

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr David Boyes on Saturday, the 13th of March, 1999 at 55 East Shelley Beach Road, Orford. Also present and seated to my left is Mrs Mary Boyes and seated directly opposite me is Senior Constable David Upston from New South Wales Water Police. The time on my watch is now 6.36pm. As I have already explained to you, David, Senior Constable Upston and myself are making inquiries in relation to the 1998 Sydney to Hobart Race and in particular we wish to speak to you today about your role and the role of the racing committee, which has been pointed out on the Sydney to Hobart Yacht Race sailing instructions and we wish to discuss a number of things with you in relation to that situation. First of all, I'd be grateful if you could give me your full name, your date of birth, your address?

A It's David Alan Boyes, the date of birth is the 6th of March, '36 and my address is 316 Sandy Bay Road, Hobart.

Q2 O.K. Now, your occupation?

A I'm a company director.

Q3 O.K, that's fine. Now, could you give me some background in relation to your sailing experience?

A Well, I've been a member of the, I started sailing, that's better, when I was probably 13 and I've sailed, you know, often, most seasons up till probably 1985.

I have actually competed in the Sydney, Hobart race and quite a few offshore races but that's some years ago and, yes, really, I'm just, I'm just another yachtsman really and I think that's the best way I can describe that, really.

Q4 O.K. That's fine. Now, at present you are the commodore for Royal Yacht Club of Tasmania?

A Yes, I am.

Q5 How long have you held that position for?

A 18 months.

Q6 O.K. Is that a tenured situation where you stay there for a couple of years and it changes hands or, how does that work?

A Well, you put, it's every year.

Q7 Right.

A It's an election every year for one year and if you want to you can put your name up, or put your hand up each year.

Q8 Right.

A For, really, as long as, one, you want to do it and, two, members want you.

Q9 Right.

A But, but my term finishes, my second term, second one-year term finishes would be round about the end of July this year.

Q10 Right. Now, can you tell me what your role is, your duties as a commodore of a club?

A Well, really, it, there's the financial side of the

club - - -

Q11 Right.

A - - - you've got to look after.

Q12 Yep.

A You're really the mouthpiece, I suppose, for the, for the members and I suppose ultimately, it's like any other organisation, you have, I suppose ultimately you are responsible for that moment in time when you, when you hold that position.

Q13 Mm.

A So, it's the same as being, say, the managing director of the company.

Q14 Mm.

A No, that's not quite right, just, say the chairman of directors.

Q15 Right.

A Yeah, or a president.

Q16 Mm. Does your responsibility as a commodore extend to the day-to-day decisions which are made by certain committees or sub-committees?

A No.

Q17 Right. O.K. Now, as I mentioned before, in the document, Sydney to Hobart Race sailing instructions, 1998, part 3 is titled, "Race Committee", and on that race committee there is Hans Summer, (Chairman), Howard Elliott, Robert Badenach,, David Boyes, Bruce Rowling, Phil Thompson and Mark Robinson. I'll just show you that, do you agree with that, in part 3 there?

A Yes, I do.

Q18 O.K.

A Yes, I do.

Q19 Now, I wonder if you can give me some, some background in relation to how that committee is formed as far as you're aware?

A Well, I suppose, all I can say to you, Stuart, is simply that historically it's been sometimes the vice commodore of our club and the race director, they just, they're appointed I suppose, or their names are just included on the, on the, on the programme or the sailing instructions and I think that, in our case, I suppose it, well, in my case, I suppose, it could be just a courtesy really, to, and the only part that, that we play in the, the whole performance is, as I said to you before, we, we finish the race, we fire the gun and look after the prize giving and, you know, and do the best we can in that area for the CYC.

Q20 Now, is it the case with you being on that committee that you were asked to be on that committee for last year?

A Look, to be quite frank with you, I, I, I don't know. I don't know, it's been, it's been historically - - -

Q21 Yeah.

