

SENIOR CONSTABLE UPSTON

Q1 This is an electronic record of interview between Senior Constable David Upston of the Sydney Water Police and Mr Richard Winning on Friday, the 23rd of the 7th, '99 at the Sydney Water Police. Also present seated directly opposite me is Detective Senior Constable Gray from the Bega Detectives' Office. The time on my watch is now 1.13, correction, 1.06pm. And Richard, for the purpose of the interview would you like to please state your full name?

A Richard Harcourt Winning.

Q2 And your date of birth?

A 23rd of April, 1950.

Q3 Your address?

A 73 Victoria Road, Bellevue Hill.

Q4 And your occupation, please?

A Company director.

Q5 All right. Richard, as I explained to you earlier, Detective Senior Constable Gray and I are making inquiries into the 1998 Sydney to Hobart Yacht Race and in particular we've, we would like to speak to you today as a participant in the yacht race. Is that correct?

A That's correct.

Q6 O.K. And you were the owner of the vessel, Winston Churchill?

A Yes.

Q7 O.K. And you had a number of crew on board?

A We did.

Q8 O.K. Could you please let us know your experience in sailing?

A I started sailing at about 10 years of age in ..... progressed from there to VJs, VSSs, 12 foot skiffs, 18 foot skiffs, ocean racing in mainly half tonners in the early days, a lot of motor boat experience at sea, bought the Winston Churchill when she came for sale, I think '96. I thought it would be a good idea to get her into raceworthy condition and do a few ocean races with fellows I wanted to sail with as a recreation rather than any, having any great racing aspirations. So this was done, the, the boat was acquired through a yacht broker and taken to our place at Woolwich, given an extensive overhaul and firstly entered the '97 race, a very easy race which we enjoyed, did, did badly at but we enjoyed. Later, the following year we took her to Southport, the Southport race, and of course the '98 Hobart was another race we were looking forward to doing, entered that and didn't expect any problems.

Q9 O.K. When you, when you purchased your boat or prior to purchasing your, your boat, did you have it surveyed at all?

A Yes. Ian, Ian Perdriau surveyed it whilst it was the, under negotiation from the broker.

Q10 Right. And we've spoken to Ian Perdriau and I understand that he's quite an accomplished boat repairer and builder?

A Yes. He's a - - -

Q11 In timber boats and, and others?

A Yes. .... one, certainly one of the best in this country.

Q12 O.K. All right. And what, as a result of that, the survey was, was sufficient and it satisfied you as far as the, the condition of the boat?

A Indeed, there were no structural deficiencies found of any sort. The criticisms made by the surveyor regarded what you'd call cosmetic items which were easily put right. Spent a fair bit of time looking into the structural soundness of the boat, Ian couldn't find anything untoward there.

Q13 O.K. And what sort of rig did that have in it at that time? Was it a conventional rig, was it the original rig?

A Conventional, no, it wasn't the original rig. That, the, that vessel's had, you know, more rigs over the years than I've had hot breakfasts.

Q14 Right.

A But the, the rig that was in it when I bought it was a cutter rig, by no means original, but the boat had been used extensively for cruising, the prior owner, and he'd cut the original cutter rig down a little, the mast height, for ease of, of handling and that was the condition it was in when I got it.

Q15 O.K. And I understand that a number of years ago the vessel again went under extensive rig change?

A Yes. Well, when old Percy Coverdale built her in 1942, I'm just trying to think what rig he had in it. I think she was originally a cutter rig, then when Sir Arthur Warner got hold of it he turned it into a ketch rig. He did, he, he had a bow sprit as well as a stern sprit on it under his ownership. That was changed, I'm not, I'm not too sure when it was changed. It, it went back to a cutter rig, I should say some time in the late sixties - - -

Q16 O.K.

A - - - and stayed that way more or less - - -

Q17 Right.

A - - - til the end.

Q18 What was the age of the boat, the approximate age of the boat?

A 1942 it was built.

Q19 1942, O.K. All right. That covers the, the boat fairly well at this stage. You, you entered the Sydney to Hobart Yacht Race of 1998 with a, with a crew, I think there was, what, nine?

A Nine, yes.

Q20 Nine on board, and you knew these nine fellows fairly well?

