

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston of the New South Wales Water Police and John Gibson at the Sydney Water Police on Saturday, the 16th of October, 1999. The time on my watch is now 12.10pm. And also present seated directly opposite me is Detective Senior Constable Stuart Gray from the Bega Detectives. John, as I explained to you earlier, that Stuart and I are investigating the Sydney to Hobart Yacht Race of 1998 and in fact we had conversations with you and interviews in regards to matters prior in the year. Is that correct?

A That is correct.

Q2 O.K. John, for the purpose of the, the record, could you please state your full name?

A John Hope Gibson.

Q3 And your address?

A 52/6 Wyargine Street, Balmoral.

Q4 And your date of birth?

A 20th of the 2nd, '34.

Q5 And your occupation, please?

A Solicitor.

Q6 O.K. Thanks, John, and as you can recall, we did speak to you over a number of issues previously and you did tell us that you were a crew member of the vessel Winston Churchill that participated in the 1998 Sydney to Hobart Yacht Race. Is that correct?

A Yes.

Q7 Thanks, John. And now something has been brought to our attention that I would like to show you a document here that is a hand sketch of a portion of a bow of a vessel and I tell you that this is a sketch of the bow section of the Winston Churchill where we have been informed that a diver or swimmer which was conducting maintenance operations on vessels involved in the Sydney to Hobart Yacht Race on the 26th of December, 1998 at the dock at the Sydney to, at the Cruising Yacht Club of Australia. And in fact this particular person swam past the Winston Churchill, noticed that there was some caulking missing from the bow of the vessel and swam over towards the boat or actually as he swam past the boat noticed this and had a conversation with, with persons on the bow of the vessel and standing close by on the dock. Can you recall any conversations in regards to that?

A No, I have, no one spoke to me on that day.

Q8 Right. Where were you on the, at the time on the 26th of December prior to attending the C.Y.C?

A At my house.

Q9 And then what happened?

A I travelled to the C.Y.C.

Q10 And what time was that?

A It was reasonably early, I, I think it would have been 09.00 hours.

Q11 And then what did you do when you got to the C.Y.C?

A Boarded the vessel and assisted in loading provisions.

Q12 So you were on the vessel basically all morning up, from up until 9.00am in the morning?

A Apart from a period of time when I inspected other vessels, but basically yes.

Q13 And on the vessel did anyone have a conversation with you in regards to being, somebody being spoken to about this missing caulking?

A No.

Q14 All right. Stuart?

DETECTIVE SENIOR CONSTABLE GRAY

Q15 John, are you aware of what condition the boat was in prior to the race?

A Well, underneath the waterline, no, I never inspected it nor did I see it on the slips. I had sailed on the vessel over a period of at least 8 weeks prior to the Hobart on training sails outside Sydney Heads. On those occasions we had set spinnakers and sailed the boat in fairly fresh breezes. I think on one occasion we might have had a breeze of at least 25, possibly more, and carried large spinnakers in those conditions as part of our training. I'm not aware on any of those occasions that the vessel showed any signs of not being totally watertight.

Q16 O.K. Did you at any stage notice any paint cracking around the bow above the waterline?

A No, I didn't.

Q17 O.K. That's fine.

SENIOR CONSTABLE UPSTON

Q18 At any time of the training exercises that you were involved in did the vessel come in contact with any other vessels?

A No.

Q19 Are you aware of the vessel at the time that you were on it ever coming in contact with anything in the water?

A No.

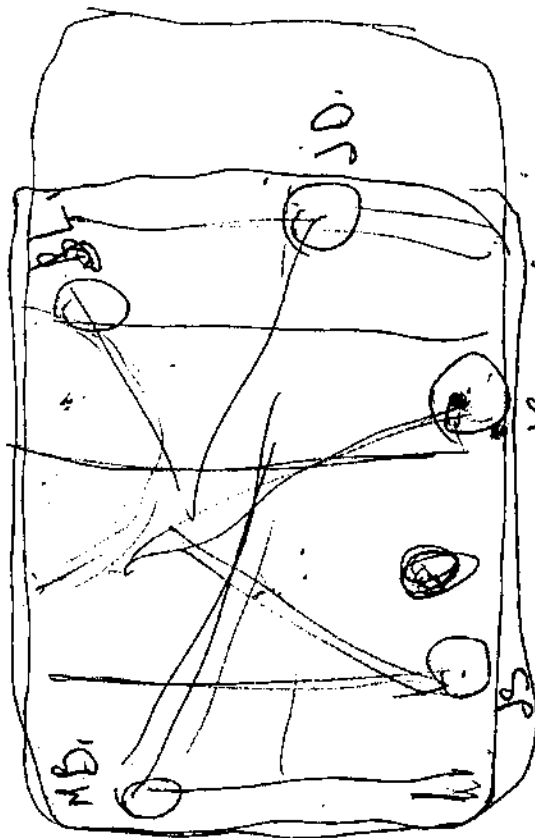
Q20 O.K. All right, John. Is there anything further you'd like to add as a result of this conversation that we're having now?

A Yes. The vessel was sailed from the start of the Sydney to Hobart Race south and during most of the Saturday and Saturday evening it was sailed under spinnakers at speeds in excess of 10 knots and I would say the vessel was being pressed. During that time I was not aware that the vessel was taking water other than one would normally expect through the deck that's immediately above bunks because of its age and given it was a timber boat. Timber boats traditionally always leak, particularly over the bunk when you're about to sleep. But I'm not aware that it was taking water. At no stage was it necessary to man pumps or activate mechanical pumps or otherwise use pumps. To the best of my knowledge, the vessel was totally seaworthy and watertight right up to the time on the following Sunday at about 4.00pm when the vessel was struck by a very,

very, very large wave and thrown through the air with the result that a significant portion of the vessel, being the bulwarks over a distance of at least 6 to 8 feet were torn away. And I believe it was that damage which led to the boat eventually sinking. I was not aware however prior to that occasion of any defect of any sort which may have affected the seaworthiness of the vessel.

Q21 O.K. Thanks very much. The time on my watch is now 12.19pm. This interview is now concluded.

INTERVIEW CONCLUDED



App.

23-7-99.