

DETECTIVE SENIOR CONSTABLE GRAY

Q1 Its an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Greg Halls at the Eden Police Station on a Tuesday, the 29th of December, 1998. Also present and seated to my left is Detective Senior Constable Neil Grey. Do you agree, Mr Halls, the time by my watch is now 5.43pm?

A I do.

Q2 As I said to you before, I'm making inquiries in relation to your involvement in the 1998 Sydney to Hobart Yacht Race, which commenced on Boxing Day, December this year. For the purpose of the record, could you please, state your full name?

A Gregory Webster Halls.

Q3 Your date of birth?

A 21st of June, 1948.

Q4 And your current address?

A My current address is 21 Lynwood Street, Blakehurst, New South Wales.

Q5 Are you currently employed?

A Yeah, self employed.

Q6 And what sort of business is that?

A I'm an Oceanographer.

Q7 Oceanographer. O.K. Are you married or single?

A Married.

Q8 O.K. And how long have you been an Oceanographer for?

A Thirty six years.

Q9 Now do you agree that prior to the interview, I

informed you I was going to ask you further questions in relation to the Sydney to Hobart Yacht Race 1998?

A Yes.

Q10 And I also informed you that there was a paragraph provided to you to read onto tape.

A Yes.

Q11 That paragraph is now in front of you, would you mind reading that onto the tape for me, please.

A "This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it known that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false and did not believe to be true".

Q12 And your age is?

A My age is 50.

Q13 O.K. First of all, could you just start, do you agree about half past 1.00 this afternoon I had a conversation with you outside of the harbour master's headquarters down at the Eden wharf?

A That's correct.

Q14 And that conversation related to a conversation that you had with Drew Murray?

A That's correct.

Q15 O.K. Prior to getting into that, could you just give me a background of your, your sailing experience, please?

A Yes, I've been sailing for near on 40 years. I've had 30, 30 odd years experience in the Hobart race, of which two were spent on juries and the last eight as race director. My duties involved in administration of the events ceased after the 50th running of the Hobart in 1994, due to the fact that I proceeded overseas in my occupation. I have sailed in many Hobarts, I've done Admiral's Cup, America's Cup, and many world competitive events, so I think that I have a fair amount of background in sailing to be an active participant in the administration of the sport.

Q16 O.K. Now, you have previously been involved, sorry, you have previously been involved with the Cruising Yacht Club of Australia?

A Yes, I've been a member of the Yacht Club since 1976, and I have been, as I said, an active, a race director for the Hobart race from 1987 to 1994.

Q17 O.K. And what's your present involvement with the Cruising Yacht Club?

A I was requested to come down here as a liaison officer to sort of liaise between local authorities, participants and anybody else that we could assist with following the we're going to have a problem when the weather sort of started to turn foul.

Q18 O.K. Now when you were informed about the weather possibly turning foul?

A I returned to Sydney just prior to Boxing Day, start of the Hobart race from Darwin, actually it's Indonesia,

where I made comment to a fellow named Mike Fletcher, who is our leading yachting coach and who was my co-director for many years in the Sydney Hobart event, that it appeared from what weather preview I'd seen that the yachts would get a bit of a beating on the first day out but the second day really concerned me. On the Sunday afternoon, I was sort of listening to HF radio in my office at home, and, and just had a feeling that one normally gets after a long involvement in these events that something was going to develop that particular evening. I rang the CYC, and spoke to Commodore Peter Bush, and I said to him basically the words, "Peter I'm, from what I've heard on the radio and from what I think is going to happen", I said, "Have you got people in Eden?" And he said, "No", and I said, "Well, I suggest that you think about moving somebody in there rather rapidly because tonight's going to be quite a horrific night". He rang me back at around about 8.30 that evening and said could I go to Eden, I said, "I'm on my bike", and I left Sydney at 9 o'clock, arriving at Eden at 2.30 that morning.

Q19 All right. Were you at the start of the race?

A Yes, I was.

Q20 And whereabouts were you at the start of the race?

A I was at the CYCA, actually had, had, had, had a guest from overseas and Darwin and we were going to go out to watch the start but we decided we'd enjoy the balcony

and the sunshine and the beer and watch it on television.

Q21 All right. Can you tell me if there were any briefings given to the, to the skippers prior to the race?

A I'm not, I, I don't know, because I wasn't there but it's normal procedure that there is a briefing usually two days, or a day before Christmas Day, Christmas Eve which is a full briefing for skippers and navigators and I should have imagined that they would have been carried out, unfortunately I had not even seen a set of sailing instructions for the event this year.

Q22 O.K. Is that a normal standard procedure to produce sailing instructions to -?

A Yes, sailing, notice of race and sailing instructions are produced several months before the event. All competitors receive those in the mail well before the events are staged and there is firstly a briefing to skippers and navigators prior to the event which most skippers and navigators and, and interested parties attend.

Q23 And who conducts the, the briefing?

A It's conducted by the Cruising Yacht Club of Australia.

Q24 A representative from there?

A At that particular briefing they will have, normally have meteorological information from the Met Bureau or professional meteorological people. They normally have a gentleman from the CSIRO with regards to currents and then the various Commodores of the Royal Yacht Club of

Tasmania and the CYCA make various comments and statements, the sponsor may make various comments and statements and then the race director normally progresses through the sailing instructions, well the provide the sailing instructions which one believes need reinforcing.

Q25 All right. What are those things for example?

A Things like that in the event of bad weather it's up to the skipper to continue racing. Procedures for entering and leaving various ports if they do have problems. Procedures, we always emphasise the procedure of the start from collision involvement and the penalties applied thereto. The procedures for a vessel which does not report its position on two consecutive skeds, radio skeds. Berthing procedures in Hobart, entry procedures into Hobart. They, they may have changed in the last couple of Hobarts from when I was involved, but basically the principle is the same. Anything that's not a contentious issue with regards to the rules, is covered by the rule book, the standard rule book of offshore racing and there are, there may be pertinent points to bring up on, on radio skeds which are mandatory in the event, and anything that, that some competitors may not have encountered before in previous events.

Q26 O.K. Are you aware of the skippers being told prior to the race about the potential for severe storms on the Sunday, Monday?

A I, well, actually I wasn't at that particular briefing but I should imagine that would have occurred.

Q27 All right. Have you become aware since the beginning of the race by talking to people, like -

A Yes, I have been aware since the race it, it was raised at the briefing Ken Batt did the, did the briefing of the meteorological data.

Q28 Ken Batt, was it?

A Ken Batt, B-A-T-T.

Q29 Yeah.

A There was also a competitor in the event who was employed by the Department of Science Bureau of Meteorology. And I was aware that he had, you know, he had advised competitors of the prevailing conditions and the predicted conditions for, for the event.

Q30 O.K. From your experience, if such warnings were given, is there an option available to the organisers to postpone or cancel the race?

A No, it's, it's something I've always raised, we have raised over the years, one, because the start is timed for 13.00 on Boxing Day, and there's little leeway there for having a restart. The question was raised after the '93 event and no, there's no provision in the sailing instructions for cancelling or shortening the race.

Q31 So is it the situation that the race goes on, it's not a situation of, of an issue of safety but it's sort of an issue of tradition, that start time?

A I, I don't really consider it an issue of safety, I'm, I'm of the belief that this is a chosen sport by many, and it's a formula one, the CYC, Sydney to Hobart is one of the three greatest ocean races in the world and, it's just a formula one event and man has been sailing around the world since the day dot and if you want to go and find you want to go racing and, and get battered by the elements that's man's choice. And I, I, I believe that that the organising authorities over the years have normally taken all precautions to, to ensure that, that there are safety nets in place for such event as, as bad weather. And we've had a very good record in, in the Sydney Hobart, when one compares it with other events overseas, and is regarded as one of the hardest races in the world.

Q32 O.K. Now, can you tell me what qualifies a boat to become involved in the Sydney to Hobart?

A It must satisfy certain requirements as far as a rating rule goes. There are other requirements placed on the boat which have developed over the generations of, of, of different changes in rating rules, such as stability, construction, the boats are required to be constructed to a standard, which Inside the IMS rule are various qualifications on structural integrity and classification of the boat as far as its, it's stability, which is the riding factor of the boat, it shouldn't, it shouldn't tip over. There are limitations and requirements on sails to be carried by

the vessel. Storm gear, emergency gear. There are also, it is under the International Operation Rules there are four, or maybe five, categories of sailing events, ranging from cat 0 to cat 4. Cat 0 is for, around the world races and has a, quite a strict requirement on emergency equipment to be carried on board. Category 1, under which the Hobart race is, is run, is the next highest category and I think that at the moment the Hobart race is the only category 1 race still left in the world. So, as far as safety equipment goes, there is an extensive list of safety equipment which is all checked by race officials on each particular vessel prior to the event commencing.

Q33

So is that some days prior or on race day?