A - - - historically, it's been a, maybe a representative for the finish of the race to be on there from our club, you see, and that's how that's happened.

Q22 So it doesn't surprise you to see the race, sorry, the

sailing instructions and see your name on the committee, that's what I'm saying to you?

A No, no, no, no, not at all, no.

Q23 O.K, that's fine.

A But for the, for the amount of work, if anything, we do, as far as the, the sailing part of it is concerned, we really don't contribute very much.

Q24 All right. Have you or did you at any stage prior to the 1998 Sydney to Hobart race meet as a group committee?

A Yes. Yes. Would've been something like about either October or November, one in Hobart and two in Sydney when they had the Telstra launch in Hobart and then the Telstra, sorry, the Telstra launch in Sydney, no, sorry, Hobart the first time and then I think the second one would be the, the Telstra launch in Sydney. Yeah, but all it was, all we talked about was, once again, I say is, how we're going to finish it.

Q25 Right. O.K.

A And we did have some, some great things organised for the finish this year, but, of course, what happened, it didn't go ahead.

Q26 So, in those three meetings prior to the race, was there any discussions behind closed doors as a committee by themselves?

A No. Well, I'd like you to clarify that.

Q27 O.K. So far as the committee is concerned, there are one, two, three, four, five, six, seven of you?

A Yeah.

Q28 As a group, being identified as a race committee, did you at any stage during those three meetings prior to the race, meet as seven, and discuss the finish, the start, the during

A Yes, yes.

Q29 O.K.

A But I don't know the names now, but - - -

Q30 That's fine - - -

A - - - not all - - -

Q31 But as far as you are aware there was some there, there were meetings conducted?

A Yeah. Mm.

Q32 Were there minutes taken in those meetings?

A Yes.

Q33 And they were recorded as far as you are aware?

A I believe they were, yes. In fact, I'm certain they were.

Q34 All right. Was it ever, or has it ever been pointed out to you in any of those meetings about the way in which entry forms or compliance of certain documents would be looked at by the CYCA?

A No, as far as that subject is concerned, I still get back to the same old thing.

Q35 Yep.

A Meetings that we have, or had at the time, they were all based round the finish.

Q36 Right. That's fine.

A In fact, this year we were going to fire a canon instead of a gun, you know, just a gun and there were going to be fireworks and all that sort of thing, that's the sort of thing.

Q37 Right.

A On the ground in Hobart, how to organise the information centre, you know, for the public and all that sort of thing, but, no, we, no, no.

Q38 So it's fair to say, so far as that's concerned, you're really not concerned with that?

A No.

Q39 Is that right?

A It is, that's quite right, Stuart.

Q40 O.K.

A Yes, we, it just hasn't happened.

Q41 Yes.

A You know.

Q42 That's fine, that's fine. O.K. Now, so far as races which are held within your own club, and I believe there was two races held a year, is that, ocean-type races?

A Yes, the Island Race - - -

Q43 Right.

A - - - and and the Island Race.

Q44 O.K.

A But the, the Island Race is merely only a, it's a sort of a dash down the outside of Island and then you turn round the southern part of it

and you're back into Bass Strait channel, so that's, I suppose you could call it an off-shore coastal race, you know.

Q45 O.K.

A There's plenty of places you can shelter there.

Q46 Now, within your club or within the organisation that you're involved in, we had a look in this book here, which was sailing instructions, entry forms and programmes for the 1998/'99 season, Royal Yacht Club of Tasmania and the Derwent Sailing Squadron and you pointed out in here that there was, the hierarchy sort of set up within the book and they are different committees.

A Yeah.

Q47 There's a, a commodore, yourself, there's a general committee, there's a sailing manager, the sailing committee, race committee, principal race officers and committee boats.

A Mm.

Q48 So within your organisation you have a chain of command, so to speak?

A Mm.

Q49 Now, when races are conducted through your club, who is responsible for processing and vetting application forms for races?

A Well, the sailing committee - - -

Q50 Right.

