

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Greg Halls at the Sydney Water Police Station in Pymont, Sydney. The time on my watch now is 9.55am. Also present, and seated to my right, is Senior Constable David Upston of the New South Wales Water Police. For the purpose of the record, Mr Halls, could you please state your full name?

A Gregory Webster Halls.

Q2 Your current address?

A 21 Lindwood Street, Blakehurst, New South Wales.

Q3 Your date of birth?

A The 21st of June, 1948.

Q4 And your occupation?

A Oceanographer.

Q5 O.K. As I've already explained to you, Senior Constable Upston and I are making inquiries in relation to the 1998 Sydney to Hobart Yacht Race. In particular we're interested in the workings of a race committee involved in Sydney to Hobarts, and that's why we wish to speak to you today. If I could just get your involvement with the Cruising Yacht Club of Australia, how long have you been involved with them?

A O.K. I've been a member at the CYC since 1976. I sail out of the club from 1965 to that period of time irregularly. I've been active, particularly with my own yacht, and on administration of yacht races from

then to current.

Q6 O.K. Now, on previous occasions you have been, in fact, the race director?

A This is correct.

Q7 Are you able to give me the years that you were in fact the race director?

A I was race director from 1987 to 1994. Sorry, I'm not, ..... 1988, I think it was, 1987 I was .....

Q8 All right. O.K. Now, your sailing background and your experience in sailing.

A I've been ocean racing since 1966. I've also raced dinghies as a kid. .... yacht racing internationally and I've competed in events here in Australia, New Zealand, US, England, the Mediterranean, long range races, fastnet race, ..... series, Admirals Cup.

Q9 O.K. Now, I wonder if you could take me through how a race or firstly, is there a difference between a sailing committee and a race committee?

A Yes. There is. A sailing committee generally is a long term committee that looks after a, maybe the whole, the annual events run by an organising authority.

Q10 Yeah.

A The race committee is appointed for a particular race.

Q11 O.K. So, is it the case that a race committee is in fact appointed for each Sydney to Hobart?

A Yes.

Q12 O.K. And the make up of that committee can vary with members, different members - - -

A .....

Q12 - - - from year to year?

A Yes.

Q13 O.K. Now, who in face sets up a sailing committee?

A The sailing committee is normally set up by the board.

Q14 Right.

A To elect a chairman.

Q15 Right.

A That chairman then usually makes recommendations back to the board as to who he would like to have on that sailing committee, one - - -

Q16 Yeah.

A - - - and two with view to the representation of the different types of yachts which maybe make up the club, such as in a skiff club you would have kid's dinghies, two-man dinghies, single-man dinghies, four, four-man skiffs. So, to be represented on that committee you need a representative from each particular class.

Q17 Yeah.

A In a yacht club the same thing occurs, there is usually a cruising division, there will be various yacht divisions depending on size and rating of the particular yachts and they are represented on the sailing committee.

Q18 Right. Now, can we just stick to the sailing committee for a second. When the board selects a sailing

committee, the participants or members of that committee are selected because of their knowledge and experience in sailing?

A Yes.

Q19 O.K. Now, if we go to the race committee, who sets up the race committee?

A The race committee is usually a recommendation from either the sailing committee or the board to a list of nominees of who they feel are capable and have sufficient experience to participate in that committee. The board will then appoint or write a letter requesting, whether you want to take the appointment or not, for chairman, and then the race director, and then quite often the sailing committee then nominate the, the balance of that committee.

Q20 Right.

A Because in the case of the Sydney to Hobart we, the CYC also runs in conjunction with the Royal Yacht Club of Tasmania.

Q21 Right.

A So, there, there needs to be representatives on that committee from that particular club.

Q22 O.K. So, when the board, say the committee makes its recommendations to the board, the board then call for volunteers, names?

A Don't always call for volunteers.

Q23 Yeah.

A Normally they, they know - - -

Q24 Right.

A - - - people in the background that, that are, that aren't involved in active sailing these days - - -

Q25 Right.

A - - - that do have some managerial skills that are experienced yachtsman that do have a repertoire with, with their colleagues out there - - -

Q26 Right.

A - - - on the water. So, it's, it's a word of mouth sort of situation.

Q27 Right. Is it the case that in fact a written document is sent to those potential members?

A Not always.

Q28 Right.

A I, I in, in my seven or eight years as race director I did receive on three occasions, I think, a letter formally requesting me to - - -

Q29 Right.

A - - - to be in, to accept that position. And on one of those occasions I believe that the recommendation came from the sailing committee, went back to the board, the board gratified that and that was the start of it.

Q30 Right. So, in recent times, as far as you're aware, a lot of it's been on a, on a oral basis?

A A lot of it's been on an oral basis, but there is formal documentation from the board to the, to the sailing committee.

Q31 Right.

A Or, or vice versa.

Q32 O.K. Now, the chairman of the racing committee, can you tell me what the board would be looking at in selecting a chairman for that committee?

A It's virtually like a CEO, you're, you're, the, the chairman is somebody that, that has a pretty broad spectrum of a range of the rules of the, of the event. The contenders in the event, the event itself. It also has a close working relationship with other committees involved in, in the running of the event, and virtually it is seen as somebody who is available the whole time to, to put the whole thing together when needed.

Q33 Right. O.K. Now, so far as the numbers in a racing committee, can that vary depending on the board?

A Yes.

Q34 And I, I believe in last year's race there was seven members?

A .....

Q35 What about when, when you were racing director?

A In previous races there were normally sort of six or seven - - -

Q36 Right.

A - - - and in fact the, the new rules of ISAF and their race management which have only come into being in the last couple of years, they do have some stipulation on what the committee members, number, number of committee members that can make up a race committee.

Q37 What a minimum/maximum sort of thing?

A A minimum/maximum sort of thing, I don't know what they are.

Q38 Right.

A I haven't sort of read the rules.

Q39 O.K. ISAF, is -?

A The International Sailing Federation.

Q40 Thank you. O.K. Now, when the racing committee is formed, are they supposed to meet .....

A (NO AUDIBLE REPLY)

Q41 O.K. And what would be in, from your experience, the reasons to meet?

A O.K. The, the committee - - -

Q42 Say, take the Sydney to Hobart, as an example.

A O.K. There's normally a meeting held in May or, or earlier to discuss the entry requirements.

Q43 Yes.

A There's a guesstimation made of the number of the yachts which one thinks are going to participate because there are logistics involved with planning down the line for that. It then, in my day, we used to sit and actually write the, the sailing instructions.

Q44 Yeah.

A Which were then sent to other authorities or ratified and issued. Upon receipt of entries from particular yachts, they would then be vetted by that committee or any other sub-committees were formed, and then the committee normally took up residence in November because of the, the preamble to the Sydney/Hobart,

which is the Southern Cross series or - - -

Q45 Yeah.

A - - - a regatta type series, where there would always be somebody there who could make decisions that would, that came from these sub-committees or from, or from competitors.

Q46 Right. So, in reality, in, in, in pre-arrangements for the Sydney to Hobart, the committee, the racing committee there, there would be a number of occasions where they would meet or should meet.

A Should meet, yes.

Q47 Are you aware of any such meetings with the race committee in, in the 1998 Sydney - - -

A No.

Q47 - - - to Hobart Yacht Race? Are you aware if the committee convened to discuss a situation of stopping the race, for example?

A Only because of my involvement with the review committee - - -

Q48 Right.

A - - - I'm aware that there was discussion on this  
- - -

Q49 Right.

A - - - and there was a meeting convened in Hobart, I believe.

Q50 By that committee?

A By that committee.

Q51 O.K. Now, is it the case that when the committee meets

that they should all meet together unless otherwise indisposed?

A Yes.

Q52 O.K. And those meetings are ordinarily chaired by the chairman?

A Yes.

Q53 O.K. In your capacity as a race director and involved in the race committee on previous occasions, were there minutes kept of your meetings - - -

A The - - -

Q53 - - - as such?

A Of the important facts, yes.