A

No, it's, it's normally carried out, it takes a while to, to, there, there is a standard list, which is in the, which is in the entry form. All, all boats racing in any event in, in any event in, in any club in Australia requires some sort of safety, compliance certificate. That certificate is updated usually in the start of summer, the summer sailing season, in September in Australia, but for the Hobart race, it must be presented and signed by a certified safety officer from either, one of the State authorities and there are several things on that particular form which the CYC, we have a, a safety officers team which does go around and does check, those particular safety, the boat must be made available for a safety check, and

that mainly extends to interstate boats, they may have slightly different rules to New South Wales or overseas vessels. Such as compliance with Australian Standards for life, life rings or safety harnesses and things like that. We have different rules here for things like gas nipples on gas bottles, whereas overseas they're, they're not quite as strict as we are and quite often we have knocked back boats from overseas that we don't believe that comply with Australian Standards or with the standards of what we think that this race requires, and usually there is then a committee to discuss whether or non-compliance by an overseas or an interstate boat does comply. And we seek professional advice on that from naval architects and from, from builders. So, that safety list is, is, is mandatory in its application before the, before the, the vessel can, can race, that, that safety form must be complied with.

Q34 All right. Now, so far as manifests, crew manifests, are they provided to race officials prior to the race, some time prior?

A Yes, part of the entry requirement is that crew list must be submitted by a particular date. There are series of calendar dates. One, the payment of the dollar to, to commence the event. Two, a receipt of safety certificates and what we call race certificates. Three, would be completion of crew lists and next of kin, and there'll be a fourth one there which, which,

could be amongst the senior rating boats, a weight requirement for, for the vessel under, under the IMS rule boats of certain, certain ratings are only allowed to carry a certain weight in crew members, so, if you over indulge on Christmas Day somebody might be a kilo or two over so you've got to give somebody the flick and bring somebody else on. But those dates are clearly defined in the notice of race or the sailing instructions to when they must be applicable, and normally we've kept a big spreadsheet going and when it gets around to a day or two before those dates, the boats that have not complied, we go and give them a bit of a hurry up and help them along to maintain their entry into the event. But it's been my experience over the years we have never let a vessel start in a race that hasn't complied by the, by the start date you know, there's a little bit of leeway given sometimes and we have a history of, of things like, Wild Thing, not, not the Wild Thing that's current but it's previous boat we refused to allow him to start in an event in Sydney because documentation was not available. So, that does happen and, under those circumstances with, with the vessel wouldn't be allowed to go unless that documentation was correct. Crew lists, O.K, they, they do pose a slight problem because things change from two months before an entry's accepted, people may be injured or people don't want to go, or the crew might overweight or somebody invites

his friend along who didn't have And so there is provision to make late crew changes. There is also provision to advise the radio relay vessel after the start that you have either left somebody ashore or you've taken on an extra crew member and they normally radio through the crew member's name and next of kin and various other particulars.

Q35 So it's the responsibility for late changes to be made by the captain or the skipper of the boat.

A That's correct. As long as it complies with, with, with the certificate as per the number of people, or weight on board and as long as he has a crew list if, the organising authority really can't do anything else. We, we can't verify that Joe Bloggs lives at that particular address or that's his home or his girlfriend. I've noticed on, on the form, of one or two forms I've received, I'm a little bit surprised that, there are specific forms for this and, and the forms that I've received here for this current event, don't comply with the standard forms before and so we have a slight problem, here.

Q36 All right. O.K. Now, what is the actual price for entering the race?

A I think it's, I don't know what it is at the moment, but I think it's about 580 or 680-odd dollars for a vessel under normal circumstances, but once again there's two or three categories depending on the advertising and it may be as high as a \$1,000, it has

changed over the last couple of years and, but, I, I, I would think it's about \$600.

Q37 O.K. Now you mention the radio relay boat. For, for the Sydney to Hobart races that you've been involved in, has there always been a radio relay boat?

A We had one year and I think it was 1991, where we did not have a radio relay boat and we carried out the radio communication schedules from a, a vehicle fitted with HF equipment which progressed down, down the coast with the fleet. But in all other years there's been a radio relay vessel.

Q38 O.K. Now, what's the responsibility of the radio relay boat?

A The radio relay vessel is virtually like the mother duck of a fleet. It's purely there as a radio relay vessel, that is communication between the vessels and the shore establishments. It, it, it can be called on to assist in what we may call class one or incidents of possible, sorry about that. It would be called upon in cases of sort of man overboard or life threatening or situations to do something, but we try to not let it be used to carry fuel, if Joe Bloggs has used too much fuel or he's run out of bakebeans. Because the, it's always been, I have normally issued instructions to the radio relay vessel that given them a full brief saying that we can't be seen to be just, just a servant to those that are out there, you are the eyes and the ears of, of, of all the yachts, and if we take

you away from doing one particular thing then we don't do anything efficiently and, and the whole communication thing will, can fall over. So, its role is purely radio relay to relay information from yachts to shore and from shore back to the yachts. It also maintains, you know, plotting facility and, and procedures for carrying out search and rescues 'cause it, is naval vessel. So it can be utilised in that capacity.

Q39 O.K. The, the yacht race this year, I believe the, the radio relay boat was in fact the Young Endeavour. Is that correct?

A That's correct, yes.

Q40 O.K. And that's controlled by the Royal Australian Navy?

A It's run by the Royal Australian Navy, yes.

Q41 O.K. And once again the role they performed this year was exactly what you just told us, is to relay - - -

A Yes.

Q42 O.K. Now, I believe there's a, a number of distress calls that can be sent by yachts, and I believe that there's a Mayday, a Mayday, and -

A There's Pan's and Mayday, depending on the severity.

Q43 O.K. Will you explain those to us?

A Pan, a Pan call is like a warning call to other yachts that you have got what may be considered as a non life threatening situation, you may have lost a life raft overboard or a dam buoy, or you've seen whales or you may have observed a flare going off elsewhere. A

Mayday call is, is when you have a severe problem which you are virtually abandoning your ship. You wouldn't send a Mayday call out unless you required urgent assistance. If you drop the mast over the side, you first send a Pan call, if the mast then punched a hole in the side of your boat and it looked like sinking, you'd send the Mayday call, to follow it up.

Q44 O.K. And normally once, once, if, if you've sent a Mayday call, and you've managed to rectify the situation, such as, as you've sealed your, your hull, hull up with a piece of Gaffa tape, and it's all holding, you, you can then have the option of cancelling that particular Mayday call. And there are proceedings in place for doing that, but they are the basic two distress calls that, that sort of go out. Quite often people send out Mayday calls that should be Pan calls. As soon as one gets, gets a Mayday call, usually it's all ears to the radio and, to see what's going on. Pan calls are still treated with the same respect but they don't have the same severity as a Mayday call.

Q45 All right. So would you consider that persons injured on board, broken mast, difficulties steering the vessel, would that be a Mayday, in, in your experience?

A That, that, it would be depend on the severity. If I had a, got somebody on board with a broken arm who was, who wasn't in any pain and you secured him all right, it'd be a Pan call. If, if, if he had two broken arms

and two broken legs, and was in real trouble, that's a Mayday call you require assistance.

Q46 O.K. Now I believe on, on Sunday night you were monitoring the race from a position down here at Eden. Is that correct, or -?

A Yes, I, I arrived here in Eden about 2.30am, and actually came straight to the police station here to introduce myself to the duty office and had a cup of coffee and a few things and then realised that the sked was 0305, so I went straight up to the RVCP, and I arrived there - - -

Q47 What's that, the RB - - -

A The Royal Volunteer Casualty Patrol out of Eden.

Q48 All right.

A And I arrived there right on, on 0305, for the commencement of the sked.

Q49 O.K. Now what, what did you hear on the radio during that period of you listening to it?

A All right. During that particular period I, I heard. They gave a weather report, which is standard procedure prior to the sked. Then the radio relay vessel virtually went through the, we have, normally draw up a sked sheet, the vessels names and numbers in alphabetical order. The radio relay ship then call each particular vessel in order and ask for its position, lat and long and any other comments. Following the first run through the sked where boats did not come up, and then repeated those boats that had

not replied, calls made, there are relay vessels out there because the fleet gets so spread out and HF communications is not always a, a 100 per cent efficient in these areas, there are radio relay vessels that, that the, the Young Endeavour can ask that are situated in the fleet and ready to assist to him in picking up boats, and normally that occurs on, on day one, the radio relay vessel will pick a boat that he knows is going to be towards the back of the fleet that has good radio strengths somebody at the front, so that if he's got to slow down and to stay with the bulk of the fleet and the front runners get away a little bit, he's got a boat that he knows he's got good radio communications, and so they're often used to assist the radio relay boat in picking up communications that he can't understand or get good clarity on. So, we went through those various procedures and during that procedure there was times spent with vessels, we had quite a few boats which have retired and were explaining their situation. There were vessels that, that had obviously been in distress earlier that evening and whilst getting their position and various things, the discussion took part, was taking place on, what they required, additional assistance or outside assistance, what they were up to, how many people were injured on board or whatever the situation may be. There, there were one or two boats that came in over the top occasionally, which is normal

procedure in radio sked because they, they can't either hear the call going out and they think they've heard the one before, so he's rattled his bits and pieces off. Which makes communication a little bit difficult in sea conditions.

Q50 Did you hear any conversations or any transmissions from the vessel Business Post Naiad?

A Yes, I did.

Q51 Could you give me the details of that, what you recall?

