SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston of the Sydney Water Police and Peter Leigh on Tuesday, the 20th of the 4th, '99, at Heli-med Rescue Base, Traralgon, Victoria. The time on my watch is now 10.42, and also seated to my immediate left is Detective Senior Constable Stuart Gray from Bega Detectives. Peter, for the purpose of the interview, would you like to please state your full name?

A Peter John Leigh.

Q2 Your date of birth?

A 22nd of the 12th, 1952.

Q3 And your address?

A 53 Ethel Street, Traralgon, Victoria.

Q4 And your occupation, please?

A Helicopter pilot.

Q5 O.K. Peter, as I explained to you earlier, Detective Senior Constable Gray and myself are making inquiries into the Sydney to Hobart, 1998 Sydney to Hobart Yacht Race, and the subsequent deaths of six sailors, and we're speaking to people either directly or indirectly involved in the race and also rescue services, and I understand that you were a pilot on the, on the Heli-med helicopter on the particular days of the storm and subsequent rescues of sailors. I'd like you to give us an idea first of all of your experiences as a pilot.

A I have 4,200 hours flying experience. The majority of it is helicopter, ambulance and rescue work. I've been involved in this operation since 1983 flying Bell 212 and Bell 412 helicopters in that role. I've done a fairly substantial number of rescues, I actually don't have a figure, both land and sea as well as a very substantial number of ambulance tasks.

Q6 O.K. And in particular we'll go back to the 27th and 28th of the, of 1998, the Sydney to Hobart Yacht Race. Your helicopter was involved or requested by AUSAR which is the Australian Search and Rescue Coordination Centre in Canberra, to perform certain tasks. Would you like to go through those task for me, please?

A Yes. Well, I'll just go through in chronological order - - -

Q7 Yeah.

A - - - what happened. About 3 o'clock the telephone in this room rang and it was AUSAR indicating that there was a, the satellites orbiting the earth were picking up a radio distress beacon off Mallacoota and because it was the position of where a substantial number of yachts were located, they were most concerned and they asked our availability and roughly how long it would take us to get there. I indicated almost immediate availability and it would take us, in the prevailing weather conditions, about an hour or so to get there. So we were then tasked to head to that location. We assembled a crew and the crew in fact were here except

for, these sort of over water tasks we get an additional ambulance officer in as an observer, so that was the only delay, so the crew was myself as the pilot, Dave Sullivan as the crewman, Peter Davidson as the paramedic/rescue man, and John Sloin as the, he was the, the fourth ambulance officer who acted as an observer. We departed here at 15.16 and tracked for the position that had been given to us by AUSAR which was south 37.43 east 150.45.83. On departure we rang AUSAR on our mobile phone in the aircraft. They indicated that they were then suspicious that the beacon was in fact a beacon either on or off a very large ship and, but they still wished us to track to that position, so we continued on. Some time en route we picked up I think, my memory's slightly confused here as to which radio was going because it was a very confusing situation, on either marine channel 16 or on the local area aviation frequency a, an aircraft talking to a boat, and we picked up the phrase, Mayday, in the call. We then contacted that aircraft, who confirmed that in fact a yacht was in distress and they were in that area. We then rang back AUSAR to indicate that there was, we understood there was in fact a yacht in distress and that their suspicions that it was related to a large ship were wrong. Further down the track we got indication from the ABC helicopter in the area, I actually don't have its call sign, pilot Gary Ticehurst, that the vessel, Stand Aside, was in