Q54 Right.

A A lot of the meetings were, were, were called to solve, to resolve a situation which had just developed, and didn't require to go to the nth degree.

Q55 Right.

A Where, where I as chairman or race director felt that this would be an ongoing problem - - -

Q56 Yeah.

A - - - then there were minutes kept.

Q57 O.K. Typically, I've got a couple of documents here, I got the notice of race 1998, and the application form. Now these probably aren't relevant, or they're not relevant to when you were running the committee and, and race director. But typically, can you take me through the, the making of the sailing instructions as a committee, the notice of race and the entry form, the

procedures and what, what, what would happen?

A O.K. The procedure changed in 1984, after the 1983 race. Prior to 1980, '84, a notice of race, which was formulated probably in February or March prior to the event was issued to competing, to, to interested yacht, yachtsman.

Q58 Yeah.

A Yacht clubs all around the world.

Q59 .....

A And basically this is the same format that we have for the 1998 race.

Q60 Mm.

A It's an invitation to enter the yacht race. The notice of race has a, a requirement, has a legal requirement in yachting terms, as under the blue book of what it must contain.

Q61 Yes.

A And it, it goes through all the various rules and ..... are racing, when the events are going to be held and the infrastructure of, of trophies. That is that there are requirements in the blue book, which I won't go into in detail, and that has to be on the notice of race.

Q62 Right.

A Prior to '94, one responded to the notice of race on an on entry form, which included documentation which was returned by a certain date.

Q63 Yeah.

A Post '94, the response to notice of race was an application for entry.

Q64 Right.

A Which had certain requirements on it which were vetted by various committees and upon the satisfaction of, of all the documentation then an application for entry was issued to the, to the competing yacht.

Q65 Right.

A Which then responded and the documentation trail began. Usually about May or June we commenced to write the sailing instructions which historically ..... change the dates - - -

Q66 Yeah.

A - - - and is also a legal document to a certain extent where it must nominate the race committee, the protest committee and the rules under which the event is to be staged which may be ..... to or slightly different to what is the notice of race.

Q67 Yes.

A The notice of race cannot be changed once it's issued. So, that there are rules which change, situations which change, which can be modified in the sailing instructions or as a member can ..... up to one hour or two hours before the start of, of the event. The yachts don't get the sailing instructions until the briefing.

Q68 Right.

A Right, because there are some last minute changes which

are made. But it is a fairly explicit document.

Q69 Mm.

A And usually includes an appendix at the back which is not part of the sailing instructions or the notice of race, but it gives, indicates the light houses and just general information for yachtsman.

Q70 Right.

A That, that process still continues.

Q71 O.K. O.K. So, you've, as a committee you've got all your documents together and as you say the paperwork trail begins. They all go out, particularly the application forms, then they come back.

A Yeah.

Q72 O.K.?

A Yeah.

Q73 Now, when you were race director, what was the collection point or what was the routine used in relation to returned documents?

A O.K. The notice of race, ..... stipulated are closing time for entries.

Q74 Yes.

A With a late entry time. Those documents would be received, we occasionally had competitors who we would ring at the last minute to say, you know, we know they, we knew they wanted to go to Hobart, where's your documentation. We used to maintain a book - - -

Q75 All right.

A - - - where this, the entries were all lodged, I had a

date stamp made up so that the entry was documented.

Q76 M'mm.

A And then if, if the entry forms had to be in by the 20th of October, there was a red line put across the book.

Q77 Right.

A And as far as we were concerned that was, that was it. Anybody that entered after that we then referred them back to the sailing committee, who then referred it to the board as to what they wanted to do. From our race committee's point of view that was the limit apart from the late entry requirements, for which there was another line across the book.

Q78 .....

A And, and, and on some occasions the board made a decision that, that we would allow a particular boat to race even though its entry had been received after its due time.

Q79 Right. You could be over ruled by the board?

A we could be over ruled by the board.

Q80 O.K. So, the procedure then is if you had a problem, you referred it to the sailing committee, the sailing committee refers it to the board - - -

A Sometimes it cuts out the sailing committee.

Q81 O.K. But it can go through that way?

A Yes.

Q82 In any event the board does in most cases have the final say?

A Yes.

Q83 Right.

A As a race director you were their servant.

Q84 Right, O.K. Can you tell me where the, the face committee derives its powers or authority from?

A it virtually comes from the board and from the, the rules of the, the, the blue book, as we call it.

Q85 Right.

A There are conditions laid down there as to what race committees can do and can't do.

Q86 Right.

A There are, the blue book is mainly aimed at, at either club, normal club racing or regatta style racing and because the Hobart race is seen as a one off special event sort of situation, there are some different rules. Historically there are things that the, that fall outside the particular blue book, but which may be in the realms of special regulations and, of the organising authority.

Q87 Right.

A And so the, the authority vested in the race committee is defined in the blue book and there are some special bits and pieces which the club lay down special regulations.

Q88 Right. O.K. Now, as a committee, all your things have gone out, and you're now waiting for them to all come back.

A Yes.

Q89 And you just mentioned a short time ago that a book was in fact started and applications and entries or whatever were logged and stamped as being received. O.K. All the entries come in, or well we know that they wouldn't come in at once but they start .....

A ..... quite a period of time.

Q90 O.K.

A And as, we used to have them signed and dated.

Q91 Yes.

A And they, some of them would come in with incorrect information.

Q92 Right.

A Old photographs - - -

Q93 Yeah.

A - - - certificates that were not correct, ..... certificate, and this was all logged in a book and we started a, a, a sort of a white board up - - -

Q94 Right.

A - - - where things got ticked off - - -

Q95 Yes.

A - - - in requirements. And some of the vetting of the authentication of that information which came in was carried out in-house - - -

Q96 Yeah.

A - - - and on some occasions sub-committees which had been formed, such as the safety committee which is a standard committee of a, of a yacht club, but there were sub-committees formed to, to ensure that the

documentation was correct and received by the due date.

Q97 O.K. So, what would be the case then if, suppose that all of your entries, 100 entries have come in and it's November, and you're, you're constantly checking entries as they come in?

A Yes.

Q98 And in fact you're checking for safety certificate, IMS certificates, crew lists, next of kin lists, ABS certificates and letters from ..... in relation to PHS and CHS category boats and that sort of thing?

A Yes.

Q99 Are you doing that individually or are you doing that as a group, like at the end of each month do the committee sit down and say, right we've got another 30 applications, let's go through them?

A In, in what we call a lean year where we have only around about 100 boats - - -

Q100 Yeah.

A - - - it is usually done individually by one or two of that committee. Now that may include the sailing secretary of the CYC - - -

Q101 Right.

A - - - who was not always on our, on our committee  
- - -

Q102 Yes.

A But in my days it was .....

Q103 Yes.

A And we would sit down and go through each particular

boats, if I wasn't there, you know, you got to realise it's purely a voluntary situation - - -

Q104 Yeah.

A - - - there may be some other member of my committee there - - -

Q105 Yes.

A - - - or even Bob may do it himself, a lot of it is straightforward.

Q106 Yeah.

A Some of them aren't.

Q107 Yeah.

A But, no, they're all checked off.

Q108 Right. So, it's correct of me to say that it is ..... or the responsibility of that committee, a member or the members of that committee to ensure that there is compliance with entry forms?

A Yes.

Q109 O.K. So, you agree with that?

A (NO AUDIBLE REPLY)

Q110 O.K.

A No, but you got to, you got to bear in mind that the requirements for all these documents, the dates are all - - -

Q111 Yes.

A - - - quite different because people ..... their boats for .....

Q112 Yeah.

A - - - certificates, so we have a close off date for the

IMS certificate - - -

Q113 Yeah.

A - - - for the boats doing the Hobart race it may be in four or five days before the start of the race because the ..... does close down over Christmas.

Q114 Right.

A And they are the issuing authority. We have on occasions had boats from overseas where we've had problems or interstate where they've been running late due to no fault of their own - - -

Q115 Mm.