A Basically I don't recall that, that, they had a Mayday situation, I, I didn't hear the actual call Mayday, Mayday, Mayday, because, because I believe it was made earlier, but they were, they did discuss with, with sheet, in fact they didn't come up on the sked at all on, for, for a position report.

Q52 And that would have been at what time, 0305?

A That was 0305. But they had, they had a vessel in attendance with them and there were, there were, there were calls, I did hear the boat trying to get through to the Young Endeavour.

Q53 That particular boat?

A I believe it was that particular boat. But there was so much static and background interference it was very difficult to make out. There was conversation, the Young Endeavour had lengthy conversations with several boats during which time we could hear vessels trying to call in the background.

Q54 M'mm. Did anything, during that time you were

listening to the radio, did anything alarm you in relation to the way in which everything was going, so far as the boats calling and Mayday, well, any sort of calls that were accepted or - - -

A Having - - -

Q54 - - - received or -?

A - - - sort of walked straight into, to the sked, initially, no, but then later on during the sked, when, when I became aware of a number of boats that were having problems, the radio relay boat did spend some extended time with the yacht Team Jaguar and the tug going to its assistance. Which is not unusual. But, I, I believe that, that I, that I, in previous yacht races where we've had this sort of thing, some of that, or a considerable amount of that conversation which occurred there, should have occurred after the sked, because these particular boats, at this particular time, they may only turn their radios on for the sked because they're trying to conserve battery power or they may have a problem, and this is the one time when, one, all we're trying to do is find out the positions of various things if, if boats have got problems and they're not all that serious when I say they not all that serious if, if, if, they can communicate all right, that should be going after the sked, but there was considerable amount of time spent with, with, with Team Jaguar and the vessel going to her assistance, which took up time and over-rode the sked time. It was a long sked, I

think the sked went for two and half hours or something, two hours.

Q55 So just to clarify a sked is actually a pre arranged
- - -

A Pre-arranged time check, yeah. And, and the sked in this particular event, once again I don't have the sailing instructions with me, from what I gather were, 0305, 14.05, and there was a safety sked at, at 10.05 during the evening.

Q56 Now are you aware of the difficulty Team Jaguar were in?

A Not fully, Team Jaguar were, they obviously had previous conversations with Young Endeavour and maybe even the CYC base Sydney, but it was apparent, it was apparent from the conversations that I heard in that short of period, yes, they had problems.

Q57 Have you since learnt what their problems were?

A Yes.

Q58 And, and what were they?

A Basically they'd lost, they'd lost their rig, they were having trouble getting it away, they had damage to their rudder and propeller they couldn't start the boat.

Q59 O.K. Are you aware of any injuries on, on that boat?

A Not at that particular time.

Q60 O.K. So was that in, in sailing talk, I suppose be a Pan situation?

A That would, I'd have to put that down to being up to

the discretion of the master. If in a boat that size with, with a rig that size over the side not being able to manoeuvre in the seas that were, were there, that's a decision for the skipper as to whether it's a Pan or a Mayday.

Q61 All right. O.K. Are you aware of how close the Young Endeavour was to Team Jaguar?

A Yes, I was, I, I wasn't until the end of the sked when Young Endeavour gave her position.

Q62 O.K. And you aware of that position?

A I haven't got it logged down but it is in official logs for that particular sked on the, the 27th or the 28th.

Q63 Now the CYC has a base which can monitor the race. Is that correct?

A The CYC monitors the race from, from Hobart and from Sydney. The radio at the CYC is not in, what I would call, an ideal position, it's been a bone of contention for quite some time. They can't always communicate or receive communications from vessels once they get this far down the coast. We have in the past, when we have been conducting the event organised to have an external radio system installed, which we could monitor, that hasn't always been successful either and quite often we have somebody out at on a boat monitoring the whole thing with a VHF communication between the clubhouse. The CYC, in the past when Mike Fletcher and myself were, were running the event, we would normally

maintain a 24 hour listening watch or active, active watch in Sydney for two days after the start of the race until the bulk of the fleet were either into Bass Strait and then one of us would proceed to Hobart to run that end of it whilst the other one stayed in Sydney to clean up the tailenders getting into the Bass Strait and then when we felt that they were safe in the Bass Strait, and the other one could, take, take over, he would then transport himself to Hobart, because the hours are fairly long and we had in place procedures so should we have major problems then we could put in experienced members of the, of the club who, who were on our various committees and had been briefed previously on these procedures. We could do that at very short notice.

Q64 All right. O.K. As far as, we just go back to the team Endeavour, is it the responsibility of the team Endeavour if they were to receive a call from a vessel in distress to assess that situation and assist to the request of the vessel in distress?

A Well, they, they should assist, it is their responsibility to assist to a certain extent. That extent is, is still maintaining a, a communications platform. And two, in, in passing that information to the relevant authorities who can take action or in some cases run, because they have a, a plot running with all the boats of where they are, and what the situation is, they may direct other yachts in the near vicinity of

the yacht in distress to assist. And, and, that's been done many occasions by myself even. We, we used to maintain a plot in, in, in the yacht club in Sydney and in Perth and because I've known most of the, most of the people on these boats, I sort of shouldn't say most of the people, I know a fair percentage of the people on these boats, you tend to know their ability under certain conditions. Just from having sailed with them and, and the type of people they are as to how they would handle certain conditions and quite often I might have picked a boat that, that might be one mile further away but I thought that the crew was far more capable of handling the situation of a man overboard or to assist rather than some, some people I didn't really know. And that's just a personal choice and based on experience.

Q65 Are you aware if the Young Endeavour did in fact direct a boat to assist Business Post Naiad that night?

A Yes, correct, yes.

Q66 What was that?

A I'm just searching my records, just a tick. Just want to stop that tape

Q67 The time's 6.19. This interview is suspended.

A I've got to find the piece of paper

Q68 O.K.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q69 Interview between Detective Senior Constable Gray and Mr Greg Halls, Eden Police Station, continued. Time is 6.33pm. Prior to the break we were just discussing a boat which may have attended or headed towards the Business Post Naiad which was dispatched by the Young Endeavour. Is that right?

A That's correct, yes.

Q70 And at this stage you don't have the name of that boat?

A No, I did have it written, written down but I forgot my blasted notes and I just really can't -

Q71 That's fine.

A But I know there was a boat dispatched. And I was also under the belief that they had closed towards the vessel and, and did have a vessel in sight when I last heard the conversation.

Q72 Are you aware if that boat came in contact with Business Post?

A I was, I was, I was advised that they had. But I, I didn't, didn't actually physically hear that conversation.

Q73 That's fine. Now did you, did you hear any, any transmissions in relation to the Sword of Orion at Eden?

A Yes, there was conversation, excuse me just a few seconds. The Sword of Orion, yes, Sword of Orion, been in contact with her and discussing with the CYCA. So there wasn't much time spent with the radio relay ship.

Q74 All right. Are you aware of any difficulties that were experienced by that vessel at that time?

A At that time, yes.

Q75 And what were they?

A I had been advised, when I departed Sydney, they sent me a fax, they were stating that the Sword of Orion had lost a gentleman overboard. I received this fax at 19.55 from the CYC at my home office. On which it stated that that Sword of Orion had lost a man overboard at 20, at 19.20, that particular evening and there was a chopper en route, and when, when I was halfway down here I spoke to the CYC, I received that gentleman's name that had gone overboard.

Q76 And his name?

A It was Glyn Charles.

Q77 O.K.

A That was for only my personal use not to give it to anyone.

Q78 That's fine.

A And that they had recovered, I think it was four people or five people from the boat and they had gone to, to Traralgon, Victoria.

Q79 All right. That's from the Sword of Orion?

A That's from Sword of Orion. And that, that, that, that they were organising to chopper the rest off the following morning.

Q80 All right. O.K. Are you aware of the circumstances surrounding Mr - - -

DETECTIVE SENIOR CONSTABLE GREY

Charles.

DETECTIVE SENIOR CONSTABLE GRAY

Q80 - - - Mr Charles falling from the boat, of, well, coming off the boat?

A Not really, I haven't had a chance to speak to any of the people on the boat, although I know most of them fairly well. All I was aware that that, I, I've since become aware that he wasn't wearing a lifebelt, life jacket or wasn't attached, and I believe it was all happening just before the storm, before the, the really bad weather sort of started. But I was not aware of how he went over the side or anything.

Q81 O.K. Now when you say attached, can you explain that to us?

A Yes. Normally when, when bad weather appears to be coming, there's certain safety, personal safety gear which one normally wears. I personally myself wear a, a fairly ancient but very effective float coat, and I've a personal choice for, for, for, for a, for a life harness. Most people, most crews run some rigging lines up and down the boat for clipping on with, with harnesses and as I normally navigate, a tactitian or a helmsman, and I normally have a harness with two clips on it, so I can always have one clipped when I move anywhere on a boat, so that's fairly standard these days.

Q82 O.K. Is that a harness which goes over the shoulders?

A The harness is actually built into my float coat. And it goes over the shoulders and around, around the waist.

Q83 All right. Now you said that it's normally something which is put on prior to or during bad weather. Is it a decision of the individual to attach himself or is it the decision of the captain, the skipper, to ensure that's done,?