A I didn't know all of them. The, the hard core of the crew of course were friends going way back, but there were, I think, two fellows I didn't know prior, one was Jim Lawler and young Michael Rynan. I only met them a matter of days prior to the race. They were friends of

John Stanley's and he'd arranged for them to come on board. He was acting as sailing master, you might say.  
Q21 Oh, O.K. Was any of the crew and, and I, I must ask you this, was, was any of the crew an employee of yours at the time?

A I suppose it could be said that John Stanley was. What are we talking, Christmas time? Yes. I, I should say legally that John Stanley was working for a company in which I had an interest, shares, 'cause he was, he was employed at that time as 2IC at Woolwich Marina which was owned at the time by our family company, so yeah -  
- -

Q22 O.K.

A - - - the answer's yes.

Q23 And whilst the race was being conducted - - -

A .....

Q23 - - - was, was he an employee and was he being paid whilst the race was on?

A No. No. The, the actual racing side of things was purely a, a sporting undertaking.

Q24 O.K. So - - -

A There was no - - -

Q24 - - - there was no - - -

A He wasn't a paid hand or anything like that.

Q25 There was no contract or agreement between you and, and John Stanley as regards to entering the race - - -

A No.

Q25 - - - and, and going down?

A No, there wasn't.

Q26 O.K. Did in fact you make any arrangements to cover accommodation whilst you were in Hobart - - -

A There - - -

Q26 - - - with any of the crew?

A No. No. I mean the, the prior year we'd all stayed on the boat, and that was the intention this year.

Q27 O.K. All right. What division did you enter the Sydney to Hobart Yacht Race?

A F, I believe.

Q28 Which was the P.H.S. I.M.S. - - -

A Well, it was an I.M.S. division. My understanding at the time is that that would be the Veterans' division as it was the year prior, which suited us because we were in, in against boats of, of a similar age. But there was a change made in '98 and we wound up in this division F, but not necessarily all the older type boats were in there. In fact I don't think we were in the same division as Ian Kiernan, but we were as Don Mickleborough, they, they mucked around with it somehow such that it didn't include all the old guys.

Q29 Oh, O.K. But you understood fully the rules and, and what division you were in?

A Well, division, division's purely arbitrary, the club assigns divisions - - -

Q30 Yes.

A - - - according to what they think will give the best result, handicapwise.

Q31 Right.

A So you, you don't request a division when you enter the race, you just say, well, I'm entering the race under I.M.S. or P.H.S. or whatever.

Q32 Right.

A And they assign divisions.

Q33 O.K. So it's a category that you're, you're entering and they place you into a division?

A Well, you're entering the race - - -

Q34 Yes.

A - - - under a particular handicapping system.

Q35 O.K.

A And they then choose the divisions according to what they think'll get the most even handicap results.

Q36 O.K. Richard, were you issued with an I.M.S. certificate, rating certificate?

A Yes. The boat had an I.M.S. certificate.

Q37 Do you, can you recall the stability index of the vessel?

A No, not off the top of my head.

Q38 O.K. Now we'll move on to you entering the race and, and leaving Sydney, Sydney Harbour on the 26th - - -

A Mmm.

Q38 - - - and continuing down the coast. Now I'll take you say to the 27th of December, where there was an approaching storm.

A Mmm.

Q39 Right. Can you let us know what happened or what was happening with your crew and the vessel with the approaching storm?

A Well, we'd heard the forecast of, of 50 knots, we knew there was something down there and indeed I think they made that quite clear at the, at the weather briefing a day or so prior to the race. Let me see. The breeze, we caught the, a, a real increase in the breeze I should say around about 1.30, 2 o'clock, something like that, that's when we started to reduce sail. As the breeze increased I think we got down to a, a storm jib. At that stage we had about, I should say, an average of 60 knots on the clock, probably gusting a little bit more than that because the clock was set on an alarm that rang at 60 and no one bothered to change the, the range such that it'd get to 60, if it went over you didn't know it was over, so we were averaging 60 at least. The seas at that stage were starting to build but we were handling them pretty well, we were under storm jib. We, we were finding that a full trick at the helm was a bit hard with the horizontally driven spray and what have you. So by the time 3.00 or 4 o'clock was around Gibbo, not Gibbo, Brucey Gould and myself were, were doing about half hour tricks at the helm. One bloke'd steer for half an hour, there'd be another bloke on watch with him and the other fellow off watch would just sort of duck down below or hide in the dodge just to give his eyes a half an hour's rest



