



VICTORIA POLICE

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States: My full name is Richard Mostard. I am a Sergeant of Police and I am the Officer In Charge of the Gippsland Water Police situated in Paynesville, Victoria. My area of responsibility is for the waters from Cape Patterson near Wilson's Promontory to the Victoria - New South Wales border.

On Sunday the 27th of December, 1998, I was working in the Mallacoota area in the company of Senior Constable Tony Behan from my office. We were performing normal water police duties and were patrolling on the Mallacoota Inlet. We were working on board police vessel VP04 which is a 23 foot Bertram and is fitted with the usual Police and Marine radios

When we commenced work at 8am the weather was fine with very little wind, however as the morning progressed the wind increased from the west south west. Throughout the morning we monitored several radio weather broadcasts which were made by the Mallacoota Coast Guard. All these forecasts were for severe storm warnings in the area and were predicting west to south west winds of up to 55 knots.

As the morning progressed the forecast weather pattern arrived at our location accompanied by the predicted winds. The wind strength was so severe that it was in fact lifting the water from the lake surface and was filling the air with water. Trees along the shore line were also being damaged, with numerous branches being blown onto the lake. It was obvious to us that this wind would be blowing in the same direction and of the same velocity offshore. During this time Senior Constable Behan and myself passed several comments as to how the Sydney to Hobart fleet would be fairing in these conditions.

Just after 3pm that day we returned to the Mallacoota Police Station where I was requested to contact AUSSAR in Canberra. At 3.09pm I contacted Mr. Tony Marshall from AUSSAR and he informed me of an incident that was occurring offshore. The incident was an E.P.I.R.B. activation approximately 12 nautical miles south east of Gabbo Island. I was informed that there were several aircraft enroute including a fixed wing from Merimbula, Helimed 1 from the LaTrobe Valley in Victoria and the ABC helicopter which was at the Mallacoota airport. I was requested to assist with coordination from the Mallacoota end and assist re fuel for the aircraft concerned

At about 3.35pm I received a call from Mr. Andrew McWhieter from AUSSAR informing us of another incident involving the vessel "Stand Aside" which had been dismasted requiring the crew to be winched off. I was told that the location of this vessel was Latitude 37deg 42min south and Longitude 120deg 43min east. I plotted this position and found it be about 51 nautical miles east by south east from Mallacoota.

I was also informed that the original E.P.I.R.B. had been accounted for but there appeared to be numerous other craft in difficulty all of which were partaking in the Sydney to Hobart Yacht Race.

AUSSAR had also arranged for the Victoria Police Airwing and the SouthCare Helicopter from Canberra to attend. We were requested to arrange for fuel for these aircraft and to arrange for ambulances and triage for survivors as they were brought ashore.

All these items were taken care of with extra fuel being bought in from Cann River, the ambulance attending at the airport and the Red Cross arranged to set up an evacuation centre in the township of Mallacoota at a hall known as the "Mud Brick".

At about 4.50pm Helimed 1 departed from the Mallacoota airport to attend to the vessel "Stand Aside". It was to rendezvous with the ABC helicopter who had apparently located the stricken vessel. I was also informed that the SouthCare helicopter was refueling at Merimbula and would also be attending. The Victoria Police helicopter was enroute to Mallacoota and would depart for the location as soon as it was refueled.

During this time I was also informed of two other vessels in trouble being "Team Jaguar" and "Sienna". Both of these vessels had sustained damage and possible injuries on board but were making their way back to Eden.

Having no direct radio communications with the helicopter crews or with AUSSAR I am not totally sure of the course of events which occurred at this time but I later ascertained that the Police helicopter was diverted to another location to assist in a man over board operation from the vessel "Kingurra".

At about 6.30pm Helimed 1 and SouthCare arrived at Mallacoota airport with the twelve survivors from the vessel "Stand Aside". All persons were attended to by the ambulance and police crews present. A fixed wing ambulance from the Royal Flying Doctor Service was also in attendance to convey the more seriously injured to the Traralgon Base Hospital in Victoria.

In the mean time the crew from the Victoria Police helicopter had located the man over board from the vessel "Kingurra" and were returning to Mallacoota. Due to the gale force winds prevailing at the time their return flight time was extended somewhat. When they reached Mallacoota they landed at the Mallacoota football oval where the injured person, John Campbell, was met by ambulance crews and taken to the fixed wing ambulance for conveyance to Traralgon.