distress, had 12 persons on board, and they needed rescuing. On the basis of that and the likely time the winch would take, we diverted slightly, 'cause we were almost directly on track in any case to Mallacoota to get fuel, landed at Mallacoota at 16.17 after a flight time of 59 minutes, put 400 litres in and then departed for the search, search area. En route to, from here to Mallacoota just communication on the weather, we, we had a ground speed of some 170 to 180 knots, which gives us a tail wind of 40 to 50 knots. Departed Mallacoota at 16.38 for the, for the Stand Aside. En route we talked to the, once again to the ABC helicopter and somewhere along the line I, I also asked if there was a, there was a ship nearby and I asked if they would be able to help and it was indicated they couldn't because the weather conditions would have prevented them getting anywhere near a small yacht. 5 o'clock, 1700 we arrived overhead the Stand Aside. Ground speed on the way out was 199 knots so it took us about 15 minutes to get out there and it was 51 nautical miles, that gives us, that's about the fastest I've ever been in, in level flight, I've gone faster on descent. We found the Stand Aside with the ABC helicopter in the area. There's also a fixed wing, I think from Tasmania, can't remember the call sign, that was in the area orbiting above. Stand Aside was in the water, dismasted, floating obliquely to the weather, slightly cocked to one side, all the cabin area was

missing and there was 12 people, 12 people seated on the, on the top of the boat. There was a life raft attached to the back of the boat. On marine channel 16 I contacted the Stand Aside and asked them if they could start their motor and they indicated the motor didn't work, that was so I, they could perhaps motor into the, into the waves. I then asked if they would be able to put two persons at a time in the life raft and let the life raft drift away from the, from the boat while still attached to the boat. The reason for that was in the sea conditions it would have been completely impossible to winch anybody safely at all onto the boat because the movement of the boat would have potentially caused serious injury to the person being winched, or they would have got tangled in the boat. So the crew of Stand Aside then two by two despatched their crew into the life raft, the life raft was let out. We also asked that the three, what we understood were three injured persons, go first. We understood there was a leg injury, a head injury and finger amputations, so those people went first and then Peter Davidson was winched into the water by Dave Sullivan and we proceeded to pick up these, these persons, so basically it was, Peter would go down, climb into the life raft, attach the rescue strop to the, to the person and we'd then winch them back into the boat, into the aircraft. We did that eight times. For some of the time the ABC helicopter stayed in the

area, which was of some sort of, gave us moral support 'cause it's nice to have somebody else there. There were seats in the back of the aircraft for a total of four persons. There's already two in the back so there were nowhere near enough seats for the persons we, in the end we had 10 in the back and we only had seats for four. After we'd winched out perhaps four, Peter was showing signs of exhaustion so we, we had, we, we had a short break of perhaps 2 minutes and then he completed another four winches and after the eighth winch he was showing signs of complete exhaustion. By this time the South Park, South Care, sorry, South Care rescue helicopter from Canberra had arrived in the area and we felt it prudent to discontinue our rescue efforts because of Peter's exhaustion and let the South Care helicopter rescue the remaining four persons. We then departed the scene for Mallacoota. Whilst we were winching we heard the Winston Churchill give a Mayday call. Whilst, weather conditions while winching were, were very, were very adverse. The sea was extremely hostile. I suspect the winds were 70 knots or so. It was also fairly unusual in as much as we were well out to sea, normally the wind's condition, the flying conditions become reasonably smooth but it was extremely turbulent. The wave heights were varied but they were, they were extremely large seas. The aircraft's fitted with a radar altimeter which, which, which had swung from around 80 feet to around 10 feet

at times during the winching. There was a considerable concern while we were winching that in fact the Stand Aside may in fact rise up on a wave to such an extent that it would collide with the bottom of the aircraft, so that was a fairly substantial concern. It didn't eventuate. We returned to, initially we decided we may just wait in the area for a short time just to ensure that the South Park, South Care helicopter could commence winching satisfactorily, but I found orbiting in the, in the wind conditions and the turbulence to be fairly unsafe so I departed for Mallacoota at 17.55. Returned to Mallacoota very low level, ground speeds were around 50 knots because of the wind conditions, that gives a rough wind on the nose at 70 knots. Within about 20 miles of the coast I noticed that the, the sea started to smooth out appreciably and our ground speed picked up to around 80 knots, so the wind was substantially stronger further out to sea. Arrived at Mallacoota at 18.39 and was met by substantial ambulance crews, both the radio launches from Mallacoota and the fixed wing area launches which had been despatched from Melbourne with paramedics on board, and they took the survivors in hand. We then, we had, on, on, on our way back to Mallacoota we had contacted AUSAR and they had requested us to as soon as possible upon arrival at Mallacoota refuel and depart for the Winston Churchill search area. When we arrived at Mallacoota we found in fact there was a problem with