A Whoever, whoever, whoever is in charge of the watch at the time will normally say, "Look, I think it's, you know, we're going to get a blow here in 20 minutes or something, let's get the gear on". And in some cases it's left a little bit later because you might like to get some rag off the boat, you know, across the water and you start of course in daytime you might see Bass, what we call a Bass Strait roller coming in or a change of the weather coming across the water and they are a little bit as far as around the boat so it's pretty more important to get the boat secured but it becomes a personal choice, if somebody doesn't feel safe at all moving around the boat, clip on. As simple as that.

Q84 So it's not the responsibility of the captain, demand or command that everybody puts them on?

A It, it, it is his responsibility, and I, I'd be very surprised if somebody didn't say, you know, "It's time to put on our gear fellows", and if somebody said that I'd doubt very much whether anybody would say,

..... But people might make that decision earlier, they might think, well, I'm not going to be caught here I'll, as helmsman, quite often I just wear my float coat when I go on deck anyway. And the clips are there and quite often I clip on because it helps me steer because, it gives you some stability if the boat's bouncing around like that. But it is the responsibility of the skipper to ensure that the crew is safe and I think that most skippers are pretty prudent in that respect.

Q85 All right. O.K. Now are you aware of the name of the skipper on the Sword of Orion?

A Yes, Steve Kulmar.

Q86 O.K. Are you aware of Mr Charles' sailing experience?

A Yes.

Q87 And what sort of sailing experience does he have?

A He was very experienced, he was a British olympian, a helmsman, sailing skipper, navigator. I didn't know him personally but I think I may have met him or I may have sailed against him but I didn't know him personally.

Q88 Now are you aware of the outcome or what happened to the Sword of Orion after all hands were sort of removed from the boat?

A Yes, the boat was, was left abandoned.

Q89 All right. Are you aware at what location that was or approximately?

A I have got, I have got, I was advised of where it was

but -

Q90 O.K. Now during that same evening, did you hear any transmissions or radio messages in relation to the Winston Churchill?

A There was a, a call went out from the radio relay vessel to Winston Churchill, and I have here on my sheet, CYCA, so the CYCA were in the process of handling that. All right, so the radio relay vessel obviously was aware of what the situation was. It may, it, it would have called the vessel but the CYCA obviously came back and said, "We've got that in hand, and we know the situation".

Q91 O.K.

A Right.

Q92 So it's a case of the relay vessel deciding, well, O.K, this can be best handled with the CYC, or this can be best handled at?

A No, the, the radio relay vessel would have called the boat for a position report. The CYC base in, in, in Sydney would have come back and said we have that situation in hand.

Q93 And, and left it at that.

A And left it at that, then, then the radio relay can move onto the next

Q94 O.K. O.K.

A All right.

Q95 O.K. O.K. Are, are you aware of what, what was the outcome of the messages sent in relation to the Winston

Churchill?

A When I arrived here on Sunday night, Monday morning, I observed a, in the police station here the Winston Churchill life raft situation at, timed at 7.11, I think 17.45, or something and lat and long, written on the board. So I was aware of that. I was also, I was, I was - - -

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q96 It's 6.43pm, there's just been a tape change, this interview between Detective Senior Constable Gray and Mr Greg Halls is continued.

A O.K. Winston Churchill, on the radio sked came up that CYC were handling that. After the sked I actually rang the CYC to see what the status was and, in Sydney, and, and they advised me that they had heard Winston Churchill had sent out a Mayday and that the crew were in a life raft. I then rang Sam Hughes of ANSAR, I rang ANSAR, in, in Hobart and, querying with regards to the position of the life raft situation and he told me that the, that particular was a furphy and the, the other information so I didn't pursue that because I had, it was under their jurisdiction.

Q97 All right. O.K. Now if we could just go back to the relay, radio relay vessel. Now you said that that, that vessel was staffed by Royal Australian Navy personnel.

A The vessel is crewed by RAN personnel, they will also probably have on board a number of, as you're aware the, the Young Endeavour is a training ship and they take young kids on a roster system away. In past Hobarts where we've had her for a radio relay ship, those young kids that have been away have, have normally been experienced crew that have done several trips. So, as far the, the deck crew, they are experienced people. The officers of the, the vessel are experienced in tall ships. The radio relay personnel the CYC has on board, well, in my days we normally had a fellow who was the principal radio officer and Audrey and Michael Brown, who, well, Michael Brown is a senior executive of Caltex or Ampol now, I'm not sure, and he has been doing this for many, many years, and Lou and I have sailed together for many years and as far as I'm aware, Lou's been doing the radio relay now since I think 1960, 1986. He's not a professional radio sort of man, nor is Michael or Audrey Brown, but he has a technique which is, to me, is very, he's been very calming over the years to most competitors, and he does his job very, very well. And I've got nothing but praise for, for Lou and out there.

Q98 All right. Is it the situation that the messages received on the Young Endeavour that message is passed from the communications officer or, or, communications operator, to an officer on duty watch or on watch?

A Not always. One of the problems with, with using, utilising the Young Endeavour is that the Navy had their own communication system, and have on odd occasions over-ridden what we have requested because of a breakdown in communications. But if there is a, a Pan situation or, or a Mayday situation, then obviously Lou and the skipper get together and the officer of the watch and they discuss it and work out a strategy plan. And he may hand the actual microphone over to Michael Brown to, to run something while, whilst they doing that, they may want to plot positions of flare sightings look, look at the strategy plan of who they're going to send there, what boats are available, what the weather conditions are and things like that.

Q99 Tell me in the situation of a, a yacht race like the Sydney to Hobart, all travelling down the coast, if a yacht is called to assist another yacht, is it a, is it a, a sailor's thing to, to stop what you're doing if they're close by and to assist?

A Yes.

Q100 That's without any - - -

A That's without precedence. One of the things, one of the, the things, the history that the Hobart race, or the most of the races I've ever sailed in, is that if another yacht is in trouble and you're in, in a position to be able to assist, you just stop everything and go.

Q101 All right.

A There is provision in, in the sailing instructions to allow you, to claim time for that and there's a procedure for claiming that time position when you've finished racing, 'cause you may have to take a sail off, and motor back and of course there are problems involved in that because then you fall out of place, you might get into a different weather pattern.

Q102 So - - -

A There's, there's provision for claiming time.

Q103 All right. O.K. Are you - - -

A May I just say something there too?

Q104 Yeah, yeah.

A I know on odd occasions when we've asked particular boats to assist, they've come back and said they've got a problem because they can't get the spinnaker down or they, they can't assist. It could be endangering their own vessel.

Q105 Yeah, to do so.

A To do so. And, sitting on land and not aware of that, they may have received a message out there which, which they can't run the or do something. And they'll come back and they'll tell you that and so we've got to look for some other alternative.

Q106 All right. Now are, are you aware of who, who was crewing on Team Jaguar?

A Yes.

Q107 And who were they?

A Martin James is the skipper of the boat, the skipper of the boat, he's also a director of the Cruising Yacht Club of Australia. The, the vessel had on board a young sailor who actually came from Eden and was selected from the school program, junior program down here by, through the CYCA junior program and the Telstra program to compete in the, in the, in the event as a guest. And the normal crew on the boat that had been racing the boat for quite some time.

Q108 All right. Are you aware if, if any, if the crew were taken off that boat?

A No.

Q109 O.K. Are you aware if the boat docked here at Eden?

A Word came in after it had been dismasted.

Q110 Yeah.

A And was towed in, yes.

Q111 All right. O.K. Did you speak to anybody on that boat?

A Yes.

Q112 O.K. Who did you speak to?

A I spoke with Martin James.

Q113 All right.

A And the navigator.

Q114 All right.

A In fact four or five of the crew, I was trying to meet all the boats as they came in to see if they had problems or needed assistance with, from our point of view in, in medication or moving people around or if

they wanted an ambulance or if they wanted extra assistance.

Q115 O.K. Now are you able to tell me what boats didn't complete the race from your, from your records or -?

A What as, as of today or?

Q116 As of, yes, of today, yes.

A Yes, I am. All right. As of about an hour or so ago, only two boats had completed the race.

Q117 Only two boats?

A Yes.

Q118 Perhaps we could just get the name of the two boats that completed.

A Well, the two boats were Brindabella and Sayonara.

Q119 O.K. How about the boats that docked in, in, on Sunday?

A Sunday? Up to Monday I can, Yes.

Q120 O.K.

A All right. On Monday, I'll just look through my little list here again - - -

Q121 Just to clarify that in the interim, is it the case that some boats are, are still competing?

A Yes. There are some boats which have docked here and, continued racing.

Q122 All right.

A All right. There are some that indicated they wanted to continue racing but then decided that they didn't want to.

Q123 And how did this Can you give us the name of the

boats which were unable to continue the race?

A

Q124 Due to damage or, or injuries or -?

A Yes, yes, I can do that.

Q125

A O.K. The boats which were unable to continue the race due to damage or, Alexander of Cresswell, Allusive, Antuka, Boomaroo Morse Fans, Bright Morning Star, Cyclone, Elysion Blue, Gundy Grey, Hawk 5, Hi Flyer, Indian Pacific, Inner Circle, Innkeeper, Kickatinalong, King Billy, Lady Penrhyn, Magierl Wines, Nattel Adrenalin, Not Negotiable, Ocean Designs, Pippin, Red Jacket, Renegade, Sagasicous V, Secret Mens Business, She II, Team Jaguar, Terra Firma, Trust Bank Hummingbird, Vagrant, Wild Thing.