The rest of the survivors were conveyed to the "Mud Brick" in Mallacoota where they were looked after by the staff of the Mallacoota Bush Nursing Hospital and the Red Cross. The Red Cross had set up an excellent centre which provided warmth, food, dry clothing and sleeping accommodation for all concerned.

As a result of night fall was setting in, the aircraft out of Mallacoota were stood down until the following day when they would be more effective. I spent the next few hours organizing logistics for the next day. I also arranged for police attendance at the "Mud Brick" to assist the Red Cross and provide a communications network.

I was informed by AUSSAR there were concerns for a vessel called "Winston Churchill" who had sent out a "May Day" call stating that they were taking to their life rafts. I was also told that aircraft provided by the RAAF and Navy would continue searching through the night and investigate several E.P.I.R.B.s that had been activated

After being satisfied that I had done everything in preparation for the next day the police contingency stood down at 11pm for a 5am start the next morning.

At 5am on Monday the 28th of December I commenced duty at Mallacoota Police Station with Senior Constable Behan. The purpose of my duties for the day were similar to that of the day previous in that I was to supply a communications link with AUSSAR and all the resources on the ground at Mallacoota. I was also requested to arrange for the refueling of aircraft as required. I was also given an update from AUSSAR as to the outstanding jobs at that point of time. There were several vessels that needed to have crew winched, there was a 406 meg E.P.I.R.B. going off that had been identified as being from the vessel "B52" and there were grave concerns for the vessel "Winston Churchill" which had not been heard from since its initial "May Day".

Throughout the day the crews from Helimed 1 and the police helicopter winched persons to safety from the vessels "Solo Globe Challenger" and "Midnight Special". All these person were conveyed back to Mallacoota for triage.

As the day progressed the air search coordinated by AUSSAR widened and appeared to be mainly concentrating on the missing vessel "Winston Churchill". Other vessels were being attended to as tasks were reported.

At about 4.20pm I received a message from AUSSAR to have Helimed 1 contact them re a sighting of a life raft quite some distance off shore. The initial reports were that there were survivors on board this life raft and that we could expect their arrival at Mallacoota. All systems on the ground were placed on standby awaiting the arrival of any injured persons.

Prior to the return of Helimed 1 to Mallacoota, I was advised that the people who had been rescued from the life raft were in fact from the missing vessel "Winston Churchill". I was also provided with their names as Paul Luntin, Richard Winning, Michael Rynan and Bruce Gould.

At 6.34pm Helimed 1 landed at the Mallacoota football ground next to the triage facility and were met by Senior Constable Behan and medical staff who assessed the situation. All persons were conveyed to the bush nursing hospital where they received treatment by the medical staff.

At 8.05pm I was contacted by Superintendent John Ambler from the New South Wales Police who requested I obtain statements form the four survivors from the "Winston Churchill". Once the survivors had been treated and made comfortable I made appointments with them for the next day to obtain these statements.

Due to the hour of day, all other tasks that needed to be done that evening were handled by AUSSAR using navy aircraft out of Merimbula. The units at Mallacoota were stood down for the evening and our efforts were concentrated on making arrangements for the next days searching and the welfare of the four survivors from "Winston Churchill". We ceased duty at approximately 11pm.

At 7am on Tuesday the 29th of January, 1998, I again commenced duty with Senior Constable Behan. I notified AUSSAR of this and again assisted them with a communications link and the arrangements regarding refueling and resource logistics at Mallacoota as required.

I was also informed that two more survivors from the "Winston Churchill" had been located over night but the other three were still missing.

Throughout the morning I made arrangements for the four crew from the "Winston Churchill" in Mallacoota to be brought to the Mallacoota Police Station to have statements obtained. I also had a telephone conversation with Senior Detective Stuart Grey from Bega in relation to these statements. Senior Detective Grey requested I take the statements on tape rather than by the traditional method of typing as they had found this method to be most effective and efficient. I then made the appropriate arrangements to have the statements taken by this method.

