

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Rowan Johnston at the Hobart C.I.B. on Friday, the 7th of May, 1999. Also present and seated to my left is Senior Constable David Upston from the New South Wales Water Police. The time on my watch now is 3.30pm. For the record, Rowan, could you please just give me your name?

A Rowan Johnston.

Q2 And your date of birth?

A 25th of October, 1931.

Q3 Your current address?

A 16 ..... Court, Sandy Bay.

Q4 And your occupation?

A Well, I'm, actually I'm a retired public servant, but I do, I, I'm a part time sailing manager at the Royal Yacht Club.

Q5 O.K.

A Honorary.

Q6 That's Tasmania?

A Royal Yacht Club, Tasmania.

Q7 Tasmania, right, O.K. Now as I've already explained to you, Senior Constable Upston and myself are making inquiries in relation to the Sydney to Hobart Yacht Race of 1998, and part of our job has been speaking to various yacht clubs on the eastern coast, on the eastern seaboard of New South Wales and Queensland and

Victoria, about the way in which they run races, as far as racing directors and sailing committees are concerned. And do you agree that we spoke to you in the boardroom this morning, around about 11 o'clock?

A Right. Yeah.

Q8 And I outlined to you what we wish to speak to you about.

A O.K.

Q9 Firstly, if you could give me some sailing background experience of your own?

A Well, I've been an active yachtsman all my life, since I was about 12 years old.

Q10 Right.

A On the administrative side, I've been on the board of the, of the Royal Yacht Club, Tasmania, I was Vice Commodore for 3 years, Commodore for 4 years, and I've been doing this present job as sailing manager for the last 9 years since I retired from my permanent employment.

Q11 O.K. Now what actually is the role of sailing manager?

A The role of sailing manager is to program the, the season's racing, draw up the booklet which you've, which I've given to you, and see that the racing is, is conducted in a, in a proper way.

Q12 Yeah.

A We won, run races for all sorts of classes, from dinghies up, and we generally run in three different fleets, so we need, you know, on each Saturday we've

got three, well, each weekend we've got three different lots of yachts racing on different courses.

Q13 Right.

A So we've got, I've got to organise all the staff, the patrol boats, all that sort of thing.

Q14 Right. O.K. And could you, what sort of ocean races are run from the Royal Yacht Club, Tasmania?

A We run two so called ocean races, we run, we, actually they're not really ocean races, offshore races you could call them - - -

Q15 Right.

A - - - one's about 180 miles from, starts in Hobart, goes up round Moriah Island and return, which is in November. The second one's a race round Bruny Island, which is about 100 nautical miles, in February.

Q16 Now what category are those?

A They're strictly, they're category 3, except for the Moriah Island race, we ask for a few extra things, like a, a trisail and a, and a life raft.

Q17 Right. Now do you agree that category 3 is in fact a positive stability of 110 degrees?

A Yeah, that's correct, yeah.

Q18 You're aware of that?

A Yes.

Q19 O.K. Could you take me through an application, a typical application that would be forwarded to you by an entrant, and what you would do with that?

A Well, he'd have to, an, an entrant or any, well, if we're talking about ocean races, would have to put, fill in the entry form, which is in the book - - -

Q20 Yeah.

A - - - the back of the book, together with the entry form he's got to supply a registration form from his yacht - - -

Q21 Yes.

A - - - and if he's an I.M.S. measured yacht and he wants to race I.M.S. he's got to supply a copy of his I.M.S. certificate.

Q22 Right.

A We do also get a safety certificate, but that's later on after he's entered, and it's done by our own safety, safety inspector.

Q23 Right. O.K. Now I take you to a, a D.S.S. entry form - - -

A O.K.

Q23 - - - other races?

A Yeah.

Q24 Which is on - - -

A Actually, you'll, you'll find in here, you'll find a, one specifically applying to, to offshore races, which are the - - -

Q25 .....

A - - - two races that we run, which is - - -

Q26 O.K. That's on - - -

A They all say the same, anyhow.