A - - - where we have tried to bend over to facilitate their requirements and have certificates re-run on a weekend or even the night before the race.

Q116 Right.

A And although it's outside the - - -

Q117 Mm.

A - - - the rules of the race and I am certain that if one went by the rules the race can be protested on that particular basis over a valid case.

Q118 Mm.

A As to what the jury would do - - -

Q119 Mm.

A - - - it was a moral requirement - - -

Q120 Mm.

A - - - and a sporting type requirement.

Q121 Yeah. O.K. Now, what would be the situation, you're the race director, part of the committee, and you have

an application form which comes to you and there is an incomplete or, or, or a, or a invalid IMS certificate. What would be the procedure adopted by you?

A We would normally then respond through, in my days, Elaine Gazzard was the, the secretary and she would do all our secretarial work. We would send a, a letter or a fax - - -

Q122 Yeah.

A - - - or even ring the owner or the owner's representative to say that there was an inconsistency in his, in his documentation and could they rectify it. That would be flagged in our system and ..... the boats that ..... completed all their documentation.

Q123 Yeah.

A And so it would sit outside ..... when we received a reply from the owner or his representative and it was to our satisfaction it would past the next stage, if it didn't ..... there would be more response and, and, and more questionnaires to the owner.

Q124 Right.

A Now, just bear in mind the '94 race being the 50th Hobart where we had 400 and something, 437 applicants, there were separate vetting committees set up to review boat's ability - - -

Q125 Yeah.

A - - - the certification because the rules were changed slightly because we were trying to accept many boats in

the, in the 50th Hobart race.

Q126 Yeah.

A Pure experience, all that sort of thing, they were various committees set up to review all that.

Q127 Right.

A And from the race committee's point of view, ..... race director we are allowed then to do that particular  
- - -

Q128 Yeah.

A - - - role, and they would come to us and say, "Here we have 37 applicants and 27 of them are quite clear the others we've got a problem with and we're, we're awaiting" - - -

Q129 Right.

A - - - "a response".

Q130 Right. O.K. Now, in fact here, I'll show you three letters here which are, one's addressed to Mr Peter Hill, and one's addressed to Mr Doug Middleton, and one's addressed to Andrew Buckland.

A Yes.

Q131 And they are all signed off in fact by R W .....

A Yes.

Q132 Sailing secretary.

A Yes.

Q133 Just briefly have a look at those and tell me what the purpose of those letters are basically.

A O.K. The letter to Mr Hill, I haven't read the ..... letter.

Q134 Which ..... have to. O.K. Peter Hill wrote to the club with regards a ..... yacht entering the Hobart race.

Q135 Right.

A The rules of the ..... are different to the IMS rules and the IOR rules, which were applicable in those days and the boat fell out of the category of what the Hobart race was designed for.

Q136 Yeah.

A So, the reply to Mr Hill is just advising him of that.

Q137 Right. O.K.

A The letter to Andrew Buckland, I think was on a very similar .....

Q138 It's on the back ..... for you.

A Because the international rules applicable in the IMS were changing constantly and Australia, the rule change here occurred on, occurred on the 1st of July, whereas internationally they were on the, the 1st of January, because it is, it is the summer season in Europe ..... winter season. And there was a slight change over in when rules became applicable, and the letter to Mr Buckland is just to explain that the ..... conditions that were likely to effect the ..... design - - -

Q139 Right.

A - - - criteria has, had been defined. And that even if the boat had been measured under IMS ..... requirements.

Q140 Right.

A Which were not part of the IMS rule at the time.

Q141 Right.

A But were going to become part of the IMS rule. And the letter - - -

Q142 .....

A - - - to Mr Middleton, it refers to the stability index of particular yachts that were out of a standard mould.

Q143 Right.

A And had been raced extensively offshore prior to this particular event and the limitations that have been imposed by the sailing committee on the requirements for the event for that, for '94 race.

Q144 The stability?

A Yes.

Q145 Yeah. O.K. So, basically those, I mean there are numerous letters in here, but basically those letters are, have been, have been sent out to inquiring entries so that if they are aware of the standards or what's required - - -

A ..... these, these letters are all sort of - - -

Q146 Yeah.

A - - - earlier on in the year - - -

Q147 Yeah. Prior to - - -

A - - - for March, April, May sort of thing - - -

Q148 Yeah.

A - - - where maybe the sailing instructions haven't been fully formulated - - -

Q149        Yeah.

A            - - - and that owners do need some response as to which way, what direction they were to take for their forward planning - - -

Q150        Yeah.

A            And this gives them some indication.

Q151        Right.

A            Now, the, the response from those letters have come from Bob ..... who was the sailing secretary  
- - -

Q152        Yeah.

A            - - - not from the race committee.

Q153        Right.

A            All right. So, they are not an issue for the race committee at the time - - -

Q154        At the time.

A            - - - of the event.

Q155        All right.

A            - - - but they are kept on file so that they can refer to them if somebody comes in and says, "You've now changed the guide posts" - - -

Q156        Yes.

A            - - - we can refer back to the documentation.

Q157        O.K. Now, as you ..... to the CYCA, it goes to the racing committee and it's supposed to have a number of documents with it. Is that correct?

A            Correct, yes.

Q158        And on in fact the 1998 race application of entry there

is a IMS certificate - - -

A Yes.

Q158 - - - ABS approval - - -

A Yes.

Q158 - - - photo attached - - -

A Yes.

Q158 - - - and advertising category?

A Yes.

Q159 And I believe further into it there's crew lists and next of kins and that sort of thing as an addendum to that?

A Yes.

Q160 If a entry form is sent to the racing committee and is, it is noticed that a IMS certificate is not present, what would be the normal procedure for the racing committee to adopt in that case?

A It, it goes into the incompleted bin - - -

Q161 Yes.

A - - - a request is sent to the owner - - -

Q162 Yeah.

A - - - requesting an updated certificate - - -

Q163 O.K.

A - - - in some, in some cases we can short circuit that and go direct to the AYAF - - -

Q164 Yeah.

A - - - but ..... there are all these magic little problems and the owner has to sign the darn thing.

Q165 Yeah.

A So, there are times when we try to help the owner out  
- - -

Q166 Yes.

A - - - but saying we'll get the document here but you've  
got to come and sign it before we accept it.

Q167 Right.

A But, in, in ..... case that I was involved in that  
we, it would go in the too hard bin until such time as  
it was rectified by the owner.

Q168 Right. Now, when something was put in the, in the  
waiting bin so to speak - - -

A Yeah.

Q168 - - - was it anybody's responsibility to, to follow  
that up?

A (NO AUDIBLE REPLY)

Q169 If a certificate, if, if in fact you'd had a verbal  
conversation with the owner or written to him about the  
certificate, IMS certificate - - -

A Yes.

Q169 - - - that was - - -

A Yes.

Q169 - - - was that followed up?

A Yes. I had a very close working arrangement with, with  
Bob ..... and Elaine Gazzard in the office, both  
have been there for many years and Elaine used to be  
very efficient in this, we kept a sort of spreadsheet  
going of, of the yachts that had problems. We even in  
the latter part of my term there had a data base set up

that would flag us a week beforehand - - -

Q170 Yeah.

A - - - a deadline, if we had problems with a particular boat and we would usually ring them up or fax them or write to them. And if nothing was done, then on the last day before we had it flagged once again and there was a bit of hurry up to, to make sure, with the particular yachtsmen comply with the request.

Q171 Right. O.K. Now, suppose the yachtsman said, O.K, the certificate's in the mail, it eventually gets to the cruising yacht club, is it the responsibility of someone on the committee to marry that certificate up with - - -

A Yes.

Q172 And that would entail ensuring that it's valid?

A Yes.

Q173 O.K.

A We have, we have, we often have problems with documents in the mail - - -

Q174 Right.

A - - - being received after closing dates.

Q175 All right.

A And in fact we used to go back to the date stamp on the letter - - -

Q176 Yeah.