fuel. Mallacoota doesn't have any inground fuel stops, only drums and the drums had been exhausted by both us, the police, Victorian police airwing helicopter and the ABC helicopter. We were given to understand that fuel would be coming from the Department of Conservation and Natural Resources fuel dump at Cann River and the E.T.A. was 30 minutes or so. This was passed on, this was, information was given to us by the Mallacoota Police, I'm not sure of their source of information. After some time we realised that the fuel was late. I contacted AUSAR and they suggested we wait a little longer. At around 19.15, 19.20 or so, AUSAR then contacted us, said in fact the fuel was gunna be much much longer than they anticipated arriving from Cann River, and they tasked us then to fly to Merimbula to pick up fuel and then proceed to the Winston Churchill area. Departed Mallacoota for Merimbula at 19.25, arrived Merimbula 19.51. We refuelled, rang AUSAR again and they had another task for us by then, that was to proceed to position south 37.46 east 150.32 where some red flares had been seen. We were asked to go to that position and drop drift beacons, which are beacons which float which, which transmit a radio beacon and they can be tracked. And also the third task was to search for and locate a, a distress beacon at south 38.23 east 150.33 and they thought that may be the yacht B-52. Departed at 20.18. By this time last light was, was very close so we basically were in the

dark. We tracked out, out towards the initial position, south 37.46 east 150.32. On the way we picked up a radio distress beacon which was very close to the aircraft. I made a radio call saying, excuse me, indicating that if any, any boat in, in my area, and I think I may have given something like 15 to 20 miles from Merimbula, was transmitting on a distress beacon, if they could call me. The Sword of Orion then called and said he was, he passed his position as south 38.13.9 east 150.30 decimal 03 and said he was in bad weather and that he'd lost a man overboard. We plotted that position and it was realised that that in fact was not the boat that, whose beacon we were currently picking up. I asked Sword of Orion what his situation was and did he think he was about to sink, and he said, Possibly. We then rang AUSAR and advised them of those events and they requested us to search for the beacon that appeared to be going off close to us. We then searched for that beacon with our homer and eventually found it and conducted a night sun search, that's using the, the spectro lobe night sun search light mounted on the front of the aircraft, the only real safe way to get anywhere near low level over the water at night, and finally found the yacht Renegade. The name Renegade was identified by shining the light on the back of the boat, and that was at position south 37.22.09 east 150.15.03. The yacht appeared to be under way, it had it's navigation lights on and it was,

it was sailing, people on deck. I then called it on marine channel 16 to ask the Renegade what his situation was. We received no answer, I did however receive some garbled messages from other boats who were concerned about their safety. I, I cannot identify those boats but the, the traffic on marine channel 16 was fairly confused, but no matter how hard we tried we could not get any information at all from Renegade. I indicated if he can hear anything at all of my transmissions, if he could fire a flare if he was in distress or signal us in some way. We got no answer whatsoever. After that the crew was feeling signs of some fatigue and the weather conditions were deteriorating, there was some rain showers and lowering cloud, and we decided that the most prudent thing to do was to return to Merimbula, so we contacted AUSAR and they concurred with that and we returned to Merimbula and landed and refuelled. Landed at Merimbula at 21.48 and rang AUSAR and they then indicated that we should either stay in Merimbula or, that we should stay in Merimbula and be ready for a first light search. We indicated that the aircraft needed some routine maintenance and also a crew change, so it was decided to, for the aircraft to return to Latrobe Valley. At 22.31 we departed Merimbula for, back to Latrobe Valley and we arrived here at 01.31. En route back to Latrobe Valley we had quite a few conversations with AUSAR either direct on the phone or through air traffic