Q27 Right. Right. So it's a R.Y.C.T. entry form, Offshore Races, that's what it's titled?

A That's it, yeah.

Q28 And the name of the yacht, the sail number, division, helmsman, there's all, it's all there. The fees for the race are there, and also there is a clause here which says, This entry is invalid unless, and there's one, two, three, four points - - -

A That's right, yeah.

Q28 - - - which cover that.

A Yeah.

Q29 And in fact one of those points is, It is accompanied by a company, sorry, a copy of a current valid racing certificate.

A Yeah.

Q30 Is that an I.M.S. certificate?

A Oh, well - - -

Q31 As such?

A - - - not necessarily, because we don't, not all, we do run races for other I.M.S. boats and offshore - - -

Q32 O.K.

A - - - we also run a form syndicate class.

Q33 Right. So, but if it was entering, if a boat was entering the I.M.S. division - - -

A It'd have to supply with us a certificate.

Q34 A current valid - - -

A Yeah, .....

Q34 - - - I.M.S. certificate?

A           Yeah.  Yeah.

Q35          And that would no doubt have to be over 110 degrees, or  
110 degrees?

A           That's right.  Well, my understanding of it, they won't  
issue unless they're 110 degrees.

Q36          No, well, they won't issue them unless, if, if they're  
under 103.

A           Oh, is that right?

Q37          Yeah.

A           Yeah.  O.K.  O.K.

Q38          Just so you know, that's all.

A           Yeah.

Q39          O.K.  Now we've got our entrant, he's, he has submitted  
all his paperwork, he has all his certificates with  
him.  Do you sit down with the committee or, as an  
individual do you check those forms?

A           Yes, I check the forms.  Yeah.

Q40          O.K.  And if they are in fact correct they are then put  
where?

A           Oh, they're filed in the, in the list of entries.

Q41          O.K.

A           And the entry is included in the list of entrants which  
is posted on the notice board at a later date.

Q42          Right.  In the event that a I.M.S. certificate is not  
valid or current, what would be your procedure as  
sailing director?

A           Well, I'd report it to the racing committee, which is,  
in our case, is the same committee that the, that they

haven't complied with the regulations, and shouldn't be allowed to start.

Q43 O.K. And the same applies if there's any other problems in their application forms?

A Yeah.

Q44 O.K. Now if after such a meeting is held, how do you normally inform the entrant that they don't comply?

A Well, it really doesn't, it's difficult to answer that, because it doesn't - - -

Q45 O.K.

A - - - never, ever gets to that stage - - -

Q46 Right.

A - - - I mean, we, we haven't got, we, I can't remember having an I.M.S. certificate which is not valid.

Q47 Yeah.

A If it was, we'd straight away ring up the owner concerned - - -

Q48 Yeah.

A - - - and say, I'm sorry, you can't enter that event, you're not qualified.

Q49 That's fine. O.K.

A Similarly, if, if someone entered the race who I, who I didn't think was, was up to going in the event I - - -

Q50 Yeah.

A - - - you know, performance ..... for example, I'd - - -

Q51 Yeah.

A - - - ring them up and say, Look, I suggest you not go in this event, there's an easier one on at the same time - - -

Q52 Right.

A - - - you should go in that for a start and get a bit more experience, or something - - -

Q53 Yeah.

A - - - like that, yeah.

Q54 O.K. So it's the case then that, as you said before, in, in Hobart, it's a - - -

A Yeah.

Q54 - - - a smallish sailing community?

A We know all the boats.

Q55 You know all the boats.

A And mostly all the yachtsmen.

Q56 Right, exactly. And we did say this morning, or you did mention this morning that if an unknown boat entered a race you would take it upon yourself, or your committee would take it upon themselves to inquire as to - - -

A Yeah.

Q56 - - - that yacht. O.K. Dave?

SENIOR CONSTABLE UPSTON

Q57 With the, the safety certificates, you, you make regular checks of those, and you've got safety officers to do the same?