Q126 O.K. And, over the last couple of days you've had an opportunity to speak to most of those crews?

A I have seen the crews of 50-odd boats that have berthed here in the last two days.

Q127 O.K. From, from you doing that what's been the general consensus of crews in relation to the weather conditions on the evening of the 27th?

A O.K. Most of them have a, I'm a little bit horrified at what they had.

Q128 All right.

A Some of them indicated to me that they'd never sailed in those sort of conditions before. I queried, probably most of the mates that I know have been

sailing for a long while and asked them to compare it with the 1982 race, the '84 race and the '93 race, and most of them don't go back much further than that. And someone said that the '93 race was far worse and I think it all depends on whether they were on the race track, I've spoken at length with Grant Warren, and he was well to the east of the fleet, and he didn't experience anything more than sort of 45 knots and, and two or three metre seas. The boats that were to the west of the run-line obviously encountered worst weather conditions. I think for anybody that's never sailed in those sort of conditions out there that, yes, it is horrifying, but had you been through, been through either the, the '84, or the '86, or the 90, the '93 races, you know what to expect. The, the weather conditions were slightly different, we had a more intense low in '93, and it lasted, it was bad, but it lasted for four or five days, whereas this only lasted, sort of, 24 hours. The seas were at a slightly different angle. The, the winds weren't much different, we had 80, 70, 80, 80-odd knots in '93, and we had in places eight to 10 metre seas, and the fellows said they had over 10 metre seas here, so. As far as conditions went between '93 and now, there didn't appear to be much difference. And, and most of the crews that, that I spoke to were of the opinion that this year was probably a little more difficult because the angle of the sea was slightly different but

those that were wide said that no, they didn't have a problem.

Q129 All right. Now can you tell me from your experience with the Hobart, the Sydney to Hobart race, has there been previous loss of life?

A Yes.

Q130 In, and do you recall what year that was, like time, so to speak?

A 1976, I think, we had a gentleman, had a heart attack in Tasmanian.

Q131 Yeah.

A In 19, I think it was '89, maybe '90, we had a gentleman killed on a boat called BP Flying Colours from Melbourne when a block exploded, and we had another gentleman with a heart attack, in, I believe, 1986. The two heart attacks, I don't believe were contributed to by the boat race but they weren't due to failure or anything else on the boats.

Q132 All right. O.K. Now can you tell me have you ever had an experience with a Farr 40, which was in fact the Business Post Naiad?

A Yes.

Q133 What experience?

A I have sailed on what, they were originally called one the Farr 40. They're a fairly modern, if I say modern, they're now getting on in years but they were a high tech design for their time. They're, there's quiet a few of them around racing, they're quite an

efficient boat. Put it this way, I'd have no hesitation in going most places in one of them.

Q134 All right. Now, I'd just like to take you to the physics of, of roll-over, which you've probably got some experience in. If a - - -

A No, I don't actually.

Q135 O.K. It's, a Farr 40 and probably similar yacht to, if they do a roll-over, complete 360, it's the design of the boat which brings it back. Is that correct?

A That's correct.

Q136 And in most occasions it should come back, it should right itself?

A Yes.

Q137 Would you find it a bit difficult to understand that if, if a Farr 40 went right over and remained inverted for some four to five minutes?

A I find that rather difficult to, to accept. If there was structural damage and the keel had torn off. Yes. There could be certain wind and sea conditions which would prevent the boat from, from, from righting itself. But I find four or five minutes to be rather excessive. Yes, I would find it, it would be excessive.

Q138 Even if the keel was intact still, sea conditions could keep it inverted?

A Not for four or five minutes. And with the, with the amount of inertia in the hull and the keel, the righting moment would bring it back.

Q139 O.K. You mentioned earlier that, when was your last involvement with the, with the, with CYC?

A The 50th, the 50th anniversary in 1994.

Q140 O.K. Now, was there a situation prior to you leaving, sorry what position did you hold in 1994 with the CYC?

A Race, race director.

Q141 Race director. Now, is it the case that upon your resignation, was it or prior change of -?

A No, just change of, change of management in the club. Our services were no longer required

Q142 Now was that, could you explain that situation to me, I mean was it a situation of politics within the club or was it just a,?

A I believe, I believe there was some politics in it. There was also the fact that I went overseas to, to do a considerable amount of work. And politics I actually made myself unavailable after, to, to, to clear up the paperwork and there was a severe change in the management of the CYC and certain things occurred there which a lot of the club members didn't agree with resigned and various appoints and I believe that the operations of the, from the sailing point of view of the management of, of events, their operational operandi changed.

Q143 And, are you critical about those changes, I mean, yourself?

A Yes.

Q144 All right. And are you able to sort of express some

critical aspects of that?

A I feel that many of the things that we've achieved in the previous, nine years of my involvement, with my colleague, Mr Fletcher, seemed to get thrown out the door. Things were, didn't, I, I've had many competitors and people who have assisted with the running of the event make various comments to me over the years since, which is always very flattering when you're praised by your peers for what you've done. But having observed things that have occurred like, the, the laying of, of starting lines and procedures for, various legal procedures of various authorities and communication between the various groups that make up running a major yachting regatta, just didn't occur. Prior to the beginning of the Hobart races we'd, we ensured that we actually came down and paid a visit to the various all the way down the coast, in fact I used to go down as far as, as, Loxwald. One of the reasons because I'd worked in all these places so I know most of the people involved it was a good to come down and -

Q145 Mm.

A Because the, the people you know, it was, you know, you, you could ring up in the middle of the night and say I need something in a hurry and it'd happen. And, and that's part of our safety plan, the fact that we know we can depend upon various fishermen or volunteer people that you can ring at any time and say, help and

they'll jump at it. Whereas if you don't know, anybody you can ring up on the telephone 2 o'clock in the morning, they'd say, who the hell are you. So that was, that seemed to go by the board. In, just in race management with the, the people running the events, the procedures changed, there were no, there, there were, there were no briefings prior to major events as to how things would occur, step by step guidelines for the inexperienced people. We were trying to train younger people in certain areas, that seemed to go by the board. We used to ensure that documentation which was issued to the competitors were also issued to the various other authorities down the coast, such as the Water Police, the local police, RVC people. That documentation also went to people like the ambulance and staff - - -

Q146 Yeah.

A - - - and waterways. That has not occurred this time around, I was rather amazed when I arrived here to find that certain documentation had never been forwarded here or received here, I can't say it hasn't been forwarded but it was never received.

Q147 Yeah.

A It may have been forwarded and lost in the mail, they, they, they usually have the paperwork required - - -

Q148 Yeah.

A - - - down here. The other thing that we've always done is normally placed people moving down the coast as

this event progresses to assist the local people - - -

Q149 Yeah.

A - - - because we're aware, or I was always aware that the local coastguard authorities have still got the and their various boating activities to, to handle, and to put the strain on a Hobart race over fairly long skeds and a 24 hour operation - - -

Q150 Mm.

A - - - I mean it wasn't, that was our limits
- - -

Q151 Mm.

A - - - and we had to look after that, they were was doing us a, a service, so, we always tried to place people to move down the coast to assist them - - -

Q152 Mm.

A - - - and that hadn't occurred.

Q153 Mm.

A Basically the, the, the infrastructure from a safety net, discusses with Water Police, organising from one of their navigational exercise for a police boat to come down with the event, even to the, to the, to the basis of having the Navy had a couple of Seakings on 12 hour stand-by in, in Nowra, if we thought things were going to get a bit touch, the maritime community being asked if you could throw a tin can or a boat out there.

Q154 These were things that were not generally made aware of to the public

A mention.

Q155 Yeah.

A Bits and pieces.

Q156 But they're the things - - -

A We sort of went to - - -

Q157 Yeah.

A - - - and because of the calibre of the people we had on our race committee, we normally found that you have an inbuilt sixth sense intuition of what's going to, what's going to happen, just having, knowing who you're going to have there through the night, is it going to be a quiet night? And yeah, you could, could put somewhere there that - - -

Q158 Mm.

A - - - that could handle the situation and would know who to ring if there, if there was a bit of a, a problem.

Q159 Yeah.

A If you knew you were going to have a major problem, there were certain people you pulled in to act as - - -

Q160 Mm.

A - - - and communications people and

Q161 Mm.

A That was all part of the program.

Q162 Yeah.

A Lists of phone numbers and fax numbers, you know, like, two fax numbers and a phone number. We had

virtually a, a, book, a manual which went out with all the phone numbers for the coast guards, the police stations - - -

Q163 Mm.

A - - - fire brigade, you know, all up and down the coast, that, that's, produce them, I haven't seen one since.

Q164 Mm.

A That sort of thing, and that's, and that, that, to me, we have always in the past, well, we've had problems in the, in the race, for instance, we've always been able to cope with them.

Q165 Yeah.

A 'Cause yachties can generally sort things out. And even after, even after, after the '93 race, when became involved for the '94 race, because of the number of entries we had, their assistance was called upon so they could help co-ordinate things if we had a major problem.

Q166 Mm.