A - - - but it's often Rowan Johnson.

Q51 Right.

A This one here.

Q52 O.K.

A The sailing manager.

Q53 O.K. And as far as you're aware, what's his procedure on receipt of entry forms for a race?

A Well, he, he checks the, the whether the certificate is valid and, but that's, to what extent I don't know.

Q54 That's fine.

A But he does look at it.

Q55 O.K. Do you know, are you aware of what procedures he would take if a particular form or whatever the compliance may be, wasn't met through his committee or through himself?

A Well, I don't, I don't really know the answer to that
- - -

Q56 O.K, that's fine.

A - - - but - - -

Q57 Could you surmise, or -?

A Well, I think probably what would happen is that it wouldn't be accepted.

Q58 Right. O.K. Now, I'll show you an entry form in this little book which is RYCT entry form offshore races, that you're familiar with. I assume it's an example of what's actually been pulled out of the book here.

A Yes, it is.

Q59 Right. O.K.

A There's two

Q60 Yeah, I think that might relate to the second one

A Yeah.

Q61 If you look down the bottom here you'll see that,
myself first, some, some information here about
complying with certain, certain rules, you'll see that
it's accompanied by a copy of a current valid rating
certificate. Do you agree with that?

A Yeah.

Q62 Now, I'm assuming that that is an IMS certificate of
stability.

A I don't know, I, I, I don't know.

Q63 It's not sort of defined here, you know what I mean?

A It's not spelt out there.

Q64 It's not spelt out there.

A No, so I don't know. I don't know.

Q65 I would assume that the second part, it is accompanied
by a copy of a safety compliance certificate, would
relate to a form similar to - - -

A Yeah, that's correct.

Q65 - - - that form, which I showed you.

A Yep.

Q66 Which is a check list basically, for the record, which
is a check list basically going through various
articles and safety equipment on the boat. So, one can
only assume that when it's says a valid rating
certificate, it is in fact an IMS stability
certificate. I mean I can't add anything more to that,
it doesn't, it doesn't specify.

A Mm.

Q67 But in any event there is something mentioned in relation to a, a valid rating certificate, we can clarify that, there's no problems with that. Now, if I go to the next one here, which is the DSS entry form for, for summer pennant. We can see that the same, the same thing applies for IMS classes a current valid IMS rating certificate has been lodged.

A Revalidated.

Q68 Yeah.

A Mm.

Q69 So, once again, the sailing committee who receives these applications would, in fact, ensure that those documents comply, which would ensure the total compliance of the boat.

A That's what it's really in there for.

Q70 Yes.

A Mm.

Q71 And to apply or to enter a race under those particular races I've just mentioned, you have to have the correct documentation to go into it.

A Yes, well, you do.

Q72 Yes. And responsibly speaking, I suppose, that if a committee was, from, from your side of things, I'm not talking about anywhere else, but from your side of things it would be incumbent upon the sailing committee or the sailing manager to ensure that is done.

A Yes, well it is, yeah, I'd have to say yes to that, I

mean, yeah.

Q73 Is that your business, so far as your position is concerned?

A No.

Q74 O.K.

A No, not really, I mean that's, not really, I think I'd have to sort of say to you that the blue book - - -

Q75 Yeah.

A It's all written in there as well I believe.

Q76 Yeah.

A You know.

Q77 Who would the racing committee and the racing manager or sailing manager be answerable to within, within the organisation?

A The sailing committee.

Q78 Right. O.K. Now, are you aware of how, or are you aware of what would be the case if, if in fact an entrant did not comply, are you aware of how that would be notified to the entrant or the applicant?

A No, I'm not.

Q79 O.K.

A Well, he'd just be told.

Q80 O.K, would that be done verbally or in a written form?

A I don't, I don't know that.

Q81 O.K.

A I mean there's many ways that could be done.

Q82 Certainly.

A You could do it, you could write it - - -

Q83 Yes.