and then we'd change over again, and that was working pretty good. The boat was going fairly well there, I suppose we'd be doing about 5 knots under the storm jib. She wasn't at that stage giving any cause for concern other than to sort of discuss between ourselves, well, what the hell are we gunna do after dark? We didn't have any problems while there was light, but there was a bit of discussion on just how we'd approach things when we lost the light. About 4.30 I should've, I should say was around the time we got hit by this wave. I, I, I'm not, not, never been good at judging the height of waves so I couldn't say what it was except to say it was a good deal higher than the top of the mast so, you know, it'd have to be 60 feet, I should think, not so much the size of the, the wave that concerned me as, as its steepness. It was a very steep wave and breaking at the top when we started to climb up it. We got about halfway up, my intention was to try and just get up as quick as I could and nip right over the top of it, but we just didn't have the pace for that and the shape of the wave didn't, wouldn't have allowed it anyway unless we were going a good deal faster than we were. It picked us up, threw us down on our side. At that stage I was steering, John Dean was on watch with me, sitting beside the helm. That wave picked the, picked the boat up and just threw her down on her side, broke on top of us, John and I were swept over. We thought that was it

then and, and indeed it would have been had the harnesses broke. They didn't, they held us on, we were under water for what seemed a long time but it can't have been much more than 15 seconds. The boat then righted. We found ourselves, the boat had a split, a split backstay. Whilst we were in the water with the boat on its side we must have got wrapped around that back, backstay with our harnesses such that, when the boat did come up again, we were suspended off the deck, the pair of us, not much we could do about it. So we yelled, Johnny Stanley was asleep in the, well, not asleep but Johnny Stanley was off watch in the, in the aft cabin. He heard us yelling, he'd been knocked around in the knock down himself, he was thrown from one side to the other, got himself together, came on deck and got us down from where we were. At that stage I thought we were in pretty good shape, I mean we'd survived getting, the, well, she'd come back up again and, and fairly well and we were back on board. It became apparent then that she'd done some damage, water was starting to rise in the main cabin and blokes are saying, Hey, we're gettin' some water in here. We didn't really know the extent of it immediately but the, the way it rose it was obvious that she's suffered something pretty severe. Then I think the next thing was I went in down to the aft cabin where all the electronics and the navigation gear and what have you were to start the motor, the motor controls were there,

with the idea it had a mechanical pump on it which would have shifted a bit of water. The motor did actually start but didn't run for long at, at all. I, I don't know whether it hydraulic-ed or what it did, but it didn't run for long so the, the pump wasn't an option. There was a bit of people bailing with buckets and what have you, that was obviously futile. By that stage the water rising was rising so fast that we, I mean, we knew that she was certainly going to fill up. I had a doubt in my mind whether she would float under those conditions, whether she could have had enough positive buoyancy to do it, which she wasn't an over-ballasted boat by a lot of standards. We couldn't sort of rely on that happening, though, so the life rafts which were stowed immediately to the port side of the main companionway were got on deck. I then tried to work out a position with a view to giving the position on the Mayday call. At that stage the main G.P.S. wouldn't work, it was, had been swamped. The chart on which we recorded our positions was gone, as was the log book. So I had no way of knowing what the position of the vessel was other than to, a guesstimate based on what I'd seen when I could see the shore earlier that morning, maybe 10 o'clock, it might've been 8 o'clock, I'm not sure, see. I could see Mount Imlay earlier that morning on a certain bearing, and ... in my head, I thought, well, you know, we're doing X speed so we must be here, and that was what I based the Mayday

position on, which subsequently transpired to be well in error to something of the tune of 30 miles. We did have a, a portable G.P.S. which I'd brought just as a backup. Got that going, it hadn't got wet or anything, it was stowed in a place that would remain dry. The thing wouldn't pick a satellite, or it did, it picked one satellite and was startin' to give us a latitude of 33 or something and I thought, well, this thing's bloody useless. The Mayday on the, that I put out on the H.F. radio was not acknowledged and I can only assume that that was damaged as well. So I thought, I'm getting nowhere on this so I changed to the V.H.F. and the A.B.C. helicopter did acknowledge that Mayday, so at that stage at least I knew someone knew that we were, A, in trouble and had a very rough position. Now speaking to Gary since, Gary Tycehurst, the pilot of this thing, he feels he was within 10 miles of the position he heard. Whether that's true or not, I don't know, but in any event at that stage in my mind I was clear that the Mayday at least had been acknowledged so we were right that way. By the time all that was done, she was definitely gunna sink, that they had both life rafts over the side, both of them inflated. There wasn't any drama with any of that, gettin' them on deck or having them inflate or anything like that. So we grabbed the, I mean everyone basically jumped into the raft that was in front of them. At this stage it was a case of stepping up into the raft. We had one G.P.S.