A They had problems here at Eden in the '93 race, there was only two, two police being on, on the station here.

Q167 Mm.

A We answered, many, many, many, many phones.

Q168 Mm.

A And just things like that.

Q169 All right.

A Much that was all documented over the years and,

and procedures sort of laid down as to what one does under certain conditions, that seems to have been lost.

Q170 Yeah.

A There's also been some, some, some cost cutting because of the cost of running the event, there's no doubt about that.

Q171 M'mm.

A And, and I really don't, from what I see, I think that, I thought I left the Hobart race situation where it was the safest yacht race in the world.

Q172 Yeah.

A And I still think from what I've seen here, even though in, in the last couple of days I see things that I don't particularly like, but I still believe that, that we here in Australia have the infrastructure we can put together fairly quickly to, to - - -

Q173 Yeah.

A - - - to maintain that status.

Q174 Yeah. O.K. So basically so far as you've left, you've noticed a down trend I suppose in the standard operating procedures, protocol and safety protocols,

A Race management

Q175 Yeah. O.K. Now so far as the weather is concerned, it would appear on the 20, the evening of the 27th. As you appreciate we weren't here at Eden but you were. Are you able to sort of give me some sort of idea of the weather as from where you were?

A O.K. On, on the way down here, I drove down. There were trees and, and leaves, like, across the road, so, in those sort of conditions you're looking at 30 to 40 plus knots.

Q176 On land?

A On land.

Q177 All right.

A And it's from the south, south/east, south/west, one really couldn't tell what direction you were heading in the car at night.

Q178 Yeah.

A But I knew it was pretty bad out there.

Q179 All right.

A Also the, the moon was very low, and the clouds were really sitting across the moon.

Q180 All right.

A So I knew it was going to be pretty out there. Here, you get a bit of a false of security once you get here because we're protected from the south - - -

Q181 Yeah.

A - - - and we don't see the swells and you don't get the wind that you get out there - - -

Q182 Mm.

A - - - it veers around, but that particular evening, it would have blown the dog off a chain at, at the coast guard.

Q183 All right.

A So, whatever was blowing here, it had to be another 15

or 20 knots out there.

Q184 Yeah.

A So, it was bad.

Q185 So did you get notification from some of the vessels about the speed of the wind?

A Yes, there were, there were, boats were being asked by radio relay ship at odd times - - -

Q186 All right.

A - - - for, for weather conditions, and we, I did hear, a sort of gust recorded at 55 and 70 and 68 knots - - -

Q187 All right.

A - - - from various boats.

Q188 M'mm.

A And big seas.

Q189 Mm. What would you call a big sea?

A Sidewise, seven metres, six to seven metres is a big sea, only 'cause I'm used to working in those sort of conditions, I've worked, when you work in Bass Strait and you get 12 metre seas day in and day out, if you go to the North Sea you have bigger seas than that. But for sailing these types of boats in a race like this, I think that six metres would be what I call a big sea.

Q190 Mm. But - - -

A You can have a big sea and the have the waves and the swells a long way apart.

Q191 Mm.

A But when they get close together and the wind gets,

it's totally a different situation, just the way you drive the boat - - -

Q192 Yeah.

A - - - through those sort of conditions is different.

Q193 And do you agree that was the situation on this occasion when the waves were close together, or -?

A What I observed on the television prior to departing -
- -

Q194 Yeah.

A - - - I, I saw pictures of Sayonara and, and the other big boats, like into Bass Strait. It didn't appear to me to be all that, it was bad - - -

Q195 Yeah.

A - - - but I wouldn't call it, you know, they were, they were reefed down with the storm you would have. The seas appeared to be, they were bad, but I wouldn't call, if, if you were not an experienced sailor, they were

Q196 Mm.

A But to me they were handling, they were handling them fairly well.

Q197 M'mm.

A The boat, the boats were still doing their 12 or 13 knots - - -

Q198 Mm.

A - - - racing, quite comfortable sort of situation to be in. You know, I, I've been down here where we've, we've had a, a three metre sea and they've

been so close together, the, the boat would just sort of drive itself up, and it's like dropping down a lift shaft.

Q199 Mm.

A That didn't appear to be happening this time. I've got footage from the '93 race, I saw Young Endeavour sort of pitching at great moments. The seas appeared to be far worse in, in that '93 race.

Q200 Mm.

A But, actually from what I saw on the TV on the Sunday afternoon, and what I picked up on the HF radio at home that afternoon, that's one of the reasons why I rang the club to say that I was available.

Q201 Yeah. You were concerned?

A I was concerned, yeah. And, and I, I think, I also rang Mike Fletcher and he, he was going to Melbourne for a World Championship regatta, he's our yachting coach, and he was at Albury, and I rang him and told him I was a bit concerned, I thought he might come down the coast road and I, and I was going to say if he's down here, you know, to stop here and - - -

Q202 Mm.

A - - - and see what happens, but he'd gone down the inland road, and he was at Albury.

Q203 Mm.

A And he rang me later on that night when he got to Melbourne to see where I was and I was actually being pulled up by a breath tester

Q204 O.K. Now you were one of the race organisers back in 1993 and the Young Endeavour was involved. What was the communication set ups so far as recording the logging of distress signals or distress calls. Were they tape recorded or logged in the book?

A All conversation during, during the scends and any major conversation that occurred outside scend time was taped.

Q205 All right.

A They keep a, what we call a rough log - - -

Q206 Yeah.

A - - - because conditions on there are pretty cramped and years ago they, they kept a written, a written log of from a pre-recorded sheet.

Q207 Yeah.

A And they also plotted the positions of the boats.

Q208 All right.

A Because of the conditions and changes in technology - - -

Q209 Yeah.

A - - - that no longer occurs and they still write down the position of boats, and there is normally a penciller, an assistant there as a back-up, in case your axle breaks or - - -

Q210 All right.

A - - - can use a cup of coffee or something, to take over or, or to write down other notes. So there's a rough log book kept which will have doodles on it and

everything else.

Q211 M'mm.

A And then, that used to get faxed through or, or electronic - - -

Q212 All right.

A - - - system through to the race control centre.

Q213 M'mm.

A And the Hobart radio, the, the, or radio at the RVCP in Hobart and the Sydney radio, the CYC, used to also maintain a similar written log, so there was a cross check and quite often the radio relay ship may receive a, not wrong communication but may have interpreted it as, as a wrong communication, whatever it is, lat or long might be different, or switched around, either Melbourne or Sydney would have picked the right one, so, as a race director, I could say this boat is not, not here, why is its position like this, and look at them, look at the Sydney to Hobart, and I can say that's the reason because he's given his position as, you know - - -

Q214 Mm.

A - - - 27 metres

Q215 Yeah.

A And that's just, I used to go through all the, the, the sheets because they also affect the handicap output on the computer and I think yachties are the same as anybody else, they like to see themselves up there as number one on occasions and you could look at three or

four boats which were similar in size and one boat's done 30 miles and a boat's only done five miles, you want to know why.

Q216 Mm.

A It could be quite, quite a legitimate answer, he might have had a problem.

Q217 Yeah.

A But occasionally you get one boat which might just 30 miles or if the fleet's only done six or eight miles, you know, he's up in lights, on, on the computer system.

Q218 Would that be your responsibilities, one of the race directors to inquire about that?

A Yes.

Q219 And the information is fed to you?

A Yes.

Q220 Is That's right?

A Yes. As a race director I used to make it a rule that either Mike Fletcher or, in all cases as far as I was concerned or my co-director, or myself, vetted these before they were allowed to go through to the next stage of processing.

Q221 All right. Are you aware if that procedure is still utilised?

A No, I'm not, no.

Q222 Are you aware if radio transmissions are still tape recorded on board the vessel, Endeavour?

A I'm not, I'm not, I'm not a 100 per cent, no, I, I've

tried to make contact today to see if that's still the situation.

Q223 All right.

A But they will have, as I said, they will have the rough handwritten logs with all the notes in it.

Q224 All right.

A There'll also be copies of communications from a telex through the Navy system or weather reports would be in that log and then there'll be a fair log of stuff that was written up either after the sked - - -

Q225 Yeah.

A - - - just to make it look

Q226 M'mm.

A And I should imagine they were still tape recorded.

Q227 All right.

A Because that was set in, in motion for certain, in case certain events did happen and we could - - -

Q228 Mm.

A - - - play them back - - -

Q229 M'mm.

A - - - to look at, to review events.

Q230 And where are they stored, do you know, after races?

A They're normally stored, well after they come off the boat, off the Young Endeavour in Hobart, they're normally sent back to Sydney to the CYC.

Q231 Mm.

A And over the years I, I and Mike have often sat down and spent many, numerous evening replaying them - - -

Q232 Mm.

A - - - to try and pick out where we could change procedures or, like, if we have a 100 odd boats it, it takes 30 seconds to, to go through a particular - - -

Q233 Mm.

A - - - boat and write something down. This all came out with, with the, it was the 50th Hobart when we were looking at having over 300 boats. How long it was going to take us to actually go through a scend - - -

Q234 Mm.

A - - - how long it would take you to call a boat, write the numbers down - - -

Q235 Mm.

A - - - and call him back and check him.

Q236 All right.