A - - - to see when it was posted. Same with faxed documents.

Q177 Right.

A We had problems with the fax one year where it was one of the automatic faxes that, everything went into the other and so we had to take things on face value from certain people.

Q178 Yeah.

A But, a boat was never allowed on the race track until we had all the documentation.

Q179 Right.

A You know, the rules for the time limit were often changed because of circumstances which were beyond the control of the authorities, or the race committee or even the owners.

Q180 But at the, at the bottom line, the bottom line is this though, on the 26th of December, of each year that you were the racing director, is it the case that every entry form or every yacht that was lined up to race, their entry forms had been checked?

A They were squeaky clean and valid. You know, we, we, in the '94 race we had two or three boats that were actually moored down in Cockle Bay, where I went down and gave them a letter and said they weren't allowed to compete in the Hobart race because their documentation was not correct.

Q181 Yeah.

A Because they'd come from interstate or, or other parties and they couldn't write to, maybe write to a bloke in Burketown and he's halfway between here and Sydney.

Q182           Yeah.

A               And ..... been in touch with, with the authorities of the club or members of the committee or the sailing office prior to that and I actually went down, I remember in the '94 race, going down to Cockle Bay and delivering these letters tot hese yachts. And then the following morning ensuring that, that they didn't have their race flags so that the waterways authorities can ensure they weren't allowed on the race track. And of course there was a check off procedure on yachts entering the event having to sail past committee boats and have their sail numbers and names lodged, so there's a second in built safety check on, on ..... track. But no, I've stopped boats from going on to the race track that did not have compliance.

Q183           Can you recall the names of those yachts?

A               No, I can't, the '94, I'd have to go back to my own documentation on that. But I know that ..... situation with, with ..... over a particular safety certificate where he had entered for a series of races prior to the Hobart and the Hobart race, and the boat had done the Melbourne, ..... race just recently and we did not have a ..... and I personally knew we had ..... otherwise he wouldn't have been able to do the ..... race, and Mr Warren wandered out on the race track and I couldn't stop him from going out there but I said, you're not going to race, but if you wish to have the

documents faxed to us from the yacht club in Victoria, like Sandringham and I received it prior to the 10 minute gun, I would notify him and we would allow him to race.

Q184 Mm.

A And there was some heated debate over that and he wasn't allowed to race because we did not receive the documentation, I actually advised him on the radio and by telephone ..... wasn't to be on the race track. And I can't prevent him from sailing around out there, but had he attempted to start then I would have had to refer it to a jury situation - - -

Q185 Mm.

A - - - which probably would have looked at it as, .....

Q186 As a race director do you, did you place as much importance on the safety certificate as the IMS certificate, were they of similar - - -

A Yes, they're all very important - - -

Q186 - - - similar importance?

A All very important.

Q187 O.K. Now, why is it, why is it you felt it so important to pursue these documents and compliance before a race?

A In any organisation there are rules, you've got to abide by the rules. And the rules are laid down by our peers and our colleagues and there's a duty of care and responsibility to the competitors that are competing,

those that wish to compete and to family involved.

Q188 So when you say it's your duty to care, what do you mean by that so far as being a race director?

A Well, I want to ensure that everybody that's out there on the race track complies to the rules and regulations that where, actually in the race committees being there not only as a, the organiser of the, of the, of the race and making sure they comply with the rules, but they also have a requirement to ensure that you're safeguarding those that have complied correctly against those that have not, and safeguarding competitors against themselves, by their own, either inability to do their own documentation.

Q189 Yeah. Now, the entry for a Sydney to Hobart would you consider it to be legal contract?

A Yes.

Q190 And would you agree that the corporation or the, or the organisation then has a legal duty of care?

A Yes.

Q191 Because of that legal - - -

A .....

Q192 O.K. You mentioned earlier about you being on the review committee, prior to going any further, could you just explain your role briefly on the, or however you see, on the review committee and what that was?

A Yes. In the aftermath of the situation in December, and having, having been involved in, in being the CYC representative in Eden, I was asked if I could make

myself available for that particular committee, which I replied in the affirmative to, and my role there was actually a member of that committee and also a chairman of, of a sub-committee which was out to review the life raft situation in that event. I made myself available for that committee willingly, yes.

Q193 O.K. And you mentioned now about the, your position in Eden, I think we went into detail about that earlier but for the purpose of this interview could you just explain what your role was in Eden?

A My role was to act as liaison between the CYCA and any other party with a vested interest, being AMSAR, search authorities, co-ordination authorities, the press to a certain extent, and the local authorities and people who needed assistance, yachtsmen who may have required assistance, trying to liaise between the community and the CYC.

Q194 And that was requested of you by the CYCA?

A Yes, I, on the Sunday after I spoke with Mr Bush at the CYC, and having heard what was occurring at sea, and just as a general query, wanted to know who he had in Eden, because Eden was going to become a pretty well focus point of the whole thing, and he advised me that they had nobody there, and I said, "Well, you're going to need somebody there". He said, "Are you available?" And I said, "Yes". He said, "We'll have to talk to authorities in Hobart from the CYC", which he did do, he got back to me and said, "Could you go?" And I

went.

Q195 O.K. O.K. So if you we could just sort of summarise the first part of this interview, we say that the, the cruising yacht club board appoints a sailing committee?

A Yes.

Q196 And we can say that the CYCA board appoints race directors?

A About 10 ..... by the board.

Q197 O.K. Then a number of members are appointed to the sailing, sorry, to the racing committee as well as a head of sailing committee?

A Yes.

Q198 And the sailing committee, sorry, race committee is responsible for getting race entries, eligibility, certification and insurance as safety, ..... paperwork, deadlines and refers to CYCA starting committee, or race committee, and CYCA board if there's any problems?

A They're the last line of defence - - -

Q199 Yes.

A - - - if, if, the book, the blue book sort of does lay down the definition of what that race committee ..... - - -

Q200 Yeah.

A - - - and racer's responsibilities. You know, it has nothing to do with the social events of the organisation or anything that falls outside that area, the CYC normally have a, a special committee which sets

up to, to run all that.

Q201        Yeah.

A            And, and we do work hand in hand with that because that committee does organise other events outside yachting  
- - -

Q202        Yeah.

A            - - - which we try to fit into a program and then co-ordinate the whole thing. But as far as the ..... racing goes, that's the duty of the race committee and they're the last line of defence.

Q203        Right. O.K. Just changing the interview here, being a member of the review committee this year, in relation to last year's Hobart, can you as a ex-race director, and having some experience in that capacity, do you have any ideas or views how in fact a boat got through the vetting process with a stability of 104?

A            All I can put it down to is an oversight in the sailing office. The, I don't know when the various committees were formed but the race committee may have, or the race management committee may have been formed after the closing of the particular documents were due. The sailing staff in the sailing ..... CYC, I believe, may have been undermanned, other duties by people may have caused problems. But the bottom line is, no, I really can't see, the only thing would be the systems put in place years ago I know are not there now - - -

Q204        Mm.

A            - - - one, and two ..... oversight or documentation

going astray, that's all I can say.

Q205 So even, even if, as you say, staff problems, lack of numbers, lack of administrative procedures, at the end of the day if things have been done correctly, that should have been picked up?

A Yes.

Q206 O.K. We're just going to suspend the interview and change tapes. Time by my watch is now 10.35am. This interview is suspended.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q207 Electronically recorded interview between Detective Gray and Mr Greg Halls is recommenced, and the time is 11.03am. I noticed in the 1998 Sydney/Hobart race review report from the Cruising Yacht Club of Australia, on page 147, in the fifth paragraph, there is mention here, "As a result the responsibilities of the race committee were not well ..... defined. And the race committee was unclear of some of it's responsibilities". Can you make any comment in relation to that so far as responsibilities?

A Well the responsibilities are defined in ISF manual and also in the blue book. Historically when Mike ..... and myself sort of took over the ..... started running the event in 1987/88, we inherited a system which had a lot of deadwood in it, it took us two or three years to, to get rid of some of the rules

and regulations which weren't really needed.