which was mounted just inside the, the aft cabin, got hold of that and put it aboard. The life, the rafts were at that stage tethered together, the figuring being that we'd be better off together if we could stay that way and in view of we had, oh, E.P.I.R.B. I mean, not G.P.S. Yeah. We had one E.P.I.R.B. between the two of us so that also sort of inclined us to tie 'em up. That lasted 5 minutes in, in those seas, the, the line just parted. So we abandoned successfully. The boat definitely did sink, I'm looking back and seeing it go under. I think both of us deployed the drogues that come with these rafts. They didn't last long either. So we were in pretty good shape til about last light. Last light I looked out of the raft that I was in, there was four in my raft, Paul Lumtin - - -

Q40 Who, who were they?

A Paul Lumtin, Michael Rynan and Bruce Gould. That was a four man R.F.D. raft. The other was a six man raft, also an R.F.D. badge thing. That had five of them in it, that was Michael Bannister, John Dean, John Gibson, John Stanley and Michael Bannister. So we had four in the four man, they had five in the six man. At last light I looked out to see if I could see them, I could, they weren't that far away, maybe 100 metres or something. After dark, and my memory of time's from here on in, is just hopeless.

Q41 Mmm.

A I know that twice we were rolled in this thing. The first time we wound up upside down, obviously feet on the canopy and head in about, I'm indicating about 6 inches of air space between the surface of the water and the upturned bottom of the, the raft. I was getting, even after a short time it was obvious that, you know, we had to either get it up or suffocate, simple as that. I, I took my jacket off, got the canopy open, which is just a little piece of, of terylene which is tied together with little light bits of tape, got out, got up on the, climbed up on the leeward side of the raft, hauled up on the, the tripping line and, with the assistance of the wind, she flipped straight back in, they pulled me in, job done. That happened twice, we rolled twice and it was righted twice.

Q42 Sorry to stop you for the moment, but you managed to tip the raft over with all the persons inside and all the water as well?

A That's right.

Q43 On two occasions?

A That's right.

Q44 And both occasions it was full of water?

A The raft?

Q45 Yes.

A Well, I don't think full of water's the right thing, I mean - - -

Q46 Well - - -

A - - - all, all the thing is is, if you can imagine two, two inner tubes, well - - -

Q47 Yes.

A - - - I mean, you know what a raft is, but - - -

Q48 Yes.

A But yeah, I suppose between the apparent surface of the water and the canopy, certainly that area was flooded.

Q49 O.K.

A Yeah. Where am I? Rolled twice. Now in one of those rolls we lost virtually all the, all the provisions we had. It left us with at that stage I think four flares, two parachutes, two handheld, enough of those biscuit ration things, enough water to do quite some time in the little 100 or 150 ml sachets or whatever they are, a knife and a few other bits and pieces. But in one of the rolls the aerial on the E.P.I.R.B. which we had inside the raft, it was one of those extendable metal aerials, like the aerial, aerials like a car has, against, as against a flexible rubber one like the modern ones have, that had been, the, the top two thirds of that had been broken off, was still transmitting but I subsequently found out that the damage to the aerial was such to stop the signal getting to the satellite, although it was strong enough to be picked up by anyone flying in the vicinity. That, either, either that broken aerial or maybe the inflation gas bottle had punctured the bottom of the raft. I don't think we noticed that until about first