control, just indicating, just trying to expand on what we'd seen. Passing messages to AUSAR during, during the, the search from Merimbula was, became a little bit hectic and some of the messages were getting slightly confused so they, they did require clarification of some of the points we'd make. Landed here at 01.31 as I indicated and the aircraft was, some minor maintenance was done on the aircraft and, and then a new crew departed at approximately 3.30 on the 28th, Monday the 28th, 3.30 in the morning. That was the end of my involvement.

Q8 O.K. What, what sort of minor maintenance did you have to conduct?

A Oh, I can't be specific on that but the aircraft has a, a very heavy maintenance schedule and the aircraft had flown some 6 or 8 hours during the day, and it was just routine maintenance. In addition we wanted the engineers to have a, an inspection of the, of a small door which opens when the winch is swung out, because in the, in the wind conditions off shore the gas strut which normally holds the door open was unable to, to do its job and the door actually slammed shut striking David Sullivan on his helmet, putting a dint in the door, so we wanted that door to be examined by, by the engineer.

Q9 O.K. At any time did you feel the aircraft was in jeopardy as a result of the routine maintenance or the

maintenance program that had to be conducted, whilst you were performing the rescues?

A No, no, no. It was just, just routine maintenance that, that comes up. No, there was, there was no problem at all. The aircraft was, performed perfectly.

Q10 O.K.

A Apart from this, this door problem which was, I mean, in the wind conditions it was entirely understandable.

Q11 What's the total flight time of that aircraft?

A I can give it precisely but roughly it's, it's 6,600 hours.

Q12 O.K. But from full to empty?

A Oh, O.K. Total flight time, you mean endurance?

Q13 Endurance.

A 180 minutes.

Q14 O.K. With, when you were, were tasked by AUSAR to carry out these rescues, did you obtain any weather briefing or any weather information from any sources?

A Yes, the weather's obtained from, through Air Services via the, the fax machine here and I, I suspect that also they may have passed some weather, or somebody passed, certainly passed weather conditions en route as far as the, the sea state and so on, but, but the weather required, the aviation weather was obtained from here. On departure Mallacoota, we also used the mobile phone to obtain a computerised voice version of the weather for some of the, some of the relevant aerodromes.

Q15 What was your initial reaction after you received that weather information? Can you recall?

A Well, my, my reaction to the weather was it was gunna, certainly gunna get us, get us to that area, which is a substantial distance from here, very quickly because of the strength of the winds, and mine was sort of related to the, the aviation side, the practicalities, 40 to 50 knot winds were going to get us out there very very quickly. And I also do recall that it was a most unseasonal day for the 27th of December, it was, it was cold and bleak.

Q16 Mmm. Were you ever concerned about the weather and the operations that might be facing you at that particular time?

A Yes, there's, yes, any, any, any of these types of these searches there's always, there is always concern about the, the weather.

Q17 All right. When, when you were out there conducting the, these, the winches in particular, you mentioned the sea conditions and your altimeter with the wave heights. Have, have you ever experienced those sort of wave heights whilst doing a rescue before?

A No. They're, they're by far the worst sea conditions I, I've ever experienced.

Q18 O.K. What's the total length of the cable on the helicopter for its winching capabilities?

A 260 feet.

Q19 So at any time you, you could have raised higher above the, the water level to conduct your winch?

A We certainly could have. That does create other problems as far as maintaining station over the person and trying to, we always try to minimise the amount of cable we've got actually in the water because it is, it's dangerous that the cable could snag on either the boat or wrap around a person in the water. But we, we were, we were using sort of a commonsense type height which gave us, kept us fairly close to the survivors in the water.