Q208        Yeah.

A            And refining what the responsibilities of a race committee were. Bear in mind the ISA rules and regulations have only been around for the last couple of years and race management became a hereditary thing of learning from one mistake to the next.

Q209        M'mm.

A            And after the '93 race and the '94 race it virtually came down to experience. Mike and I were requested and I am not sure whether it was 1990 or 1989, to come up with some standard operating procedures and a formal work program for what our role was to be, which we did. And personally I have just from the administration of yachting events and other events I've competed in around the world, America's Cups and Admiral's Cups and everything else and major regattas, I have a fairly good comprehension of what is required for a management point of view. They're obviously areas which I was not conversant with and occasionally we'd, we'd stumble into something in that particular area but we always managed to resolve it by common sense.

Q210        Mm.

A            And falling on ones peers to, to ask their opinion. But as far as that comment goes I really can't, .....

Q211        Mm. So, did in fact you and Mike Fletcher make up some standard operating procedures?

A Yes. And every year after the event they were refined, you know - - -

Q212 Yeah.

A They were handwritten notes and they're obviously, they're obviously handwritten ..... some were in the, in the files, which went to the CYC following debriefing. I did have some fully documented notes, I did write procedures for various operations such as the radio and relay vessel. And procedures not real disaster plan, but if we had a major problem how they would be handled by officers on duty at the time - - -

Q213 Mm.

A - - - at the club. And this came about after the death in the 1990, 1989 race for, of a yachtsman on, a sailor on the BP Flying Colours, which led to the changes in procedures for next of kin forms and things like that. The instrumentation in notifying next of kin or discussing problems with the boats. How we would pull in senior members of the club to maintain contact with one particular person - - -

Q214 Mm.

A - - - who was nominated off that boat.

Q215 Mm.

A The procedures for the general public inquiry have changed in the last couple of years, we used to have ..... manning the phones and when we had problems with boats we could pull them out of the system and, and give them to a particular member of the club whose

sole role was that boat. And we just kept fully informed of events by a member of the race committee  
- - -

Q216 M'mm.

A - - - because it's a 24 hour event and unfortunately the race director can't be there 24 hours. But there were basic procedures that were followed, adhered to.

Q217 So far as the standard operating procedures for the committee, for the race committee, were they in fact adopted by the club?

A Not that I'm aware of. You know, once, once an event was over and we did our debrief, not knowing what was, looking forward to next year, what happened to that documentation, the documents, I don't know.

Q218 Right.

A I know that the radio replay procedure document was around for quite some time, and was, was adjusted over the years as technology changed and the people changed  
- - -

Q219 Mm.

A - - - but apart from anything else I, I really, I can't comment.

Q220 The club was, the club was aware of those procedures that you had drawn up, though, were they not?

A I should imagine they would have been because I know that, that Bob ..... and, and Mike Fletcher, Mike used to keep very comprehensive notes. And I know that Elaine did type them up, because I vetted them on

several occasions and I did have copies of them and on disc over the years.

Q221 Mm. O.K. I'll draw you to another, page 57 of the same report, paragraph 5. It states here, "The chairman of the committee was unsure of the precise responsibilities of the committee as a result". Now, do you say that that's what you've just explained to us? The same situation, you don't understand that or  
- - -

A I - - -

Q221 - - - you don't - - -

A I can't understand if you don't, to me if somebody is put in a position like that, one that's either management, they've selected the wrong person, one  
- - -

Q222 Yeah.

A - - - or two, if you don't know you ask somebody that does know.

Q223 Yeah. O.K. Now, in that comment there, I'll just show you a letter, you might just have a read of that. It's from the current chairman, or the chairman at the time on the race committee - - -

A Yeah.

Q224 Now, from your point of view, but the individual itself, but do you, would you consider that that letter would, would certainly give rise to some assumption that the, that the author does in fact have some idea of what he is doing?

A Yes. .... he would have been made aware of the circumstances surrounding this.

Q225 Yeah.

A And it's gone out on his signature, so I could imagine that he'd be aware of the responsibilities of his signature.

Q226 That's right. And just for the record, that's a letter dated 4 December, '98, to Mr Jeremy Pearce and from Hans Summer, chairman of the race committee. O.K. Now, you mentioned earlier .... before the race had some 400 boats?

A 437 applicants I think we had.

Q227 And do you recall approximately how many boats weren't allowed to race?

A (NO AUDIBLE REPLY)

Q228 Just of the top of your head?

A I, I think we, there were 15 or 18 that weren't allowed to race and another 15 or something that didn't, that didn't - - -

Q229 Right.

A - - - .....

Q230 And the reason, and there were varying reasons for why those boats didn't race?

A Yes. Crew experience, stability, age of the boat  
- - -

Q231 Yeah.

A - - - construction of the boat, we had independent panels looking at various boats as to their ability to,

to, fit to go to Hobart. One particular boat in question was a boat called Not Turn, where we had an independent survey carried out on the boat to confirm it's capability of withstanding the pressures of off-shore racing.

Q232 M'mm.

A We had another boat which had, which had people from Tasmanian had worked on in Queensland for something like three or four years just looking forward to this particular race and because they couldn't measure the boat under IMS there was a problem under the IMS stability - - -

Q233 Right.

A - - - rule, and after consultation with Tony Mooney, we managed to overcome that problem, the boat was as stiff as anything, it was, you know, ..... for about 190.

Q234 Yeah.

A But, because of the mathematics involved in the IMS measurement system I think, I think the boat had 4 masts, it couldn't be measured under the system.

Q235 Right.

A So, we come up with a, with a way of determining that that boat was acceptable. But then there were other boats that, ..... the crew didn't pass the experience, you know, we had on their crew lists they had done 100 thousand miles of, of ocean cruising, we found out it was on the Oriana or something, so that

didn't pass our criteria, and there were obviously several yachts that had, that had stability problems

- - -

Q236 Yeah.

A - - - which, which were addressed.

Q237 Mm. So, so it's fair to say as a committee and as a race director under those circumstances the boats that left the starting line in your eyes and for your vetting process met the requirements? As far as you're aware?

A As far as I'm aware - - -

Q238 Under the documents supplied.

A - - - I, I will add that there may be one or, one or two boats which the board of directors at CYC overruled our committee - - -

Q239 Right.

A - - - which they are entitled to do.

Q240 Yes.

A And I don't really have a problem with them because when we looked at it very carefully, yes, I do, there were, there were pluses and minuses in one, put the pluses down one side of the page, it outweighed the minuses.

Q241 Right. O.K. Now, so far as pre-race organisation with the police stations all the way down the South Coast and various rescue authorities did you have something in place when you were race director in relation to alerting these persons and sending documents down to

those sort of places?

A Yes. In, in my professional capacity I do a lot of work on the coast of New South Wales and I'd often call in and see the ..... or Coast Guard people ..... coastal radio stations in my normal day to day activities in those areas I was in constant contact with them.

Q242 Yeah.

A And prior to most events either Mike and myself would often run down the coast and talk to these people about how many boats were coming and what we expected of them, where they could give assistance - - -

Q243 M'mm.

A - - - in those earlier days the race frequency was not a freely available frequency from the coast stations, communications weren't as good as they were today, and I don't think that the race organisers were, were aware that once again these stations are all manned by the volunteers, two, they do have a normal day to day working requirement to handle local operations, such as Fred Bloggs ringing up for ..... say that he's left the lights on in his car - - -

Q244 Yeah.

A - - - could somebody go and turn the car lights off. The leisure fishermen, the whole industry, so, I'd not only have to cater for their normal clients, which become overloaded at Christmas time as it's a holiday period - - -

Q245 Mm.

A - - - but all of a sudden their thrown into the Hobart race - - -

Q246 Mm.

A - - - where we do, or in my, in my view we did depend on them fairly heavily - - -

Q247 Yeah.

A - - - so, we used to ensure that one, we had a personal contact with them so that we could ring and talk to somebody who we knew.