A And we actually changed the procedure so that we made it quicker. There was no back check.

Q237 Mm.

A But what used to happen was, you'd call a boat, your latitude and longitude, please. He'd give you a latitude and longitude, then you would call him back and you say, all right I have you at 37 degrees, 20 south, 151, 31 east. Will you confirm? Affirmative.

Q238 Mm.

A Now that takes almost a minute - - -

Q239 Mm.

A - - - to do that. Now if you've got 300 boats - - -

Q240 Mm.

A - - - it's five hours.

Q241 Mm.

A So we changed the procedure for the 50th Hobart. and you he just called out his lat and long and you wrote it down, if you didn't get him, he, he stayed there until the next, next trip around.

Q242 Mm.

A And that procedure still stands to a certain extent. There are a slight, a few slight changes - - -

Q243 Mm.

A - - - the radio relay vessel now because of the number of boats, 100, like, you've got to repeat the lat and long back.

Q244 Now are you aware of any race directors from the CYC in Australia currently in Eden or have they any of them come to Eden?

A Not in - - -

Q245

A No, not, like, there is, well, the skipper on Team Jaguar is a director of the CYC - - -

Q246 Yeah.

A - - - but he's not a race director. The race director is jointly sort of hosted by Phil Thompson, and whoever is the, the appointed race director from the RVCP in Hobart.

Q247 Yeah.

A They, well, the race director of Sydney sort of moved

to Hobart straight after the start.

Q248 All right. So you've been in constant communication with him or members from the CYC?

A I I've, I've been in constant communication with Sydney because I found that I couldn't get, what I would call satisfactory communication out of Hobart.

Q249 All right. O.K. I believe you had a conversation with a Mr Drew Murray last night?

A This morning.

Q250 This morning, was it?

A Yes.

Q251 Are you able to sort of give me some detail of that conversation?

A Yes, in fact I had a conversation with, with the, the remaining crew from the boat, what was it called?

Q252 Post?

A Yeah, the Post Business, Naiad.

Q253 Yeah.

A On things that he wanted me as an observer CYC anything to bring up at future meetings.

Q254 All right.

A And also things like I'm, I'm aware that the CYC will have an investigation into this and there will be a questionnaire sent out to all skippers and crew and he just wanted me to ensure that they didn't get sent to the gentlemen's deceased family, so - - -

Q255 All right.

A - - - don't cause any problems and they were concerned

over the assistance that they received or communications they received through the radio relay vessel.

Q256 Yes.

A During that conversation the particular gentleman I'm referring to was there, I have, we have met before and had experiences before, and he indicated to me that he'd be going to take a few things which he has observed a little bit further. I then just asked him, you know, what he'd observed and he didn't want to pursue it any further and we just, then we were generally discussing what had occurred that night that I'd overheard - - -

Q257 Yeah.

A - - - and he said, what, are you thinking along, you're, you're on the same guidelines if you've picked up the same sort of thing that I have, and that was either due to misinformation on the radio relay boat or no information. They appeared, there were a few things missing out of the scend that I believe that the Young Endeavour should have picked up on.

Q258 All right.

A Maybe they were tired and had been going for a longer distance than, than they had, maybe they didn't have the information.

Q259 Yeah.

A I don't know.

Q260 All right.

A But at one stage I was nearly going to interrupt the, the scend from here and ask to proceed with something else but as I didn't have the full background on - - -

Q261 Yeah.

A - - - the historical bits and pieces it was, it would have been, I think a little bit more prudent not to say something and just let the scend run down to what it was.

Q262 All right.

A And so I left it at that but the scend to me was, was a little disjointed because of communication between Team Jaguar and Young Endeavour and the, the vessel that went out to assist Team Jaguar.

Q263 All right.

A A lot, a lot of the conversation that occurred there could have been taken up on another, on another channel or another frequency at another time - - -

Q264 Yeah.

A - - - in my opinion.

Q265 All right. O.K. Detective Grey?

DETECTIVE SENIOR CONSTABLE GREY

Q266 Just if I might take you back, you've mentioned that there'd been a number of boats, differing reasons that have retired here at Eden - - -

A M'mm.

Q266 - - - from the race. Are you able to tell me whether most of those boats have retired due to damage to their

vessel?

A From what I, from what I observed I'd say that probably 30 per cent had significant damage, which needed major reparation before Another 30 per cent had damage which, they could still have proceeded with conditions and the other 40 per cent, they just used prudence as a requirement to stop in Eden and await the weather conditions and I don't have any problems with that.

Q267 That decision would have been made by the skippers of, of those vessels?

A Yeah, it, it's normally the situation the skipper does that and I have been on boats where the skippers wanted to make a decision and the crew have said, "Oh come on, hang, on, mate, you know, we, we feel we can handle this", and in a good crew it's just, you know, sort of general all round democratic situation prevails. The skipper does have the ultimate say, but in a professional crew, it's, people know when, it just seems to happen. In a crew that hasn't had a lot of experience, those who don't have a lot of experience, I believe are quite capable of saying their piece, but the skipper is finally going to overrule that.

Q268 Are you able to tell me how many boats started the race?

A I think it was a 117, I have no official documentation on me. I don't have a, sailing instructions or notice of the race or bits and pieces,

I sort of arrived here out of the blue.

Q269 And is it correct to say that those boats were of different categories?

A Yes. I, I don't know the divisional break-up, in fact, I can tell you, tell you what divisions they were. There is in this division, A, B, C, D and E, I think, so there's six division or five division I'm not sure. There's a division, in two divisions, which is another handicapping system and a CHS handicapping system, and I think only one, one particular, well division.

Q270 Would you consider any of the categories of those boats unsuitable to be sailing in the weather conditions that were relayed to you?

A No.

Q271 You mentioned before that the, the vessel undergo a safety check prior to starting?

A Yes.

Q272 Are you aware what kind of safety equipment they have on board?

A Yes.

Q273 What kind of stuff is that?

A O.K. For Academy 1 event, they have a requirement to carry a certain amount of fuel and that's laid down in the international rules. Requirement to carry a certain amount of water. There's a requirement on, on radio, on communication equipment. Certification of

radio operators. There are medical requirements for a medical kit. The number of sails to be carried, spare things like that. Anchors, ropes and chains, EPIRBs, a number of life jackets on the boat, the number of safety harnesses, buoys, that's all on the particular sheet, in fact there's, I think there's about 80 or 90 items, and they all get ticked off, I, I think you have a copy of the sheet for, for Winston Churchill actually.

Q274 Can you tell me what a EPIRB is?

A Yes, electronic position indicator beacon which is activated in the case of ones, manually by extending the aerial with a switch and they do operate, they operate on, one particular one operates on two particular frequencies, 126 15 megahertz, and the 412 megahertz, I think its 412, 406, which has an encoded signal, when a vessel buys the EPIRB, it gets an encoded signal on that EPIRB, so authorities can backtrack the vessel

Q275 Are you able to tell any of those vessels that were in distress whether they activated their EPIRB?

A Yes, they did.

Q276 I've also had concerns raised to me about the life craft that were on the varying yachts. Are you able, do you know what kind of life craft that are kept on most of the yachts?

A Yeah. I do. - (Tape beeping) - The - - -

Q277 Excuse me.

DETECTIVE SENIOR CONSTABLE GRAY

Q278 We'll just suspend that interview, it's 7.26pm. The interview is suspended.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q279 The time is 7.28pm, it's an interview between Detective Senior Constable Gray and Mr Greg Halls is continued.

DETECTIVE SENIOR CONSTABLE GREY

Q280 After a tape change. As, as I was saying, I've had concerns raised to me about the, the brand or the quality of the life rafts that were on the yachts. You were about to tell me what kind of life rafts the yachts carry.

A Yes, there are, there are different manufacturers of life rafts, RFDs, Zodiac. They're all basically the same. I, I was, several years ago, some years ago, took part in a series of trials off Sydney in bad weather on life rafts and on which there's a public report on and found that during that test we were rather surprised by the things we found of various lift rafts. It actually did lead to some modifications and changes in life rafts design and construction. The marine life raft is different to the aircraft life raft. They are also built to a price and it's hard to say which ones are better and which ones aren't better. They're inspected annually and tested and components of those life rafts are renewed on odd occasions. So

there is a standard laid down for that and they meet that standard, I guess that's acceptable, but what I have found is that after discussions with various people that have had to use life rafts this trip around, the number of failings, of things like sea anchors, the problems with inverting the life raft and not having things like handholds inside and had to sort of cut bits in the roof to be able to hang onto things. Problems with all the safety components in the life raft, such as flares, fishing lines, water bottles, all being in the one, the one compartment, or the one area. Aircraft type life rafts are slightly different in that they, they are dual sided, so have identical situation one way or the other. They have, in our test carried out years ago and having also been in a life raft in a rescue situation, myself, life rafts are the easiest things and, and they turn over more often than than they're the right way up, and that's, that's, I, I don't, that's not a fault of the manufacturer, that's just the conditions in which you normally use a life raft it. It's the same as a flare, letting flares and..... it's virtually pretty useless because the flare just travels horizontally, it doesn't do anything, it's all, and, and these are the conditions that, that we tend to have when we have problems, when the weather gets bad. You know, you may have, the vessel may have run into a whale or something and knocked the keel off and sink, and there's no way

of setting off flare without jumping into the life raft, in normally quite calm conditions. But we seem to have, well, most of the, the disasters are, inverted commas, "major emergencies" that we've had. In offshore, whether it be yachting or it's always occurred in bad weather, and bad weather can beat most of the best designs.

