

SENIOR CONSTABLE UPSTON

Q1 This is an electronic record of interview between Senior Constable David Upston and Paul Lumtin at the Sydney Water Police on the 24th of the 7th, '99. The time on my watch is now 11.02am and seated directly opposite me is Detective Senior Constable Gray from Bega Detectives. Paul, for the purpose of the record of interview and also for transcription, would you like to state your full name?

A Yeah. My full name is Paul Patrick Lumtin.

Q2 And that's L-U-M-T-I-N?

A That's correct.

Q3 And your date of birth?

A 8/11/66.

Q4 And your address?

A Number 3 The Road, Penrith, 2750.

Q5 All right. And your occupation?

A Accountant.

Q6 O.K. Paul, would you like to please read this statement here which I've explained to you earlier?

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

Q7 O.K. Thank you very much. Now, Paul, as I explained to you prior to the interview, Detective Senior Constable Gray and I are making inquiries into the 1998 Sydney to Hobart Yacht Race and in particular we believe that you were a crew member on the vessel, on the Winston Churchill. Is that correct?

A That's correct.

Q8 O.K. And what were your duties as far as being on the Winston Churchill?

A Basically assisting the navigation with Richard, so Richard and I were navigating and general crew hand, so wherever I was needed I was put there and knew most of the jobs on the boat.

Q9 And how long have you been sailing with Richard?

A About 3 years. Yeah, about 3 years, yeah.

Q10 And within that 3 years it's always been on the Winston Churchill?

A Oh, no, no. We've done sailing on, on other boats in that time in twilight races so there's been a few other boats we've sailed on together, but all of our ocean races have been on Winston Churchill.

Q11 O.K. And how well do you know the Winston Churchill as a vessel?

A Probably as well as anybody else on board that vessel, simply that I was part of, part of the crew when we were buying the vessel and refurbishing the vessel and was there when it made its first voyage after we'd

refurbished it, so yeah, so pretty much as well as anybody else, yeah.

Q12 O.K. Were, were you present at any time the vessel was slipped?

A Yes, yes, I was, yeah, yeah, quite a few times down at Woolwich Marina, yeah.

Q13 O.K. And who else was present there at the time of slipping?

A Well, you, you're talking about in terms of when the vessel was slipped or when it was up on the stands?

Q14 Well, probably when the vessel was up on its stand - -  
-

A Yeah.

Q14 - - - and any work was being conducted.

A Yeah. Well, I was, I saw it on numerous occasions, you know, probably 20 times or more. I, as an accountant for, doing some work for Richard, I used to also do some accounting down at the marina as well so I was quite often down there on business and on other, other activities. Yeah. Saw the boat up at least 20 times, the other people that were around that boat were mainly the staff members at the marina 'cause they were the people that were working on it, so, you know, that would include Ian Perdriau who was running the marina over there and all the people that work for him there.

Q15 O.K. And were you present when there was external and internal work being carried out on the boat?

A Yeah, yeah.

Q16 And you were, as far as, in your opinion were you satisfied with the way the work was being carried out?

A Well, you know, being an accountant and not a shipwright I don't really understand the, the technicalities of what was being done. So I, I probably wouldn't have a valid opinion as to whether the work was being carried out properly or not, but knowing the capabilities of the men that were working on it and the people that were managing it, yeah, I would be confident that everything was being done well, yeah.

Q17 All right. Now let me take you back and, to the C.Y.C.A. - - -

A Mmm.

Q17 - - - in Rushcutters Bay at, on the 26th of December.

A Yeah.

Q18 Do you recall what time you arrived at the C.Y.C.A.?

A Good question, no, I can't actually.

Q19 Would it have been in the morning?

A Oh, yeah, it was in the morning say around about 9 o'clock.

Q20 O.K.

A Well, I arrived with Richard.

Q21 Right.

A Richard and I came together so - - -

Q22 All right.

A Whatever time he said that's when I - - -

Q23 And what did you do?

A We got out of the car, took our bags through, I think, I think I tried to find the boat, I had a bit of trouble finding the boat actually because it wasn't in the same spot as last year so I walked around and tried to find the boat. I couldn't find it, then I went back to, found some other crew members there, I don't know who it was and they said well, the boat's over on, you know, the other, the other wharf, wherever it was. So I went and found the boat, put me gear on, had a quick walk around, then I think we went back and had a bit of breakfast and something, something to drink, yeah.

Q24 O.K. So you were, were around, you walked around and -  
- -

A Yeah.

Q24 - - - you were on the boat and off the boat - - -

A Yeah.