A - - - you could write back to the person concerned and say look unless this is put right - - -

Q84 Yes.

A - - - or as the entry is put over the counter, the sailing manager might turn round and say, "Well hang on you better get that right before -".

Q85 Yeah.

A Yeah.

Q86 So it is possible that there could be documentation in the sailing committee office where written notification has been sent to an owner to say you don't comply with this, it's reasonable that could be expected?

A Yeah, but I can't answer that, Stuart, I - - -

Q87 Yeah, that's fine.

A - - - I can't, you know, I just can't say, yes, there's letters - - -

Q88 Yeah, no, that's right, but there's certainly some options available, there's a written option, there's also - - -

A A verbal one.

Q88 - - - a verbal one. O.K, are you aware in the recent history of an boats in any of the races involved in your club, or in fact even the Sydney to Hobart, that didn't comply under the rules?

A No, I'm not, no, I'm not, no, I, I can't answer that to say, you know, I, I don't know.

Q89 O.K.

A But I've heard at times - - -

Q90 Yep.

A - - - people say that boat's got, doesn't comply committee has or whoever it might have been, have said get it right.

Q91 Right. O.K.

A Yeah.

Q92 That's fine. Look, I've got nothing else further to ask about that.

SENIOR CONSTABLE UPSTON

Q93 The, has your club been in receipt of any documentation as far as the 1998 Sydney to Hobart Yacht Race is concerned, received applications and then forwarded them into the CYCA?

A What sort of applications?

Q94 The, the application for the race. I'll show, I'll show you a document here where it, it's, for example, that this particular form is the application for entry form, 1998 Telstra Sydney to Hobart Yacht Race, in fact, this applicant is for the vessel - - -

A Bacardi.

Q94 - - - Bacardi. Has it ever been the case that people have lodged application forms to you as a committee member or to any of your committee, or to any of the race committee, at your club and then forwarded them on to the CYCA?

A It could've happened, but I don't know.

Q95 Well, you as a, as a committee member, you have, as a

race committee member, you've never sighted any of these forms?

A No, no, I haven't.

Q96 O.K.

A I doubt whether that would be the, I mean, most of, I think most times, most people would send the entry form straight to -

Q97 Yeah.

A Yeah.

Q98 So, as far as you're aware it would be fair to say that these forms are never sighted at the, at your yacht club, in fact, they're just forwarded directly to the CYCA?

A I would say so.

Q99 Yeah.

A Yeah, I mean, they get the notice of race accompanied by the entry form and it's got the address there, I reckon that's, yeah, yeah.

Q100 So, but that's, that's what I'm saying, from, from, as far as the Tasmanian entrants are concerned, they, your club would not vet any of the entrants?

A No.

Q101 And then particularly yourself, as a race committee member?

A Yeah, no, no, because I'd suggest to you that whatever the entry fee is, three or \$400 or something, maybe they fill that in, cash the cheque, post it to that address I would, I would think.

Q102 M'mm. As far as the Telstra, the sponsor is concerned and prize money and, correction, not prize money, but entry fee, what's the ratio, do you know, of the, any fees or anything like that, that's broken up to between your club and the CYCA?

A Yes, there is, David, I'm just wondering, you know, with respect, whether, is that relevant, do, do I -?

Q103 Well - - -

A I might answer this way, that we get, we get money from the CYCA sort of for services given to them, you know, by way of, well for instance we have to pay for the, the, for example the the speaker system on the wharf, we have to pay for, just lots of little incidentals like that.

Q104 Yeah. What I'm basically saying is that I'm, we're just trying in that the CYCA is affiliated with the, with your yacht club for this particular race and there's no doubt about that because of monies received to conduct certain things around, at the end of the race.

A Mm. That's right, they give us money to, to make the finish, to, they give us money, fire the gun and the loudspeaker as, I've said, the wharf, to buy, sort of T-shirts for the volunteer staff.

Q105 Yeah.

A And all that sort of thing.

