairman of the, the chairman of the, the race committee is the Vice Commodore of the Cruising Yacht Club, and it was Hans Sumner. He was, he was chairman again this year. That's the role of, the role of the, the Vice Commodore.

Q53 And, and were any decisions put to him that had any influence - - -

A Oh, I don't - - -

Q53 - - - over anything?

A No, I can't recall.

Q54 O.K.

DETECTIVE SENIOR CONSTABLE GRAY

Q55 O.K. Nothing else?

SENIOR CONSTABLE UPSTON

O.K.

A No, that's fine.

DETECTIVE SENIOR CONSTABLE GRAY

Q56 Time on my watch is now 11.53. Interview is concluded.

INTERVIEW CONCLUDED