light because certainly by first light I, you know how you sort of doze off and come back and doze off, by first light we had that hole and the bottom chamber of the raft had some sort of leak as well. So we realised we'd have to do something about that, because as the, the bottom chamber deflated, the bottom of the raft would form a cone shape and we'd, you know, you could feel your legs going down and down. So we sort of spent the day taking it in turns to pump up the, the bottom chamber which we did by means of the standard issue pump that's in it. We had a bit of trouble with the, the, the fitting on that pump because there was a little nipple affair that attached to the, the raft and also to the hose on the pump which had gone missing somehow, but by a bit of fiddling around we managed to get one to connect into the other and we were just using our hands on the, on, on what is a foot pump to keep that up, and at the same time we were bailing with a, one of young Michael's sea boots and a, and a plastic bag that happened to be floating about. That, that went on virtually all day, just pumping and bailing, pump and bail til about I suppose 4.00, something like that, in the afternoon when we heard an aircraft in the distance. I believe it was to the east of us. We were looking out and he, he appeared, when we could see him he appeared to be flying a, a sort of formal set pattern. We could see him then he'd disappear. Then he came back on a, on a heading that



was virtually straight at us although a good, good way away. At that stage Bruce and I thought, well, we'll give him a parachute flare and see if he sees it, which we did. The flare worked, worked fine, there wasn't a problem with any of that. By that stage the breeze was down a fair bit so the flare, flare got up to a decent height. I don't think he saw us then, in fact I'm sure he didn't, but flying this pattern he then came into a leg which took him even closer to us and we thought, well, Christ, are we going to give him the last parachute or what? And I think we waited til he came a bit closer before we, before we let that go, from memory, and even then he, he, he gave no indication of having seen us, there was no wagging of the wing, wings which is what we were looking for. Then he kept on flying around at a fair distance, still no real indication that he'd made contact. But after a time he flew right over us and switched on his landing lights, so at, at that stage and only that stage were we sort of satisfied, satisfied in our own mind that he'd actually seen us. Well, we were sweet then. Once, once we'd seen those light, lights come on we knew we'd been seen and indeed within about an hour the, the Heli-Med helicopter came, came right over us so he sent a guy down on the wire, he sort of landed in the water right next to the entrance to the, the raft. I was the one sitting nearest the, the entrance and he said, Are you O.K. to get into the water and come up? I said,

Fine. Which I did, I jumped out into the water, he put the strap around me, up I, up I went and then he did the same thing with the other three. They didn't know what, what vessel we were from. In fact the first thing they asked us when they got us up, Where, where are you from? We said, Well, Winston Churchill. And they were quite elated at that because obviously we hadn't been heard of and, or sighted or anything. So at least at that stage they knew there were four of us O.K. They took us to Mallacoota where we were, where we were sort of cleaned up, given a shower, gone over by a doctor and stayed there until about, oh, about midday the next day. Do you want me to go into all the ins and outs of what happened at Mallacoota?

Q50 No. There's, there's no need for that.

A No. That's pretty well as I can remember off the top of my head, but as I say, it's, you know, we've obviously, the crew, the surviving crew have obviously had meetings and seen each other since just to try and put things together in our own mind, and the chronology I've given you then is pretty well right but there'll be details that, that aren't.

Q51 Mmm. You mentioned about the, the drogue breaking away.

A Mmm.

Q52 Can you recall whereabouts the drogue broke away or can you recall how it was attached to the raft?

A Well, it was, it was attached I believe by this, like, polypropylene stuff that they use to a tab on the outside of the raft, I think, I wouldn't be sure of this. And we knew it had broken away from the, the snap, it was obvious when it happened. It just went bang and all of a sudden the motion changed and we knew it, it had gone. But that didn't take long at all, it just wasn't up to the conditions.

Q53 Was every, Richard, was everybody wearing a P.F.D. on board?

A Yes, to my knowledge.

Q54 And what type of P.F.Ds were they, do you recall?

A Oh, what brand were they? I, I, I don't recall, no.

Q55 O.K. No, that's all right.

A But they were of the type that have the foam around your neck area.

Q56 O.K.

A As against the jacket type.

Q57 Did anyone sustain any injuries from the roll over of the yacht or the raft or being winched clear?

A Not on our raft, no. I understand there were on the other.

Q58 Yes. O.K.

DETECTIVE SENIOR CONSTABLE GRAY

Q59 In relation to when the plane flew over you, Richard, how long had it been since you'd seen the, the other raft approximately?

A Well, not, not, not since nightfall - - -

Q60 Right.

A - - - the previous night. That's the last time I saw them.

Q61 O.K.

SENIOR CONSTABLE UPSTON

Q62 Are you familiar with procedures as far as the life raft or an aircraft rescue procedures are concerned?