Q20 When you were having communications with Stand Aside, was that on VHF?

A Yes, marine channel VH16, which is 156 decimal 8 megahertz.

Q21 O.K. And they, they indicated obviously that they wanted to be removed from the area as quickly as possible?

A Yes. We already understood that, we already knew they did require rescuing.

Q22 O.K. When, when you were winching the persons obviously you, you had a total of how many people on board at the conclusion of the winch, from Stand Aside?

A 12, total of 12 persons on board. Eight, eight were from the boat.

Q23 Right. Was that in fact overloading the aircraft?

A It wasn't overloading it in respect of weight. You should in normal circumstances have a seat or, or some,

a seat belt or restraint for any person on the aircraft. That wasn't the case.

Q24 Right.

A We could have in fact fitted more in if, if Peter Davidson had been Superman and been able to continue.

Q25 Mmm. Did at any time you felt that the aircraft was put into jeopardy as a result of the number of persons on board?

A No.

Q26 The wind and the weather conditions, did you find the aircraft was ever put into jeopardy whilst you were performing the rescues?

A There were times when the aircraft required a great deal of attention to control. I, I mentioned earlier that it was very turbulent out there, that is the wind was gusty, so that is not normally the situation I've found well away from the land, so the aircraft had, the power changes had to be very substantial and at times the, the aircraft governor, rotor governor system had trouble keeping up with that, and the rotor was overspeeding and underspeeding slightly. It was also being buffeted very substantially by the wind. It was also potentially, I mean, there was potential for the boat to collide with the bottom of the, of the helicopter. There was potential for the aircraft to, to go in the water. The aircraft has two engines, if one engine had failed I, I think we probably would have

ended up in the water. So, I mean, there was, there were, there were hazards involved.

Q27 Right. The time on my watch is now 11.11am. I'll temporarily suspend the interview as a result of information just received.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

SENIOR CONSTABLE UPSTON

Q28 The time on my watch is now 11.15am. The interview between Upston and Leigh has now recommenced. We were talking about communications between the Stand Aside and yourself on channel 16. Is that correct?

A Yes.

Q29 And also whether the vessel, the aircraft was in jeopardy on, on different occasions.

A Yes. If I can just expand a little on the in jeopardy, whenever we do winching - - -

Q30 Yes.

A - - - the aircraft's put in a hazardous situation. It's part of, it's part of the job.

Q31 Mmm. At any time did you fear for your own safety or the safety of the crew?

A No, the, the situation was kept under control for the entire time. The aircraft was, it was, was in a potentially very hazardous situation at times though.

Q32 Yeah, O.K. You mentioned earlier that you heard the Winston Churchill call Mayday.

A Yes.

Q33 Did you log their position at that time? Did they actually give a position of their Mayday call?

A I don't think they gave an exact position. They said, they, they said, referenced it to a land location some 20 miles east of somewhere.

Q34 Mmm.

A We were in, we were in the middle of a very demanding task so, I mean, I, it was, I did take note of it but I, I couldn't tell you what precisely they said.

Q35 O.K. So the main thing on your mind at that particular time was completing your task at hand - - -

A That's right.

Q35 - - - and returning to, to land?

A Yes.

Q36 After you, after you returned to land with those, those persons, you were tasked by AUSAR to do a number of other taskings?

A Yes.

Q37 And you had a change of crew I believe at that stage as well. Is that right?

A No, no. No, the crew remained as, the crew remained the same until we returned to Latrobe Valley in the middle of the night.

Q38 O.K. You mentioned the vessel Renegade - - -

A Yes.

Q38 - - - and she was under way - - -

A Yes.

Q38 - - - and you were trying to raise them and you were having difficulty to raise them - - -

A Yes.

Q38 - - - or in fact that you didn't raise them at all.

A No, that's right, they didn't, they didn't reply to any radio messages.