Q248 Yeah.

A And we used to ensure that documentation of, of, about the boats was, was sent to them in plenty of time so that they could sort of plan their program around listening ..... 24 hours a day or most of these stations only operate 12 or 14 hours a day.

Q249 Mm.

A And during the Hobart period they go into 24 hour operation.

Q250 Right.

A And, so, yes, there was, there was a program to keep those informed.

Q251 Yeah.

A We used to send VKG here a complete list of boats and documentation, there were meetings held for discussions with, with regards to the start and procedures during the event.

Q252 Mm.

A And to the best of my knowledge we used to send off a complete, they used to get a boat bag which had, which had everything a competitor had.

Q253 Right. Are you aware if that activity is, in recent times has been ongoing?

A Well, when I arrived in Eden this year, I was advised that they had received a fax list of just the entries.

Q254 Right.

A With no idea of the owners of the boats of what they were, but no other documentation.

Q255 So, did, so there's been a break down in that sort of service?

A Yes.

Q256 Right. Now, I also believe that in years gone by the Australian Yachting Federation and, and possibly Tony Mooney would forward a computer disc to the race committee which had a updated stability index for all vessels, is that correct?

A The disc that, would come over at close of business purely, basically for checking off the IMS handicapping  
- - -

Q257 Right.

A - - - time, ..... it goes backwards. Basically for planning the boat race and having a final handicapping.

Q258 Right.

A ..... multiplies for the race.

Q259 Right.

A And it is my belief that that disc does include measuring data.

Q260 Right. So, once again you could view that disc and make a number of determinations or checks on stability indexes of boats?

A Yes.

Q261 And if something was out of the ordinary, you'd take that onboard and deal with it?

A (NO AUDIBLE REPLY)

Q262 O.K. Now, have you got any suggestions in relation to what could be implemented to monitor or to lessen human error so far as entry forms and vetting and double checks and follow up and that sort of thing?

A From the race committees point of view, you, you, you, you're very dependent upon third party applications, whether it be safety committee, the spot checks have been carried out by such committees on boats. Documentation from, from other yacht clubs, documents from competitors, and it's a, it's a vast amount of paperwork.

Q263 Yeah.

A And as we all know, paperwork tends to disappear, placed in the wrong file. I've always sort of, well, from a, from in the early '90s prior tried to have an implementation, a data base situation with various levels. Where everything is added to the data base, including crew lists. And crew lists and next of kin lists are a bit of a problem because they, boats don't

always compete with those who they say they are going to have on board. This data base would be say in a 10 tiered structure, it's in the first tier it would be the, the boat name and designer and when it was built and what, what colour it was and various things like that. Down to the bottom base which would be the actual crew list and the next of kin. This data base would then include, we could put in there, ..... certificates, when the life raft expired, when flares expired, the date of ..... of various documents and we may have a boat that has a valid safety certificate but it's flares expire in January.

Q264 Yeah.

A Now, we, we're not aware of that, whereas a data base would make you aware of that and we could then notify the owner that his flares are going to expire in January on his way back from Hobart or wherever it might be. And, and, and, and he'd be removed from the system such that not just the Hobart race, but if he was being entered in other events ..... say, hang on, we've got a problem here because he hasn't updated so and so. That data base could be used nationally in that event.

Q265 Mm.

A It would also enable administrators and assistants that are pulled in to help in times of problems to be able to have access to certain levels. I know that in Eden it would have been very easy if I had have had access

to the data base on crew lists or identification of boats, next of kin, things like that. And I believe that data base was there, but I had personally, once again, believe that only one or two people knew how to work it.

Q266 Yeah.

A Or even knew of it's existence.

Q267 Yeah.

A And therefore it fell over.

Q268 Mm.

A But that is the best way of doing it and setting up in such a way that critical dates flag in the system.

Q269 Mm.

A So, so you can't, you can't go on a list of boats competing if he hasn't, if that, if that flag comes up as not rectified.

Q270 Yeah. Mm.

A It, it's a fairly simple task.

Q271 Yeah.

A It happens in business the whole time.

Q272 Back when, when you were the race director when entries came in and after they were, were checked, how were they filed?

A Usually we had a filing system, there was a lot of photocopying done and we had the application for entry, we had the certificate, we had the safety certificate, we had initial documentation which came in with the boat, went to a different area, because of things like

the photograph of the boat, the story for their offshore magazine, bits and pieces, that was a PR thing rather than the sailing and administration side, but the documents were always filed usually under the boat name and it included all certificates. Then as crew list requirements came in, they were all documented. We had, our, our final sort of safety check and all that was at the crew briefing, all the skippers and the navigators' briefing prior to the Hobart race, all the bags were numbered and named and a check off list was held, and we had, we often had cases of defaulters, people who hadn't submitted a crew list or with things like we would request boats which had carried doctors on board or whatever it might be, certain key people who we knew could be of assistance to the race committee if they were called upon to assist somewhere. So, we would have defaulters who hadn't submitted ..... certificate - - -

Q273 Mm.

A - - - because they'd been changing the boat in the last couple of days or hadn't signed their certificate, therefore it was invalid. They may have had defects in their safety certificates, such as the radio might not have been installed correctly or a check found that their flares were out of date, things like that. And they would be called out and they wouldn't get their bag - - -

Q274 Yeah.

A - - - which included the little flag to tell them they could be on the race track - - -

Q275 Right.

A - - - until such time as that was rectified. So, that was our last sort of check.

Q276 Yeah.

A But the paperwork was virtually kept in, basically two files.

Q277 Right.

A One for the PR side and one for the racing, race side.

Q278 Mm.

A And then there was a third file kept of documentation of correspondence between the race committee or the sailing, sailing, secretary of the yacht club and the particular boats.

Q279 and that documentation could include things like your IMS certificates .....

A Yes.

Q280 Right.

A And we also, if, if the owners were, were representing a radio station or a third party and it contravened the rules, they had the right to write to the committees to request it.

Q281 Right.

A That that permission be granted for them to, to radio for news ..... or something like that.

Q282 Right.

A And I, as a race director or Bob ..... whoever was there, ..... become a formality - - -

Q283 Mm.

A - - - if they didn't contravene a particular rule ..... looking at. But that was a separate file that was kept.

Q284 O.K. What are your views in relation to a boat that sends a, an application form and a, and an accompanying letter stating that they don't have a valid IMS certificate, however four or five other boats in the race of the same mould and of the same class or, have current certificates and the person who in fact writes this letter and says well look there's six other boats in the race and I've got a copy of all their IMS certificates and they, their stability index is around 120, so ours is the same. Should that be accepted on face value?

A No.

Q285 Why not?

A They may be of the same mould, be ..... plan, you may have a different keel configuration, he may have a different interior layout in the boat, it all affects the performance and stability of the boat.

Q286 So, if that happened to you as a race director what would be your reply to that?

A We've had that happen.

Q287 Right.

A And we've referred it back, in the case of the IMS

rules to the IMS measurer, Colin Wilson, he's gone and looked at various things and normally the boats have had an IMS certificate which complies. But that problem arose years ago in the changeover from the IOR rule to the IMS rule. And it is still a practise that if a boat comes out of the same mould and there is necessary documentation for the original boat being at the builder's compliance certificate so it complies with ABS or whatever it might be has been accepted. And I don't, I don't agree with it personally.

Q288 It is the case though that weights being it lead and ballast can be added or detracted with ease?

A Yes.

Q289 So, again it makes that point rather invalid, doesn't it to - - -

A Well, it, it does to a certain extent. But bear in mind that, that the validity of a boat's certificate, whether it be IOR under the old rules or IMS or a PHF documentation from the builder, if any alterations or modifications are carried out by the owner, he has an obligation to, to under the blue book - - -

Q290 Mm.

SENIOR CONSTABLE UPSTON

Q291 M'mm.