A Well, I've been to the odd thing where these things are, are discussed, but that's all.

Q63 All right. Have you ever deployed a life raft before?

A No.

Q64 Did you attend the weather briefing - - -

A Yes.

Q64 - - - prior to the race?

A Yes, I did.

Q65 O.K. Were you aware of a life raft demonstration and flare display at the C.Y.C. a number of days before the race?

A No, I don't recall that, but I do remember at, at the briefing there was, there was discussion on rescue techniques and the role of, what do they call that, that Australian Maritime Safety Rescue mob in Canberra?

Q66 Yes.

A So it was certainly mentioned, mentioned at the briefing, yeah, and basic procedure on what to do to be rescued from a raft by way of, you know, all that sort of thing, I do recall that being mentioned at the briefing.

Q67 O.K. Richard, I'd like to now show you a diagram. We have information that, which I spoke to you about prior to the interview - - -

A Mmm.

Q67 - - - in regards to your vessel on the day of the 26th, the morning of the race at the Cruising Yacht Club where your vessel was moored, is that correct?

A That's right.

Q68 And we have information that a swimmer, a person in the water, swam past your boat after completing other chores, and as he swam past he noticed some, for want of a better word, damage to the bow of your boat or something that was not quite familiar to him that would be normally there on a, on a vessel. Now I show you a diagram where it shows two drawings, a signature and a date with some words on it. The top drawing shows the stem or a stem post. It would appear to me, and, and I hope that you can see the same thing, a view looking down - - -

A Yes.

Q68 - - - onto the stem post and the planks. The bottom drawing shows a cross or a, a side view of the bow of a boat with the stem, the planks and a number of markings on it in red pen. I'll just refer you back to the top sketch where it shows a gap between the stem and the planks on the left hand side of the, of, of what we would call the bow of the boat. There's a red mark and there's also some other black marks. What

we've been informed is that this particular person on the port hand side saw a gap between the stem post and the, and three planks at least that he could see above the water line. And there was some paint cracking, you can see where it's clearly marked here, where it says, missing caulking, and also some paint cracking between the planks. We were also informed that the gap between the stem post and those planks was sufficient that a pen could be placed inside the gap, so that it would be clearly inside the plank, inside the, what we now know is known as a rabbit line.

A Mmm.

Q69 What can you tell me about that?

A Well, I, I don't think that's possible actually. There was an area just below the water line where the paint had not stuck to the putty, which is outside the caulking cotton, which certainly to my knowledge didn't extend above the water line. There was no missing caulking or caulking hanging out at all, well, certainly not 2 days prior to that. There were the odd, the odd cracks on the seam lines on both sides of the boat, but I can only assume that, this was fairly obvious too because it was white putty against black antifoul under the water, but that was no big deal. The putty was there, it was just that the paint hadn't stuck to it.

Q70 We've been informed that the, that when the person swam up to the boat and significantly ran his hand over the

boat and felt it, he could, he could see quite clearly inside the gap and it was against the white paint in the, and it had a black background where this gap was.

A Mmm.

Q71 What could you say about that?

A All news to me, that.

Q72 O.K.

A And it wasn't there, when did we bring it down? We brought it down the day before the race, it wasn't there then.

Q73 All right. Now you mentioned a minute ago about 2 days, 2 days prior to this event happening. Was the boat slipped?

A Yes, it was.

Q74 2 days prior to the race?

A Not 2 days prior, I can't remember how far prior to that it was slipped for the purposes of giving it a quick blast.

Q75 Right.

A You'd have to ask John Stanley, John Stanley about that. He, he, he would know that, I would think.

Q76 O.K.

A If, if we can't get it from the records at the marina, anyway.

Q77 Yeah. O.K.

A But I don't think she was antifouled for that race, I think it was just cleaned up.

Q78 So, but the paint wouldn't, you're saying that below the water line the paint wouldn't stick?

A There was an area where it didn't stick to the putty in - - -

Q79 To, to the putty?

A - - - in the seam itself. That's all I'm aware of.

Q80 We were also informed that this particular swimmer, this person notified somebody on board the boat and who was standing at that, at the stem post and also two people on the wharf that this particular person was talking to, the, the person standing on the boat, on your boat - - -

A Mmm.

Q80 - - - he was talking to a couple of other people on the wharf - - -

A Oh, yeah.