Q281 You mentioned conditions this year that were comparable to '93. Why do you think it is that we've had fatalities and people lost this year?

A One little bit of bad luck. I, I, I think that, one of the things, I, I, I wished, we'll probably try and raise is also the, and it's not, this isn't brought out by the experience of the boats, this is where this anomaly comes in. I don't think that yachtsmen these days are getting the offshore experience that we had as, as kids when we were coming through. When, when I first started sailing, every weekend there was a 90 miler, a 90 miler, and you were out there experiencing these conditions maybe once, once a, once a, once every two months. Nowadays all these events are only staged every three weeks and a 90 miler every three weeks, and you might do one, one three weeks and you don't get the severe weather conditions. History has shown that the boats that have performed well and crews that have performed well are those that have been out there and trained in hard weather and done all the regattas they can and that's the problem with the, the

Australian yachting they've got to look as to, as to, a, a balance of experience and exposure to the conditions. Here we have some of the best yachtsmen in Australia are in trouble. Now the gentleman on, on Sword of Orion, they had a top, top team on that boat, very experienced, the number of years of, of sailing of Hobarts, not just Hobarts but sailing around the world by the team on Winston Churchill. So that tends to negate that sort of statement. The number of of injuries that, that have been sustained by people due to equipment flying around in boats, that means to say that things aren't secured properly, fire extinguishers going off, loose objects when a boat does a 360, now that can, they cause more damage than anything else, like you do a 360 you're going to lose the rig, it's nine times out of 10, you do lose the rig, but it's the objects inside the boat that causes most of our damage to the people and surrounding environment. So they are things that skippers need to look at to make sure that, that, that things like batteries are tied down, and, you know, put away properly or, just things like that. So, I, I, there's also a factor in, in the designs of the boats. The designs aren't flaw, don't, that's probably the, the wrong way of making the statement. I think that the boats are capable of being driven with such a small sail area at fairly high speeds that maybe we have to review the lower sail area for these, for these, for these sort of

boats. We, we are still going through to seeing structural damage to boats that fall off waves, that's been a problem immortal. There's so many different factors come in to the forces that are applicable to a boat that it's going to be very, very difficult to start policing things like that, but I, I, I, CYC does the, the competitors. There is a percentage requirement of the crew which must have done a certain amount of ocean miles, 'cause you can come to Hobart for 10 years and, and have a leisurely, leisurely cruise down the coast, and you can do one Hobart and cop what you copped today. And I think that that's an area they've got to review is to, to try and either encourage more experienced offshore in, in, in, in semi bad conditions, which only occurs if you do it on a regular day to day basis, not every four or five

Q282 All right. Just back to, to flares. Did you see any flares on the evening of the 22nd?

A No.

Q283 From your position. Did you recall any conversations or any transmissions involving flares being seen?

A No.

Q284 O.K. There's just another thing you mentioned that sometimes the crew, the skipper will make a decision to do something and the crew will say, well, hang on, skipper, we're not going to do that, we're going to do this. What, it's a situation of mateship on board, is it, and, there's no powers vested in the skipper by any

instructions or any rules as to what he can do, what he can demand or command of his crew?

A Speaking legally there are.

Q285 And what, what are they?

A Well, the last his say is final on, on what should happen on the boat.

Q286 All right.

A Now that doesn't, yeah, that's a tricky one because the navigator or tactition may want you to go one way but the skipper will say, "No, I want to go this way, I don't want to go that far off shore".

Q287 All right.

A That's one scenario.

Q288 Mm.

A The other scenario is, the old man says, "I've had enough, we're going home" - - -

Q289 Yeah.

A - - - and the all the blokes say, "Hey, no, we don't want this".

Q290 Yeah.

A Or, the case we had here a couple of years ago with a particular boat where the crew said, hey, we we were all too seasick and we were finished.

Q291 Yeah.

A And the skipper said, "No, I want to keep going".

Q292 Right, O.K.

A That's very easily fixed by someone then making a decision that, that feels the skipper's either had too

much salt air and, and taking things into their hands.

Q293 Yeah.

A That, that has occurred.

Q294 All right.

A But generally, generally most owner/skippers, they haven't become an owner/skipper overnight - - -

Q295 Yes, yes.

A - - - they've, they've done their time - - -

Q296 Yeah.

A - - - and they're aware of the situation. They, there are obviously a number of skippers out there and a number of crew that, that, they're weekend sailors, they've only been, done one Hobart before or they want, they want to go to Hobart, so take your mate up the road and a few other friends, and away they go.

Q297 Mm.

A Now I still believe the Hobart race should be open to people like that and from a race director's point, from a racing point of view, you, you've got to allow the bloke that want to, to act like a formula one motor car, and you've got to have a bloke at the back of the fleet that, I want to go to Hobart next year, it's something I want to do.

Q298 Yeah.

A And I'm going to take my mate who's the plumber and, and a few blokes over at the pub.

Q299 Yeah.

A I'm going be all right, we'll put it together, but

their, their budget's X - - -

Q300 Yeah.

A - - - whereas the budget on the grand prix boat is X squared or X

Q301 Mm.

A And, and, and you shouldn't, honestly, I don't believe you should draw a line between - - -

Q302 Yeah.

A - - - who they allow and who they don't allow to go.

Q303 Mm.

A And I think we've got to review the situation, the experience - - -

Q304 Yeah.

A - - - situation. But in most cases the skipper's word is final and then that's it.

Q305 All right.

A Then you've got to weigh up the situation of in, in some, see some of the boats the owner/skippers don't sail the boat, there's a professional team put on there - - -

Q306 Yeah.

A - - - and the watches might get broken into two watches or even three watches. You may have three watches with five or four helmsmen and the helmsman may only do 20 minutes each, or one bloke might do an hour because he doesn't lose the concentration span, and good teams don't yell and scream on a boat, just, it just happens, you know.

Q307 Yeah.

A You trim sails and things change, just works very naturally. Is that the sort of -?

Q308 Yeah, this, would you say that there's a recognised duty of care - - -

A Yes.

Q308 - - - which extends from the skipper to his crew, a legal duty of care?

A Yes, yes, yes, most of us

Q309 What about race directors and the racing organisation itself?

A Yeah, there is definitely a duty of care there from a, a race committee is, to me, is still liable for certain events that might occur or not, not so much love of a vessel, like, but of the outcome.

Q310 All right.

A If one neglects certain things, then I have no doubt that that race committees can be held liable.

Q311 What would be, what would you consider to be neglectful, from your point of view, if you were a race director, race

A If I sent a team of small dinghies out with young kids in a 70 knot gale - - -

Q312 Yeah.

A - - - the start of a motor race.

Q313 Yeah.

A Yes, and, and some of them had accidents or lost their lives or there was injury to them - - -

Q314 All right.

A - - - I feel that that's, that's in that category.

Q315 Yeah.

A But we're not dealing with that sort of situation here. If I had not from a race director's point of view, looked at the ramifications or what could possibly happen, and had made no attempt to set something in place to, to ease that situation, should it exist

- - -

Q316 Yeah.

A - - - then I would put that as being neglectful.

Q317 Would you consider that the warnings about the winds of the 27th that were predicted, did you consider that to be a, not yourself personally as being a race director, but as yourself now as Greg Halls was here at Eden. Would you consider that to have been a situation where there was a responsibility upon the race organisers to make certain contingencies in the event?

A Yes, yes, and, and I think, most assuredly. There are certain things you, you get a feeling.

Q318 Yeah.

A I had a feeling.

Q319 Yeah.

A And this, that situation either hadn't been considered by other powers.

Q320 Yeah.

A And then made a decision to, to, to do that.

Q321 Yeah.

A So, yes, I think, they, did, well, it would have been the right thing.

Q322 Yeah.

A They were still undermanned and understaffed.

Q323 Yeah.

A And in hindsight they could have looked at it a little bit differently.

Q324 Yeah.

A But that's the way it fell - - -

Q325 Yeah.

A The thing, the ball bounced when it happened, but as far as warning the competitors as to what they were going to encounter, that was done too - - -

Q326 Mm.

A - - - there's plenty of weather reports go out.

Q327 Mm.

A And it's up to the individual and the skipper to make sure that he listens to those particular weather reports. And, and, yachting, from a racing point of view has changed considerably over the years, we used to do our own weather reports and logging and various things, but people don't seem, they, they depend on too much on electronics.

Q328 Yeah.

A And when those batteries get a bit damp the electronics doesn't want to work.

Q329 Yeah. O.K. Is there anything further you'd like to say or mention to us or, any, any news that you have

apart from what you've discussed with us?

A No, I think I've, I think that, I'd just like to congratulate on the way you've been involved in this.

Q330 O.K.

A I think you've done a very professional job.

Q331 Thanks very much.

A I hope that I've been some assistance.

Q332 You have been. O.K. The time is now 17.43pm, this interview is now concluded.

INTERVIEW CONCLUDED