

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston of the Sydney Water Police and David Woods on Friday, the 23rd of the 4th, '99 at the C.Y.C. Yacht Club at Adelaide North. The time on my watch is now 2.44pm, and also present, seated to my right, is Detective Senior Constable Gray from Bega Detectives, and also opposite, direct to my right, is Cherie Reethus of the Adelaide C.I.B. David, for the purpose of the interview, would you like to state your full name?

A David Edward Woods.

Q2 And your date of birth?

A 15/5/36.

Q3 Your address?

A 4 Donald Street, .....

Q4 And your occupation?

A Marine .....

Q5 O.K. David, as Senior Constable Gray and myself mentioned to you earlier, that we are making inquiries in the 1998 Sydney to Hobart Yacht Race, where six lives were lost and the Coroner has instructed that we speak to people either directly or indirectly involved in the race and also other yacht clubs associated with similar instances, where they hold races and ocean races, and I understand that you are a safety officer for the C.Y.C. Adelaide. Is that correct?

A That's correct.

Q6 Could you please, prior to continuing, let us know your sailing background?

A Sydney to Hobarts, tall ships, I'm a sailing, accredited sailing master and racing and cruising instructor. I've sailed nationals here, the U.K, represented Australia, represented the Royal Navy, the Royal Australian Navy in sailing and State Champion off the beach catamarans.

Q7 Very experienced sailor. O.K. And how long have you held you present position as a safety officer at the C.Y.C. in Adelaide?

A Approximately 5 years.

Q8 O.K. And prior to conducting races you carry out certain safety inspections on, on yachts?

A Correct.

Q9 O.K. Could you please explain to me how you go about your business as far as that's concerned?

A The owner or skipper or member of crew contact either the race office in Adelaide or myself directly, make an appointment, and I board the yacht with that person and proceed to check through all the equipment, etc. that's listed as per the book, commonly called the blue book, and we have our own list which conforms with that and we check off each item and sign the form off. The form is then signed by the owner or representative and the form is then held in the race office with a photocopy being provided to the, to the yacht.

Q10 What would be the situation if you came across

particulars or items that don't comply with the A.Y.F, the Australian Yachting Federation blue book requirements, as far as safety is concerned?

A Depending on what it is, we either list that item as a defect, or we will not sign the form off. And an example would be they, they may not have the current charts because they haven't got to Sydney or whatever it is, so they'll pick them up and have them up to date at the time, but it has to be signed off before they go.

Q11 And you're reasonably strict as far as these things are concerned?

A Yes.

Q12 Would it be the case if you find flares that don't comply with the regulatory date of expiration on them, you - - -

A We do find flares, but it's generally a case of they, they've kept the old ones as well as the new ones. If they've got flares that are, only got flares that are out of date, they will not pass.

Q13 O.K. In regards to safety harnesses and lanyards, are you aware of an Australian standard that safety harnesses and lanyards comply with, in regards to the blue book?

A Yes.

Q14 What is that standard?

A From memory, I think it's 2-2-2-7.

Q15 O.K. And, would it be the case that you would check

these harnesses personally to make sure they comply with the 2-2-2-7 - - -

A Yes, they - - -

Q15 - - - standard?

A - - - should have the label on it.

Q16 O.K. And, and that's clearly marked?

A Yes.

Q17 And would it be the case that you would not allow that vessel to enter the race if they do not comply?

A There is a problem where a lot of people have their personal harnesses and they're not on board at the time, and that's so, we have let yachts pass the inspection because we know the personnel involved and know that they have the equipment, but they're not sighted at the time.

Q18 Do you see a problem with that?

A Yes, I do.

Q19 Would you like to explain a little bit more on that?

A Manufacturers are, are now ceasing to label items because of the expense. People have gear on board, but when they sail, they don't have it on board, they have it on board for an inspection, and it's very difficult to police unless you do spot checks all the time.

Q20 And do you think that in future you will conduct more strict spot checks as far as safety harnesses are concerned and the Australian standard?

A It's very difficult because it means you've got to be here virtually all night, as boats get in, any time in

the morning, to do that. Very difficult ....