Q80 - - - and he brought it to the attention of these, these people and he was told certain things. Had, were you on board your boat at any time - - -

A That morning?

Q80 - - - and were spoken to that morning?

A I was certainly on the boat at various times, but I don't recall anyone mentioning anything of that sort.

Q81 In fact - - -

A Nor do I recall anyone saying, Someone said to me - - -

Q82 Yeah.

A - - - that this was the case.



Q83 Right.

A In fact the conversation is, I yelled out, and three people he said were either on the boat or the, or the wharf, he, he yelled out and he said, This doesn't look too good for a boat going to Hobart. Somebody said, who, who he's unable to identify them, said, Oh, well, that's just Winston Churchill. I mean, this is alleged conversation. He said, You should tell your boss about this. And that was basically the end of the conversation.

A Mmm.

Q84 He's certain that the, the comment from, in relation to, That's Winston Churchill, came from the wharf.

A ... either heard that or ..... didn't ..... Yeah.

Q85 .....

A Well, I didn't hear that. Did he give a time for this?

Q86 We, we just know it's in the morning time.

A Yeah.

Q87 Around 9.00-ish, 9.00-ish, 10.00-ish.

A Mmm.

Q88 Senior Constable Gray, have you got anything further?

DETECTIVE SENIOR CONSTABLE GRAY

Q89 Not in relation to that. Richard, in relation to the Bureau of Meteorology bringing out this 40 per cent increase in wind - - -

A Mmm.

Q89 - - - and 87 per cent for waves, were you aware of that?

A No.

Q90 Right. Is that the first you've ever heard of that sort of thing?

A I've heard of the Beaufort scale, that's what I go by.

Q91 Right.

A I don't think there's anywhere in the Beaufort scale where it says there's a plus or minus 40 for wind and plus or minus 80 for wave heights.

Q92 In relation to the, the caulking cotton, what, what colour would that have been in its original form?

A White.

Q93 White. As far as you're aware it should still have been white if there was, where the cosmetic putty missing - - -

A Yeah.

Q93 - - - ..... the rabbit line?

A I mean, the, the white putty was fairly obvious against the black, the black antifoul.

Q94 Yeah.

A And I, I ..... this, you couldn't get paint to stick to it, so we didn't bother.

Q95 Yeah. Yes.

SENIOR CONSTABLE UPSTON

Q96 But you, you can't account for what this person says - - -

A No, not, certainly - - -

Q96 - - - was a black - - -

A - - - certainly above the water line, I mean he's saying, you know, the, the, the planking is at least say 5/16ths of an inch, he said that you could shove a pen up there.

Q97 Yes.

A So he's saying that the, that the, the planks are at least 5/16ths of an inch back from the rabbit line. And I, I just can't, can't believe that's the case.

Q98 Mmm.

A I mean, that is a greater distance than you would normally have in construction of the vessel. In other words, all boats have some sort of gap between the end of the planks and, and the rabbit ..... in, in the stem, but certainly not 5/16ths of an inch.

Q99 Mmm.

A And I might just add on that, this boat prior to the '97 race had been refastened - - -

Q100 Mmm.

A - - - in the stem and the stern, not the complete hull, but the stem and the stern. She was totally refastened in that area and, you know, I, I, I, in all honesty I reckon that's, would have been that obvious we would have seen it.

Q101 Mmm.

DETECTIVE SENIOR CONSTABLE GRAY

Q102 Yeah.

A That thing doesn't happen in 5 minutes, that sort of thing, it develops over a period. I can't, if it was

there then, I can't believe why it wasn't there 2 or 3 days earlier when she was on the slip and being thoroughly gone over.

SENIOR CONSTABLE UPSTON

Q103 Were you racing a, a number of days after the, well, from the time that you took the vessel off the slips -  
- -

A Mmm.

Q103 - - - were you participating - - -

A No.

Q103 - - - in any types or racing prior to the day of the race?

A No. No. She didn't do any racing in, in, in that period.

Q104 Did you take the boat from the, from the shipyard to the C.Y.C?

A Yes. John Stanley and myself did that.

Q105 Do you recall hitting anything?

A No. Definitely didn't hit anything.

Q106 Mmm. All right. The, thanks very much for that, Richard. That about concludes the, the interview. The time on my watch is now 1.47pm. This interview is now concluded.

INTERVIEW CONCLUDED