Q24 - - - moving a fair bit around?

A Yeah. Yeah.

Q25 O.K. And did you, did you have any particular duties -  
- -

A Yeah, that morning - - -

Q25 - - - on that day?

A Yeah, my, my main job at that stage was to make sure that all the maps and all the charts were in place and make sure that all of our equipment that we'd ordered for the voyage, just in terms of the navigation side of things, was all in order. So simple things like pencils, rubbers and torches and making sure all the

lights worked and making sure the G.P.S. was working, making sure all the plotter cards were working, tested the weather fax, made sure that was working, radios, made sure that we had all the maps we needed to have and made sure that they were, I usually order them so that as I need to pull them out there I'm going to the next map.

Q26 Mmm.

A So I did all that. Then, you know, a quick walk around the boat just basically chatting to the other blokes and doing things along the way so - - -

Q27 How many people were on the deck at the time that you were there?

A Oh, it wouldn't have been any less than five or six.

Q28 Really?

A No less than five or six, yeah.

Q29 And most of those persons stayed on the boat most of the time?

A Yeah. It was, you know, there were people on and off the boat so, you know, somebody would come on, somebody would go off. Then you'd run into somebody else and there were also other people on the boat as well that actually weren't part of the crew. So some of those people, I, I mightn't have known. John Gibson and Jim Lawler, it was the first time that I'd sailed with those guys so they may have had people there that I didn't know, but yeah, there was certainly people on and off the boat, yeah.

Q30 O.K. On the morning of the race whilst the boat was still alongside the deck we've been informed that there was some damage to the boat, to the bow of the boat. When I say damage there could have been a number of things.

A Yeah.

Q31 But I'm led to believe that there was some caulking missing from the bow of the boat.

A Right.

Q32 And this was brought to our attention by, by a swimmer or by somebody that was conducting work further down from the Winston Churchill.

A Right.

Q33 And when he went over to the boat, saw the damage, and observed what was there he in fact then had a conversation with a number of persons either on the boat and on the wharf. Are you aware of any conversations that anyone had or did you have any conversations with anybody in the water?

A I, I didn't have any conversations with anybody in the water or anybody not in the water about anything like that and I'm not aware of any conversations with anybody else regarding that sort of thing either on the water or, or in the water or out of the water, so yeah, no, not at all.

Q34 O.K.

A And, and up until now have, have heard nothing to that effect.

Q35 Right. So no one on that day spoke to you about something that had occurred in the water or by a person in that, on the morning of the race?

A Yeah. No. Not on that day, not after the race, we've had, and I should probably add here that after the, after the Hobart the crew has actually sat around and talked at length quite honestly and openly about things that we might have either been concerned about or things that, that, you know, events in the race and not at one stage was that ever brought up between us.

Q36 Mmm. O.K. At the day of the race or prior to and leading up to the race and to the day that the vessel sank were you ever an employee of Richard Winning?

A No. No.

Q37 Did you ever receive any monies or any, any equipment to, to conduct the race?

A No.

Q38 O.K.

A So you're asking me has Richard given, given me anything?

Q39 Yes.

A In terms of remuneration?

Q40 Yes.

A No.

Q41 O.K.

A In relation to the race?

Q42 Or in kind, any, any, any equipment or - - -

A No.



Q43 O.K.

A No.

Q44 All right then, Paul. Is there anything now that, that you could add that would you think be able to assist us  
- - -

A Can I - - -

Q44 - - - in our inquiries?

A Can I, sorry, can I just go back to that bit?

Q45 Yes.

A When, when you, I want to be truthful about this.

Q46 Yes.

A When we talk about anything Richard bought us shirts and all that sort of stuff.

Q47 Right.

A For the, for the race.

Q48 Yeah.

A And he also bought us air tickets as well.

Q49 Right.

A So that we could fly back.

Q50 Right. O.K. Well, I, I, just on that the, the, he bought you clothing.

A Yes.

Q51 Just shirts?

A Yeah. Just shirts, yes.

Q52 Anything else?

A Ah - - -

Q53 Was there wet weather gear or - - -

A No.

Q54 Right. O.K.

A No, just, just the clothing and that was it, yeah, clothing and the tickets back, yeah.

Q55 So the air tickets were - - -

A Yeah.

Q55 - - - were part of, did you have a, did you actually have a conversation with Richard to say that that would be the case?

A No. No. In fact, I'd actually prepared to pay for my own ticket - - -

Q56 Right.

A - - - and found out later that he'd already booked the tickets for us 'cause Richard often does stuff like that so - - -

Q57 All right.