Q39 Was, was it obvious to you that they were aware of your presence there?

A Oh, yes, very. Yes, I mean, we, we, we're, it's a very large helicopter and the lights on is 30 million candle power and we shone it on their boat and we flew around their boat ..... this.

Q40 Yeah.

A Like, unless they were all, all asleep, you know, they had to, no, we could see them on the deck, on the deck.

Q41 Right. So there was no indication to you whatsoever that they were in any trouble? They were under sail?

A Yes, there was an indication, that's why we were there, that was the, the distress beacon was coming from their boat, that's, that's why we were there.

Q42 Right.

A But, but their boat appeared to be seaworthy to us.

Q43 Were they under sail?

A Yes, they were under, under sail.

Q44 With your homing device, with your direction finding equipment, obviously that's very accurate equipment and there was no mistake that, that the distress frequency

of the distress beacon was coming from anywhere else apart from the vessel Renegade?

A No, no. We, we have made mistakes with the homer but I'm satisfied in this case that that was the vessel from the, the indications I was seeing on the homer, that was the vessel from where the beacon was coming.

Q45 What type of radio direction finding devices do you have on board?

A It's called an applied ocean research homing device, uses a, an array of antennaes mounted on the aircraft, and a cathode ray type display in the cockpit and you get fluorescent line pointing in the direction of the distress beacon, and as well you get a, a metre type signal indicating the strength of the beacon. So basically it's a matter of following the display until it indicates you're over, overhead of the beacon, and it will do that by flicking from side to side and then indicating the beacon's behind the aircraft.

DETECTIVE SENIOR CONSTABLE GRAY

Q46 O.K. Peter, the type of aircraft, can you give us a breakdown on the aircraft?

A Aircraft's a Bell 412 helicopter, it's built in 1982, gross weight 11,900 pounds, it's powered by two turbine engines, 1800 shaft horsepower total, has capacity to fly in instrument flight rules in non icy conditions, has a cruise speed of 120 knots. That varies slightly, that's still air speed depending on the weight, it usually exceeds that slightly. It has a, a range or an

endurance of 180 minutes and normally there's a requirement of between 20 and 30 minutes to be left in the tanks upon landing. It has a, a internally mounted rescue winch, a western gear hoist capable of lifting 600 pounds. It's fitted with a night sun searchlight, a, a radio homing device, a search and weather radar, a global positioning navigation system which is coupled to the auto pilot of the aircraft. In its current configuration it has seating for four persons, four in the back and the two persons in the front, and capability of carrying two stretcher patients. Fitted out in a emergency medical service sail role, mainly the, the medical type role has a very substantial compliment of, of advanced medical equipment. It's skid mounted, it, it has an altitude capability of 20,000 feet. Yeah, well, that pretty well covers it.

Q47 O.K. In relation to rescues that are conducted over land, what additional risks are involved in sea rescues?

A The problem with, with winching, the problem with winching, there are several problems with winching. One problem is that the helicopter in the hover is unstable, it requires pilot input all the time, so the pilot needs a good visual reference of the, of, of the surface over which he's winching. Now if you're hovering over the ocean then largely that visual reference is, is, is lost because the ocean's moving. If it's a very large boat then, then, then, then you,

you do have some, some visual reference. In addition the, the pilot normally is not in a position to be able to see the target it's been winched to because the pilot sits forward of the, of the winching area, so the pilot is relying on the, the winch operator at all times to, to talk him over the spot, so if the, if the winch operator for example says, Forward three, and the pilot's hovering over the water, then forward three becomes rather difficult to, to, a manoeuvre to make because the pilot really has, has got, lacking a visual reference. In addition the target's normally moving because it's floating in the water, over the land it's stationary hopefully, so the target's moving up and down, occasionally at an enormous rate because of the wave heights, and it's being moved with the wave, with the wind and with the wave movement as well. As well the cable can quite easily disappear under the, under the target so that there's potential for the cable to be wrapped around in a worse situation, for example, a person's neck or around their leg or something like that, or around a boat if you're trying to winch off a boat, and of course there's - (Tape Beeping) - there's, if you actually have a person floating in the water there's ample opportunity for them to be lost while you're, while you're looking, looking at them, especially if it's just a head, or they can drown if, if you've asked them to jump off a boat to be winched, something like that. So there is a substantially

increased level of difficulty winching over the, over the water.