Q106 Yeah, no, that's fine.

A Yeah.

Q107 There's no problems with that either.

A No.

Q108 It's just, as I I have no further questions.

DETECTIVE SENIOR CONSTABLE GRAY

Q109 Have you ever been on a racing committee, yourself, other than the Sydney to Hobart one, I mean with your own club?

A Yeah, I've actually been the vice commodore.

Q110 O.K.

A And I was chairman of the, of the sailing committee at that stage for those two years, yeah.

Q111 In that capacity, as you have pointed out, in relation to these application forms, you would ensure, well, with your role as the vice commodore when it was and you were on the race committee, would you be issuing instructions to your committee about entry forms? Or, have you ever?

A No. No.

Q112 O.K. Why would that be?

A Well, because there's a format, there's, there's a format which this one is.

Q113 Yep.

A That's a pro forma.

Q114 Yep.

A And I suppose that, in this case, it being in existence for so long that it's a, it's very much a standard procedure which is just handed down, handed down,

handed down.

Q115 Right. O.K.

A Sailing manager might just alter a few things and trim it up and sort of - - -

Q116 Yeah.

A - - - streamline it from time to time, but, no.

Q117 If you were a captain, so to speak, of the race committee - - -

A Mm.

Q117 - - - how would you ensure compliance of your other members is being, is being conducted?

A (NO AUDIBLE REPLY)

Q118 I don't ask you that for any other reason than, you're the boss of that particular committee, how do you ensure that everybody is doing their job? Probably a nicer way to put it. at this point.

A No I can answer it all right.

Q119 Yeah. The people that you trust, I mean the people you had in the committee you trust and you automatically trust and assume that they will do that anyway.

A Yes.

Q120 Right. That's fine.

A Because, once again, I get back to this - - -

Q121 Yes.

A - - - and we, as a club, work very carefully, well, we are very careful about working from that, that blue book.

- Q122 The blue book you're referring to is The Australian Yachting Federation Racing Rules of Sailing?
- A Yeah.
- Q123 And that's the current book here, that we have here in front of us for 1997 to 2000?
- A Yes, it is. Yeah, that's right, yeah.
- Q124 And your committee would, and, and you as a committee member would, would ensure that all the, the rules and regulations are strictly adhered to as far as The Australian Yachting Federation is concerned.
- A Yeah, well, we try to do the best, you know what I mean, do the best we can with it, yes.
- Q125 Mm. So it would be fair to say that you would point out that this book, this book here is strictly adhered to and that your committee will conduct themselves in accordance with the rules and regulations of that sailing, of this book?
- A Yeah, probably if I can sort of say this about that book, that there's a protest committee in the front of that book, this one, you know, and that's, that's the, you know, that's really the bible.
- Q126 Yeah.
- A And that's what's referred to if there's protests, for argument sake.
- Q127 Yeah.
- A But there are other things in there which, all the categories, all the categories are listed out, yeah.
- Q128 O.K. Is there anything that you would like to, to

mention to us or any views or ideas that you have in relation to the race last year?

A No, not really, Stuart, no, not really, no, not really.

Q129 O.K.

A I mean, no, it's best if I, you know.

Q130 Well, do you have any, O.K, rather than put you in that position, do you have any recommendations so far as things you would like to see in sailing?

A No, not, not at this stage, no.

Q131 O.K, that's fine.

A I think that I, you know, I don't -

Q132 As commodore, you, you don't feel that you can sort of comment on that, or?

A I, I, I, I will say something.

Q133 O.K.

A Briefly, that when all this happened, you know, on December the 27th, and I, I really believe that the manner in which all the rescue operation was carried out, was just, was excellent and that's really what I'd just like to say and, but that doesn't mean much for, for what you're doing here, I realise that.

Q134 That's fine, that's no problem at all.

A Yeah.

Q135 O.K. The time is now 7.03pm. This interview is concluded.

INTERVIEW CONCLUDED