A - - - to notify the, the issuing authorities. Now from a race committee's point of view, if we are issued a document by a governing authority be it the AYP to say the boat is valid, I really don't have any queries, we

have in the past received information from a third party that things may have changed and then normally it's been just prior to the event, not sort of weeks beforehand, days before. And then normally Mike Fletcher and, and myself or two senior people have been sent to the boat to make inquiries.

DETECTIVE SENIOR CONSTABLE GRAY

Q292 Right.

A We had that situation with a boat from Western Australia years ago on, ..... the sailmaker rang us to say that he'd had a series of sails which didn't meet the requirements of the certificate.

Q293 Mm.

A Therefore the rig was bigger, and we went and checked on it and found that to be correct. And in all right we had the right to refuse entry of the boat, what we did then is we bent over and tried to have the sails remeasured and have a certificate run the day before the race which was, which was, which was occurred.

Q294 Mm.

A And, and the competitor went on to complete with his new particular rating.

Q295 Mm.

A But there are one or two we do miss because people aren't, don't tell us till later on or we don't find out till later on, but we've got to accept that documentation from the issuing authority as being a prima facie document.

Q296 Mm. Similarly the boat makes it's application to a Sydney to Hobart with out a valid current IMS certificate, and the racing director or the racing committee use a certificate of a similar boat and allow them on that basis to enter the race because the certificate of, a valid certificate from another boat in the race of the same sort of boat. Would you like to make comment on that?

A Yes. Prior to, prior to, to finally giving them the boat to green tick, we, ..... were a, a good example, we'd accept the documents and that was our initial comment but then we would have somebody go and check the boat out to see that the boat was similar to the one that was next door.

Q297 Right.

A And usually you got information from the sail maker's as to the size of the sails they were making so you had some idea of, of whether they were different or not. Where they float in the water, you know - - -

Q298 Mm.

A Just things like that, and one - - -

Q299 But certainly you would follow that up?

A It was followed up, you make, you'd make some, some, some comments and I, I can't recall, there was probably one case years ago, but I can't recall any others ..... where that's been a problem. I, I know that in the '94 race we had a problem with a particular boat that didn't pass stability under IOR but it did under

IMS, or - - -

Q300 Mm. Mm.

A - - - or vice versa, and so it was measured one way to make it comply.

Q301 Right.

A Now, once again, we're not, we're not the rule makers - - -

Q302 No.

A If we have a boat that complies - - -

Q303 Mm.

A - - - we really, without, you know, going to some real legal problems - - -

Q304 Mm.

A - - - and it's, it's very difficult from an administration point of view of telling somebody his boat doesn't comply and I'm not going to let you go to Hobart because you all of a sudden you find there's a court case on you, on your toes and -

Q305 Just, just on that, is, is it the situation where yacht owners to comply with regulations often fudge different measurements and conditions?

A No. I, I would, don't think so. There's always a percentage in any event of people that are going to bend the rules. The rules to me, it's like any other game, if you, in, in the top level of, of formula one events, you bend the rules to make them fit what you want to do.

Q306 Mm.

A And that to me is all above board. Whether you play golf or whether you're motor racing or you play cards, there are standard rules which can be taken to the nth degree and I believe that some yachtsman do that.

Q307 Right.

A I don't have a problem with that - - -

Q308 Right.

A But, no, I know what you're getting at, and I, I, I do, I do have a problem with it - - -

Q309 Mm.

A - - - but I, we don't know how to address it.

Q310 But you're saying as long as the, the safety of the vessel as far as your capacity as a race director is not compromised then you'll allow the yacht to race?

A Yes. We, we've had safety officers knock back boats which have been completely legal. Now, it currently has been drawn to our attention, we'd be remiss not to go and do something about it, so we have either had members of the race committee that have had experience in the particular area where the, where the fault might be or we pull in a third party who is an expert to go and look at that boat and give us his opinion.

Q311 Mm.

A Now, in some cases that's been documented in writing other times it's been verbal - - -

Q312 Mm.

A - - - saying ..... problem which, the boat's a bit small, you gunna get tossed around like a cork - - -

Q313 Mm.

A - - - but it's built like a brick shithouse.

Q314 Mm.

A To me, coming from somebody who are of the standing of the sort of people we select - - -

Q315 Yeah.

A - - - that satisfied my mind that the boat - - -

Q316 Mm.

A - - - is quite capable of doing what it's intended to do.

Q317 Right. So, if you were the race director and the boat didn't supply an IMS certificate but said there's another boat in the race and, you know, we're both the same boats and you didn't check on that, would you consider that's discarding your responsibilities?

A Yes.

Q318 O.K. Righteo. If we could move on to now .....

A .....

Q319 Just basically, can you give us explanation of grandfathering .....

A O.K. Grandfathering, I don't know what the terminology is in the dictionary, but as I've, the thing we're looking at here as far as stability basically goes, we have a situation when the, the way in which yachts are rated has changed over the years. We had up until the late 80s the international offshore rule, prior to that there were other rules, but the situation arose where yachts that were built under the IOR rules as we, as I,

as the international measurement system IMS was coming into being, and that's the way racing was going, a lot of those boats under IOR were then measured under IMS. The IMS system is very much a computer generated system. And we came across an anomaly where yachts that complied with the stability requirements under the IOR rule, and I, without referring back to the book, I really can't recall what they were now. Yachts under IOR did not pass the stability under IMS, particular boats in question at the time were, were ..... 37s or ..... 39s. Some owners went to expensive length in modifying their boat to get them to comply, which was redesign of keel, position of weight, changing the boat around, 30, 40, \$50,000 to make it comply with the, of the IMS rule for category 1 events.

Q320 Stability?

A Stability, yeah. Some owners complained bitterly that they didn't want to spend that sort of money, their boat had been to Hobart last year, why - - -

Q321 Yeah.

A - - - can't we go this year. There is various documented evidence from ..... committee which was quite heated over several years on the particular requirements under IMS and IOR and what they should do and finally the decision was sort of, was handed down by the board that we would grandfather boats that didn't comply with the category 1 IMS stability regulations which is 115 degrees, but had been to

Hobart previously under the IOR rule. That's how the grandfathering clause came about.

Q322 Also providing that that was above 110?

A Yes.

Q323 Right. So it was an in between .....

A Yeah.

Q324 O.K.

A Now there is an ongoing problem as the rules change there's a new formula called CHS, channel handicap system. Where they have a SSS factor, stability factor. I have been at lengths for the last two or three months to try and find out how that number is, is obtained and, and can't do so and I believe that until a satisfactory explanation of that number is reached or until some tests are carried out to find out whether the boat that has an SSS factor of 34 does have a stability factor under IMS of 115 complies. I think that is being addressed - - -

Q325 M'mm.

A - - - as we're talking.

Q326 What was the, the general consensus about this grandfathering clause?

A (NO AUDIBLE REPLY)

Q327 When you were involved in the .....

A O.K. There, there were vested interests in the sailing committee of the CYC and the board of the CYC. And people spent a lot of money buying yachts - - -

Q328 M'mm.

A - - - and either modifying them or couldn't, didn't want to spend the extra dollars to make them comply, so there were vested interests. At that time I didn't have a vested interest, being aware of the problems of stability of these yachts at sea, I was against the stability change. And there were, Gordon Marshall, who at that time was the chief measurer of the CYC, Gordon historically is had a lot to do, do with stability tests on ..... boats and under the IOR rule, has written many papers and documents on this and actually went to great lengths to look at the evaluation of the IOR stability factor versus the IMS stability factor. The committee was split, I believe it, it, at several meetings that I went to the deadlock was broken by the chairman where it was made, the decision was made to grandfather these things.

Q329 Right.

A Now, on the CYCA sailing committee, either myself or Mike Fletcher were there as only an advisory capacity as far as the Hobart, we had no voting rights.

Q330 M'mm.

A But we still had our comments to make.

Q331 Mm.

A And I think there's plenty of documented history in the minutes - - -

Q332 Yeah.

A - - - verifying that.