Q48 O.K. Is there an influence on the aircraft at all, the stability of the aircraft when you have a winchman and say a patient on the winch and are being, or the waves are crashing over them?

A No, no. The aircraft, the aircraft's very heavy and the actual, the load of two persons normally is, is fairly insignificant on the aircraft's stability.

Q49 O.K. Now so far as sea spray is concerned, does that have an effect on the engines or can have an effect on the engines?

A It can. In our, in our aircraft it's, it's only a maintenance type of thing where we, we do want to get the, the earliest possible time the engine washed to get the corrosive effect from the salt out of the engines, but actual performance-wise during the operation, nil.

Q50 O.K. We just might suspend this while we do a type, a tape change. The time is 11.28am.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q51 The time is now 11.32, this interview is recommenced. So far as floating capabilities of the aircraft - - -

A Aircraft's not fitted with floats.

Q52 Are floats available for it?

A Yes.

Q53 Is it practice to, to use those in sea rescue missions?

A A substantial number of aircraft in the ..... have floats fitted to them. It's, it's considered that the twin engine capability greatly reduces the, the likelihood of, of floats being required. Floats also, excuse me, slow the aircraft down very slightly and it's a substantial weight penalty.

Q54 Right. O.K. Now I don't know whether you'd be able to sort of comment on this, but the morale of the survivors on board, what was that like?

A No, I can't comment on that.

Q55 O.K. The morale of the crew throughout the operation?

A Excellent.

Q56 Now in relation to priorities re search and rescue and air ambulance tasks, what was the situation so far as if you had any air ambulance tasks?

A No, once we're, once we're tasked and we're on a task, then that task is completed.

Q57 O.K.

A So air ambulance, an ambulance task would have taken a lower priority.

Q58 Right.

A Certainly in this situation, no question about that.

Q59 O.K. Now you've never in your experience of service flown in these sorts of conditions previously?

A No, this is, this is the, that's the, the worst seas I've ever experienced.

Q60 Now did yourself personally, did you suffer any fatigue or exhaustion - - -

A Yes, I - - -

Q60 - - - mentally, physically?

A Yes, I was, that was part of the reason, when we departed Merimbula and we found the Renegade and it was a bit chaotic, I was, I was feeling the effects of fatigue then. Flying the aircraft on instruments low level over the ocean at night, yeah, I, I, I got slightly disorientated once and that helped make the decision to return to - - -

Q61 So that's both a stress, physical, mental type situation for you?

A I guess so, yeah.

Q62 Now what sort of, what are the guidelines so far as piloting an aircraft in these conditions so far as time and length?

A Yes, well, there's flight time limits.

Q63 Right.

A Basically we can, we can fly up to 9 hours - - -

Q64 Right.

A - - - on a, on a task. There's certainly no pressure put on the, on the pilot to fly if he feels fatigued.

Q65 And in fact in conditions that you were in, what was the total flying time, approximately?

A Oh, approximately 6, 6 hours I suspect, yeah.

Q66 That was more than sufficient so far as you're concerned?

A Yes.

Q67 In those conditions?

A Yes.

Q68 O.K. So far as communications overall, how did you assess it?