Q21 Mmm. But it is the case that, that yachts must carry approved life saving harnesses or life harnesses and lanyards?

A Yes.

Q22 And then, in fact, yachts, yachtsmen and yachtswomen take their own harnesses that don't comply - - -

A Yes.

Q22 - - - on a regular basis?

A Yes.

DETECTIVE SENIOR CONSTABLE GRAY

Q23 So far as the, the checking of lanyards and, and harnesses, other than looking for the 2-2-2-7, do you look at them for other things as well?

A Physically check them to see if they're worn or - - -

Q24 Right.

A - - - not functioning.

Q25 Right.

A Quite often the clips don't function.

Q26 O.K. And what do you do in those cases when they have tears in them or, or, or they're - - -

A We will not accept them.

Q27 Right. Do you have situations where there's some resistance to you in trying to enforce these rules?

A Quite often.

Q28 And what's the answer to that?

A No, no, no harness, no certificate.

Q29 Right. O.K. Now you mentioned prior to the interview

that this year you conducted life raft and flare demonstrations here. Is that correct?

A Correct.

Q30 And that was because of the Sydney to Hobart Race?

A I, it, it was on our program to do it, but I - - -

Q31 Right.

A - - - think the interest generated was because of the Sydney to Hobart.

Q32 Right.

A We had approximately 90 people here - - -

Q33 Right.

A - - - which is an unusually large number.

Q34 Right. Now can you give me some insight into that life raft demonstration?

A Yes, we had, on the lawns adjacent to us, we fired a six man life raft, some people could actually see it breaking out in front of the canister, and know what to expect, the noise, and the relief valves releasing the excess pressure, things like that, which they wouldn't be familiar with, and explaining the ins and outs of the, of the life raft. We also had Mr Quinn from Quinn Marine, been, their family's been in the business over 75 years so they, they specialise in life, life rafts, servicing and, etc. He spoke to them and we advised people that they could put personal things in such as medication, glasses, etc. which they weren't aware of. We then had a 12 man life raft which we inflated by vacuum cleaner and placed in the water and people were

invited to put their gear on, their sailing gear, and leap into the water and board the life raft. That was under supervision.

Q35 Right. And how did they handle that?

A Very well, but they were surprised at the instability of the raft.

Q36 Right. Did they have any, any practices at righting the raft?

A Yes, they did. We inverted it and they did get it up with a lot of difficulty.

Q37 All right.

A And that was in calm, enclosed waters.

Q38 Now 90 people, do you consider that to be a fairly reasonable turn out?

A Excessive.

Q39 O.K. And is it the case that you're going to continue those demonstrations on a yearly basis or - - -

A Yes.

Q40 O.K. That's about all.

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Q41 David, do you have any thoughts or would you like to pass on any recommendations that would assist us in our inquiries in regards to the safety checks and, and how they should be carried out, or anything along those lines?

A There is a, draft regulations that come out every year which we're asked to make comment on, although it's a very ad hoc system, as, of distribution and you have to

chase the information rather than have it forwarded to you, and you have opportunities there to make recommendations to ..... the current regs and make observations, etc. and suggestions. One strong suggestion that I've always made to all of the yachts is to have an extra tether that is secured to the top of the companion way, so that you can hook onto it before you exit the cockpit, oh, exit the cabin into the cockpit and then secure yourself and then release the tab, and somebody going down below can clip on before they clip off, so to speak. Another, another great debate at the moment is the type of clips that are used on the tethers. There's basically three types, one is called the Gipclip, which is, has a safety feature on it, which can be operated by one hand. There is another type which is similar to a Gipclip, only it, it's much smaller in, in the safety features, inasmuch as it's more of a wire than a lever and it's very difficult to unload. The other thing that's under consideration is a quick release type clip, as used by the Whitbreads, and that's starting to take hold. I personally use one.

Q42 I'll show you a lanyard here that we've obtained. It's a 2 metre, approximately 2 metre lanyard with a label on it, Line 7, made of a webbing material with a stainless steel clip at either end. Are you familiar with this lanyard?

A Yes.