A We only do safety checks for boats that are entered in the two offshore races.



Q58 Right.

A We do it before, before the race starts, the first one starts, and that covers them for the rest of that year, and it's done by our safety inspectors, yeah.

Q59 Right. And you receive those?

A Yes.

Q60 And you - - -

A And I won't, they don't start unless they, unless I get them back before the race, they've got to submit them before the - - -

Q61 Right.

A - - - before the starting time.

Q62 And do you, do you peruse the, the certificates to, just to check their validity?

A No, I don't really, if, if they're signed by our safety officers, who are probably a lot more qualified than I am, then - - -

Q63 Mmm.

A - - - I, I accept, I accept them.

Q64 On that, on that face value?

A Yeah.

Q65 O.K.

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Q66 O.K. Can you tell me why, from your point of view, you ensure that a boat complies, or what's required?

A Well, I, it's, it's part of my responsibility to see that all boats, not just offshore boats, all boats

comply with what it says in the front of that book,  
which is the - - -

Q67 Right.

A - - - general regulations.

Q68 O.K.

A And it doesn't only apply to offshore boats, I mean, it  
could be a class boat, like a Dragon or something like  
that - - -

Q69 Yeah.

A - - - that hasn't got a Dragon certificate - - -

Q70 Yeah.

A - - - ... the same thing would apply for them.

Q71 Certainly. O.K. then. Anything further you'd like to  
say? Have you got any views or comments in relation to  
last year's race, from your point of view, that would  
assist us in our investigation?

A Oh, no, but you did ask me this morning around, you  
know, about, about postponing races, yeah, that's all.

Q72 Yeah, yeah, yeah.

A I think, on thinking about it afterwards, I think it's  
worthwhile saying that, you know, even though, I don't  
consider we've got any legal responsibility, because  
it's suppose to be the skipper's got the complete legal  
responsibility, we do exercise a bit of common sense,  
and if the weather's obviously so bad that people are  
going to have trouble - - -

Q73 yeah.

A - - - we'll postpone a race. It doesn't happen, often apply to offshore races, but it has applied. A couple of years ago I postponed the Bruny Island race for another, til another weekend, because - - -

Q74 Right.

A - - - the conditions on the Friday, the race actually starts on Saturday morning, the conditions on Friday were so bad - - -

Q75 Yeah.

A - - - I thought it could have been dangerous, sending particularly smaller type boats, around the bottom end of Bruny Island.

Q76 Yeah. Yeah.

A But I had the advice of weather ..... the conditions that were on the Friday were likely to continue, so at about 4 o'clock on the Friday afternoon I just told them there wouldn't be a race, and I contacted all the owners and told them not to front.

Q77 Yeah. Now you just mentioned then that the owner is the person who has the ultimate legal responsibility. Do you feel that you have a legal responsibility so far as race director in a race?

A I don't think, I don't consider I've got any legal responsibility, but as I say, I think, in, any race director or principal race officer would exercise some common sense - - -

Q78 Yes.

A - - - if the weather was likely to be, to be bad, particularly applies to division racing, oh, to ..... racing, more than divisions, because - - -

Q79 Yeah.

A - - - you know, those, some of those boats haven't got life rails and they sink when they get full of water, and that sort of thing.

Q80 Yeah. Yeah. Well, so far you'd agree that an entry form is basically a contract - - -

A Yeah.

Q80 - - - between - - -

A It is, yeah.

Q80 - - - the club - - -

A Yes, it is.

Q80 - - - the owner of the yacht - - -

A And he says on, and he says when he signs it he's complied with all the rules and regulations and things .....

Q81 That's right.

A And his certificate.

Q82 Mmm. O.K. Nothing else?

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(NO AUDIBLE REPLY)

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Q83 Nothing else?

A O.K.

Q84 Just hang on. The time on my watch is now 3.40pm. This interview is concluded.

INTERVIEW CONCLUDED