Q333 Did you consider that, as an experienced yachtsman

yourself, do you consider the stability index of 110 is suitable for the Sydney to Hobart?

A No.

Q334 Would you consider the stability index of 115 is sufficient?

A Yes.

Q335 O.K. Do you think there is a need to review the category of the Sydney to Hobart?

A From what to what?

Q336 From 115 to a category 0, cat 1 to a cat 0?

A Cat, well, cat 0 is stability of 120, I think.

Q337 Yeah.

A No, I don't think so. The differences between say cat 1, cat 2 and cat 0 are not considerable.

Q338 Mm.

A There are, there are safety requirements as far as first aid kits and fuel and water - - -

Q339 Mm.

A - - - and the stability in that situation. But, no, I don't consider that the Hobart should be a cat 0 event.

Q340 Right.

A On the other hand I don't think it should ever be a cat 2 event. I think category 1 is where it should be.

Q341 Right. Taking into account the category 1 and category 2, the main difference is between the cat 0, I should say, and cat 1 is hard drugs - - -

A Yes.

Q341 - - - in the first aid kit, life raft, different

categories as far as life rafts are concerned, the  
.....

A Yes.

Q341 - - - and just a standard ..... and also the 115  
to 120 - - -

A Yes.

Q342 Do you agree that they're the main three factors - - -

A Yes.

Q342 - - - in that, in the differences?

A Yeah. And cat 0 is sort of, was, was, was looked at as  
being a race which goes through international waters.  
You know, if you're racing from the east coast of South  
America to the west coast of Africa, yes.

Q343 We've discussed at length prior to interview that the  
waters of the Bass Strait and surrounding waters are  
quite treacherous at times.

A Yes.

Q344 And we've discussed at length the situations that can  
arise in Bass Strait. Now, would you agree that a  
vessel with a stability index of 120 compared to 115  
would rate fairer in abnormal seas in regards to a roll  
over and the positioning of righting itself a lot  
quicker with the 120 stability index compared to the  
115?

A Theoretically, yes. Mathematically there are problems  
that arise there. And practically it's experience,  
it's like, it comes down to experience. It, it's, it's  
knowing your boat and knowing what you're working with.

One may need 100 tonne tank to crash a Coca Cola can, whereas one can do it with your hand if you want to, it's a matter of having, knowing how to do it.

Q345 Mm.

A And that's the difference.

Q346 But, do you feel though in any event that the unforeseen happens and a roll over can, occurs, but the vessel was in a position to fair a lot better?

A I - - -

Q347 In regards, in regards to - - -

A One's got to look at the design criteria here and various things, you know, you can have a stability index of 130 - - -

Q348 Mm.

A - - - and have a boat that's as wide as it is long  
- - -

Q349 Mm.

A - - - and you've got the same problem.

Q350 Yes.

A It's going to stay upside down when it tips over.

Q351 Well, well are you aware of, of data from studies that indicate a boat with a higher stability will right itself - - -

A Yes. Yes.

Q351 - - - faster than a boat with a lower stability?

A Yes.

Q352 So, inversion time is somewhat shorter - - -

A Shorter, yes.

Q352 - - - with a higher stability?

A Yes.

Q353 And in view of the Sydney to Hobart Yacht Race in which a boat with 120 degrees, that being B52 stayed inverted for some four to five minutes and the Business Post Niad with the stability of 104.8 stayed inverted at times for four to six minutes. Now, there's a great range of stability difference there, some 16 degrees. So that data which has been collected over the years is some what contradicted in this case.

A Yes. But, I think that the sea conditions and the wind conditions - - -

Q354 Right.

A - - - what was left of the mast - - -

Q355 Yeah.

A - - - all contribute to it and .....

Q356 That's my next question. So, do you agree that the circumstances surrounding the Niad roll over and the circumstances surrounding the B52 roll over, roll over are some what separate and - - -

A Yes.

Q356 - - - and can't be looked at collectively?

A I don't think so, yes.

Q357 They are separate issues - - -

A Separate issues.

Q357 - - - despite stabilities?

A Yeah.

Q358 And now, getting back to what I was talking about with

the, the roll over factor, but, do you agree though that a boat of 120 degrees, if the circumstances were the same, would fair - - -

A Yes.

Q358 - - - a lot better?

A Yes. Yes.

Q359 Is it the case that the CYC is an organisation that would not turn it into a cat 0 because of the number of entries which wouldn't be allowed to take part in the race? (Tape beeping)

A (NO AUDIBLE REPLY)

Q360 Do you think that plays on the raising of the category?

A No, I don't think so. I, I think that, I remember when the medical kit rules were changed to remove hard drugs from the kits, there was discussion at that particular time, but our Australian laws are such that we're not allowed to have hard drugs in, on, in medical kits now. But, also bear in mind that the fuel requirements for the race are extended beyond cat 1, and basically there's a few extra flares and bits and pieces required - - -

Q361 Yeah.

A - - - on the cat 0. So, no, I don't think it needs to go to, to cat 0. And there's always room to manoeuvre in you can leave it at cat 1 for ..... but then you can have your own clubs have a special regulation which says that if you want to go to ..... or so and so - - -

Q362           Yeah.

A               - - - you can.

Q363           Yeah.

A               There's nothing stopping you from doing that.

Q364           So, the club could in fact say we're going to keep the  
                  safety equipment at cat 1 - - -

A               Yes.

Q364           - - - however for 1999, we stipulate that the  
                  stability, minimum stability will be 120?

A               Yes.

Q365           So, they have the power to do that?

A               Yes.

Q366           Right. Do you think that's a good idea?

A               No.

Q367           O.K. And I can just sort of tell you statistically  
                  that if in fact last year's race with 115 boats, if in  
                  fact it was a compulsory 115 or 115 degrees and there  
                  was no grandfather, I can tell you that 8 boats  
                  wouldn't have met the criteria.

A               Yeah. That came out now.

Q368           So, it's really insignificant - - -

A               Yes.

Q368           - - - isn't it? You know, the amount of boats?

A               And I have no doubt that of that of that 8 boats, 6 of  
                  them would probably make modifications - - -

Q369           Yeah.

A               - - - to get their - - -

Q370           Yeah.

A - - - index correct to go to Hobart.

Q371 Now, you know on the IMS certificate there's two numbers. There's a number of a stability index and there's also a calculated limited positive stability.

A Yeah.

Q372 And the organisers take the highest of the two numbers.

A No, the lower.

Q373 We've been - - -

A Sorry, the highest, yes.

Q373 - - - informed ..... yeah.

A Yeah. Right, yeah, yeah.

Q374 So, and in some cases that, that figure can vary.

A Yes.

Q375 Two to 3 or 4 degrees.

A Yes.

Q376 Are you aware or can you fill us in in relation to why they take the upper number?

A No.

Q377 No. So, you don't know any sort of historical reasons why?

A No.

Q378 Would it be reasonable to assume that obviously if a boat had a stability index of 109 or 108, but their limited calculated or calculated limited positive stability was 111 - - -

A Yes.

Q378 - - - there's obviously reasons to fit it into the race  
- - -

A Because it complies to the rules.  
Q378 - - - and it complies with the rules. So, there are no real, as far as you're aware, there are no real definitions as to why they choose the upper number as opposed to the lower number?

A No. I know they're, I know there were some number crunching carried out - - -

Q379 Yeah.

A - - - back in the early '90s on it.

Q380 Right.

A Gordon Marshall was the investigator of that.

Q381 Right.

A ..... that's all part of the sailing committee which occurred prior to, to, earlier on in the year - - -

Q382 Yeah.

A - - - and when I wasn't there, so I can't.

Q383 O.K. Is there anything else that you'd like to add to the interview in relation to what we discussed today?

A I can't think of anything.

Q384 Dave?

SENIOR CONSTABLE UPSTON

No, I have no further questions.

DETECTIVE SENIOR CONSTABLE GRAY

Q385 O.K. There's nothing further. This interview is completed. The time on my watch is 11.46am.

INTERVIEW CONCLUDED