At about 9.23am I was informed by AUSSAR that two more of the crew of "Winston Churchill" had been located deceased. Both these bodies had been identified as coming from the "Winston Churchill".

At 9.30am Mr. Richard Winning who was the skipper of the "Winston Churchill" attended at the Mallacoota Police where I introduced myself to him. I then provided him with the latest information I had as to the welfare of the missing crew from his yacht. I explained the statement taking process to him and that I would tape record it. Senior Constable Behan was present during the recording of the statement.

I unsealed three audio cassette tapes in the presence of Mr. Winning and inserted them into a tape recording unit. I again explained the process and detailed that the statement would be used in court at a later date. He agreed to the process and the statement was taken using the Victoria Police triple deck tape recording system.

I activated the tape recording unit and tape recorded the statement of Mr. Winning. Mr. Winning detailed his account of the incidents during the event and of his rescue at the completion I asked numerous questions of him which were also recorded using the same tape.

At the completion of the statement and interview I stopped the tape, rewound each one and played several seconds of each to ensure they had recorded and identify the voices. I then gave Mr. Winning a copy of the tape. I kept possession of the original copy of the tape and the third copy was later forwarded to Detective Grey for transcription.

I produce the Master Tape of the statement and subsequent interview.

Mr. Winning left the police station at approximately 10.30am

Over the next three hours, similar statements were taken from three other crew members of the "Winston Churchill". These crew were Michael Rynan, Bruce Gould and Paul Lumtin. The circumstances of obtaining these statements were similar to the first one. On each occasion the process was explained and agreed to. The statements were then recorded followed by questions from me. All three persons were given a copy of their tape.

I produce the other three Master Tapes in question

The last witness, Mr. Paul Lumtin, left the police station at 1.18p.m.

During the taking of the statements it was obvious that all four men were being very up front and honest about their ordeal. They were obviously emotionally upset due to the loss of their fellow crewmen. They answered all questions very freely and without hesitation.

All four persons and especially Richard Winning and Bruce Gould appeared to be very experienced sailors. They had an excellent knowledge of their craft, the sea and of what to expect. All four men stated that there had been no mention of the vessel and the crew abandoning the race during the storm due to the fact that they were sailing extremely well and that the vessel was handling the conditions without any trouble. They all agreed that the wave that eventually flattened them came out of the blue and was not expected.

It appeared that they handled the situation confronting them in a very professional manner, ensuring that all the crew made it into the life rafts. They also seemed to display a lot of common sense and used their experience when they were in the life raft up until they were eventually rescued.

All the men were critical of the set up of the life rafts. The points they raised were that the safety gear was not secured inside the raft and that several items were lost over board during one of their rollovers. The line attached to the E.P.I.R.B. also created some concern in that it was very hard to tie a knot which would not come undone and that in one instance the line broke.

Another problem was the antenna on the E.P.I.R.B., which was a telescopic type, was broken off during one of the rollovers. This left the survivors not knowing if the E.I.P.R.B. was working or not.

They also mentioned the use of ribbon or tape that was used to tie the canopy of the raft shut. This apparently caused problems in that they could not untie this when needed and they had to cut it open. After doing this the canopy could not longer to tied shut when needed.

All four men highly commended of the work done by the crew of Helimed 1, they also spoke very highly of the way the entire search that was carried out. They all took the opportunity to thank everyone concerned.

After the men left the Mallacoota Police station I continued my duties as requested by AUSSAR.

At about 3.28 p.m. Helimed 1 was stood down and the search began to be scaled down.

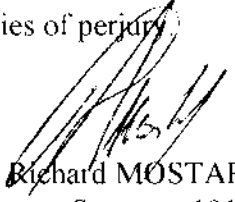
At about 6.57 pm I spoke to Mr. Mike Laughton from AUSSAR and was informed that the search was now suspended.

After my duties were completed I ceased duty.



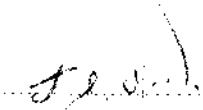
Richard MOSTARD
Sergeant 19112

I hereby acknowledge that this statement is true and correct and I make it in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury.



Richard MOSTARD
Sergeant 19112

Acknowledgment taken and signature witnessed
by me at 11.55 am on 10th day of February 1999,
at Gippsland Water Police



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(I. NEW A/Insp. 17850)