A Well, they certainly could have been better but I've never seen it, I've never seen a situation anything like this, where there've been so many boats in apparent distress at once, and when we were passing messages to AUSAR by phone so we were in a noisy environment in a, in a, in a fairly chaotic situation passing a message by phone, mobile phone, poor communications, to the man at AUSAR, and on one instance for example, he was then passing the message to his senior and we could hear him pass the message and the information we gave him was not the information that he passed to his senior. We could hear the, the variation on, on our story being passed.

Q69 Right.

A So, so there were, there were problems channelling that information, but normally the, the AUSAR situation works extremely well but for a while there it was just overwhelming and it appeared to me on the way home that somewhere in the vicinity of 30 persons may have been lost, so, and that was on the, on the Sunday night and I can understand why things were chaotic.

Q70 Yeah. Do you have any, from your point of view as a helicopter pilot, do you have any views or

recommendations which would assist your job in the future?

A No.

Q71 So far as identification of the yachts, you were happy with?

A Yes. Communications, from what I saw of the yacht people they were pretty, pretty well equipped. I, I've been to, people have been very foolhardy, these people were, big yachts, big ..... life rafts, flares, very well dressed, and they, and the, and the people that I spoke to and saw showed pretty good seamanship, you know.

Q72 And so far, well, apart from the life raft which was attached to Stand Aside, did you see any other life rafts?

A No.

Q73 Now I just can't recall, did you go the area where the Winston Churchill was supposed to be?

A No, in the end we never got there.

Q74 Right, O.K. O.K. David.

SENIOR CONSTABLE UPSTON

Q75 Peter, what was the, the total wind strength that, or the, I'll rephrase it, the highest wind strength that you experienced at, at any one time, whether it was constant or a gust?

A O.K. Well, I can only, I can only indicate that by comparing it with, like the known speed of the aircraft in still air and what the ground speeds were, and at

the time, excuse me ..... and at times they were under 50 knots and the aircraft does between 120 and 130 knots, so if you subtract 50 from 130 you get a wind speed of 80 knots, so they, they were up to 80 knots I guess.

Q76 That was constant for a period of time?

A No, that was about the worst but on the way back from the Stand Aside we were doing around 50 to 60 knots and that was at 100 feet, I didn't want to go any lower, just tried to minimise the effect of the wind, so that gives you around 70 knots.

Q77 O.K. And I understand that you'd obviously be fairly busy at the time of winching, and you were at the hover - - -

A Yes.

Q77 - - - or were you in some other mode to keep in one position?

A No, the aircraft, the aircraft is termed hovering when it's stationary over the ground but of course it's, it's sitting in the wind so in fact it's, it's effectively flying. We're, we're, we're stopped still but the wind is, is, is rushing past the aircraft. The air speed indicator is considered fairly inaccurate in the hover - - -

Q78 O.K.

A - - - so I couldn't tell you what it was in the hover.

Q79 All right. O.K. I have no further questions so is there, is there anything that you'd like to add at all?

Oh, there was one thing. With the, with the vessel Renegade, and not knowing whether it was the case or not whether it had a VHF radio on it at all, do you think it would be pertinent for all vessels in organised races perhaps to carry a VHF radio, perhaps whether it be portable or other?

A Yes, well, I would have thought they, they all had, did have marine channel 16. Marine channel 16 is almost the standard radio and I would have thought it would have been a requirement in this yacht race, and I suspect it was. It could have been their radio was disabled.

Q80 Mmm. After a roll over, and you said to me earlier that you understood that Renegade in fact did roll - - -

A Yes, we found that out later that the, that the vessel may have rolled over.

Q81 Yeah. And that would, that could have affected the aerials?

A Yes, or they, or if it was a portable radio it might have gone overboard.

Q82 Yeah.

A It was, could well be they were unaware that their distress beacon was operating.

Q83 Mmm. O.K.

DETECTIVE SENIOR CONSTABLE GRAY

Nothing further?

SENIOR CONSTABLE UPSTON

Q84 No, nothing further. The time on my watch is now 11.40. This interview is now concluded.

INTERVIEW CONCLUDED