A Yeah.

Q58 Is that, is that, it that generally the case when people enter into races that they are offered clothing and, and items of, to wear and their accommodation is paid for and their, their airfare is usually paid for?

A Probably, I probably don't have enough experience on other boats and other sailors to know whether that's the, the, you know, the normal thing but certainly on our boat on the way down if we've got any grog or any food or whatever - - -

Q59 Mmm.

A - - - the crew usually chips in and we, we buy that together so that's not left up to Richard. We don't

usually chip in for fuel or any of the other things or any of the equipment so yeah, as far as the shirts go, in the Hobart before Richard had some shirts done up with the Winston Churchill, they were just very plain shirts, and one of the shirts had Winston Churchill, Sydney to Hobart '97 on it. So it was just a nice gesture from him really and we had some other nice warm jackets that he bought us as well, so just a gesture for the crew. The shirts we actually had this year were actually, Richard did actually buy some shirts but they weren't the shirts we actually wore, we actually got some other shirts from Ansett so apparently there was, I wasn't party to that deal but apparently Ansett approached some crew members from the Winston Churchill and said, Listen, if you wear our shirts with our logo on it we'll, we'll sling you the shirts so, so that's what we wore on the day, yeah.

Q60 On the day of the race?

A Yeah.

Q61 That's the 1998 - - -

A Yeah.

Q61 - - - Hobart race?

A Yeah. Yeah.

Q62 Was Richard aware of that, that deal or that, that contract between Ansett and the crew?

A I don't know that it was a contract and I don't know that there was actually anything in writing. I think it was actually done by somebody else who wasn't a crew

member and one of the crew members and, you know, everybody knows everybody down there and they said, Listen, you know, Ansett said that they'll sling us some shirts if, if we wear it with the logo on the sleeve. And O.K. well, sure, as long as they look good, that's fine. So that's what happened but I'm not even sure that Richard knew about it up until, you know, maybe a couple of days before the race.

Q63 Right. And was the whole crew decked out in that equipment?

A Yeah. Yeah. Yeah. It was just shirts.

Q64 Yeah.

A Yeah. Yeah.

Q65 And you, what would be the value of those shirts do you think?

A Oh, Jeez, I don't know, 50 bucks each I suppose.

Q66 Yeah.

A Yeah. They were pretty good shirts.

Q67 Yeah.

A Yeah. None of them came back. So - - -

Q68 But they were offered to you anyway - - -

A Yeah.

Q68 - - - and you agreed to wear them?

A Sure, yeah.

Q69 O.K.

A Yeah. Yeah.

Q70 Now the, this may sound pedantic but the, the warm jackets or the warm coats that you said - - -

A Yes.

Q70 - - - that Richard supplied to you.

A Yes.

Q71 Was that an agreement that he would supply them to you?

A No, no, not at all. No.

Q72 All right.

A In fact I was, I was probably only one of the few blokes that knew about it because I'm so close to him. I don't even think the other blokes even knew about the shirts.

Q73 Yeah.

A And certainly on - - -

Q74 This is the warm jackets?

A Yeah. That's right. Yeah. About the jackets and certainly on the race before nobody knew about the Sydney to Hobart shirts which were actually unpacked and given as we were going up the Derwent.

Q75 Right.

A So it, it really is just a gesture that Richard does and likes to do as a, as a nice thing.

Q76 Yeah.

A And it's, yeah - - -

Q77 Yeah.

A - - - not expected and not implied, no.

Q78 And what do you think the value of those jackets might be?

A Oh, Jeez, I don't know, I suppose he spent 1,000 bucks on all of them including the shirts and the jackets and everything else.

Q79 Yeah.

A Yeah.

Q80 O.K. And was Richard going to pay your accommodation while you were down in Hobart?

A No. No. No. We wouldn't have expected that.

Q81 Yeah.

A We'd sleep on the boat, yeah.

Q82 O.K.

A Yeah.

Q83 All right then, well, that's fine. Paul, now is there anything, as I said earlier, is there anything you'd like to add that you may find - - -

A I'd - - -

Q83 - - - would assist us?

A I, I, no, not really, I don't think I have anything to add that's going to be of use in that regard, no, no.

Q84 O.K. All right, Paul, thanks very much. Stuart, is there anything you'd like to add?

DETECTIVE SENIOR CONSTABLE GRAY

(NO AUDIBLE REPLY)

SENIOR CONSTABLE UPSTON

Q85 All right. The time on my watch is now 11.15am. This interview is now concluded.

INTERVIEW CONCLUDED