Q43           What can you tell me about this lanyard and hook?

A             Single handed, safety featured, allegedly quick release.

Q44           You say allegedly quick release?

A             It depends on, also on the harness that you're using, because some harnesses have a large D and I can only demonstrate this with my fingers, which you can clip on and off easily, others have got a small hole and that hook in this clip actually catches and you have to turn it physically to get that. Also this doesn't have a label on it, except its maker's label.

Q45           All right. So that does bring us to a point, that would appear to you that's not, that's not an approved lanyard?

A             Correct.

Q46           The hook that's on either end of the lanyard, could that be one type that would fit on an approved lanyard, or that could be used on an approved lanyard?

A             Yes.

Q47           I bring to your attention, if you look down the shank of the, of the clip, it's held, the, the locking pin or the locking device is held in place by two or a stainless steel ridge, to, to stop that spring from going any further. What are your thoughts on that?

A             I've seen better. I, I'm not experienced with this clip.

Q48           I, O.K. I, I suppose what I'm saying here and, and it would only be your opinion only and not as an expert,

but however, a, a person that's familiar with life lines, harnesses and hooks, would you say that this particular hook here could be forced from underneath to travel over the top of those small, I, I'll rephrase that, those locking devices, those locking lugs?

A I understand the question, but it would only be an opinion.

Q49 Yes. That's what I'm asking, for your opinion. Do you think that that could, could possibly be done, if it's knocked from underneath?

A I think it could.

Q50 And what would result in that, would you think?

A That the whole clip, the clip would open.

Q51 That the clip would open?

A The clip would open and you, it could become ...

Q52 All right. Well, would, I suggest to you that if this was forced further, that the clip would in fact, would not be able to open under any circumstances, because the locking device would travel further than where it would be meant to in its normal operation to pull it back and then open, it would travel forward and in fact render the, the locking device unable to, unable to open the eye of the hook. Could you see that happening?

A When you asked me the previous question I presumed that that would, that the safety device would be distorted.

Q53 Yes, well, it - - -

A So it could open.

Q54 Well, yes, yeah.

DETECTIVE SENIOR CONSTABLE GRAY

Q55 Can you see that in fact it could occur due to a strain or a force, that that could lift over those lugs?

A Yeah, it could .....

Q56 And as a result of that, the little clip here would go over the lugs and remain - - -

A I understand - - -

Q56 - - - on the other side of the lugs?

A - - - what you're saying - - -

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Q57 Yes.

A - - - ..... from a certain way and - - -

Q58 Yeah.

DETECTIVE SENIOR CONSTABLE GRAY

Q59 Yes.

A - - - therefore, ..... lock - - -

Q60 In an opposite direction.

A I think it could do either.

Q61 Yeah.

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Q62 Mmm.

DETECTIVE SENIOR CONSTABLE GRAY

Q63 Yes, yes, certainly it could, but, certainly, if some, if one was under water with this on, we're just talking hypothetically here, if you're in the water with this on and this bar went across, certainly it would be difficult, not having the same strength or power to

move that little bridge across, it would certainly be difficult or impossible to get the lanyard off in harness?

A Impossible.

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Q64 O.K. Is there, is there anything further you'd like to add?

A With these clips, one of the crew members, I believe, on Stand Aside had actually got his open, but simply couldn't get it off the D ring because of the pressure, so he had it over, but couldn't bring it back to get it off.

Q65 Right.

A And in fact had to be cut out.

DETECTIVE SENIOR CONSTABLE GRAY

Q66 Do you know who that was?

A I believe it was Hayden Johns, but, but I .....

Q67 Right. All right. O.K.

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Q68 All right. Well, I've no further questions at this moment, David. Is there anything further you'd like to add?

A Only that if we, as a club, could get feedback from the results of all this, it would be certainly appreciated.

Q69 Certainly. Cherie, is there anything you'd like to add to this conversation at this particular time?

MS REEFUS

No, nothing .....

SENIOR CONSTABLE UPSTON

Q70 O.K. The time on my watch is now 3.00pm. The  
interview is now concluded.

INTERVIEW CONCLUDED