

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston and Mark Aspinall at the Hobart CIB, on Friday, the 12th of the 3rd, '99, and the time on my watch is now 3.00pm. For the purpose of the record, Mark, would you like to state your full name, date of birth, address and occupation?

A Mark William Aspinall. 117 Bangalee Street, and my date of birth is the 19th of the 3rd, 1962, and my occupation is a sales rep.

Q2 O.K. And you were sailing on the yacht - - -

A Liquid Asset.

Q3 All right.

A Yeah.

Q4 And that, which was an entrant in the Sydney to Hobart Yacht Race of 1998.

A That's right, yeah.

Q5 O.K. Could you just give me a rough idea on your sailing experience?

A I've done seven Sydney Hobarts. My first, I've done five Sydney Hobarts on Cylandra, that was 1986, '88, '89, '91, 1995 race on a yacht called Freedom and 1998 on Liquid Asset.

Q6 All right. So quite a vast experience - - -

A Yeah.

Q6 - - - obviously from that.

A Yeah.

Q7 And your position on Liquid Asset as a crew member?

A I was the navigator.

Q8 All right. And did you take part in any other position on the vessel at all?

A Just general crewman.

Q9 All right.

A Yeah.

Q10 And navigator?

A Yeah.

Q11 All right. Well, let me take you to the 27th of December, 1998.

A M'mm.

Q12 The day after the race, which commenced at 1.00pm, from Sydney Harbour?

A Yes.

Q13 To a, to a time that you can possibly give us where you experienced adverse sea and weather conditions?

A It started increasing continually during the night of the 26th. I would estimate that we, it was probably at noon on the 27th, we were probably sailing in a good 40 to 50 knots. At the 2 o'clock sked, we would have had 40 to 50 knots again, and we received the forecast of what was to come, 45 to 50 knots. As a rule of thumb, we generally operate on the basis of plus or minus 10 knots of wind on that, from experience. We decided to continue on because we felt the boat was strong enough to be able to cope with those sort of conditions, being a Tassie boat we seem to get high a wind strength and well rigged to, to sail in, in high wind strengths and

that was what was suited to the boat. Well, I stood by the radio most of the afternoon of the 27th, from probably 2 o'clock onwards and heard a lot of the distress calls and was listening for other weather reports and such, and we made the decision at about 18.20, and on the night of the 27th, to turn around and try and get back into Eden.

Q14 O.K. Let me, let me just stop you there just for one moment. Also for the purpose of the interview and present in the room and seated directly to my left is Senior Constable Rod Stacey, who I introduced to you earlier, and we had a brief discussion on the purpose of the interview and Senior Constable Stacey's from the Hobart Marine Police Division.

A M'mm.

Q15 And I apologise for stopping you halfway through but
- - -

A That's O.K.

Q15 - - - I had to bring Rod in on the conversation.

A Yeah. So we, we heard the reports, heard the reports from Sword of Orion and from Yendys and the wind, wind strengths that they were experiencing. We heard of a lot of dismastings, and we heard a lot of the retirements, certainly heard, I've still got noted on the chart here, Kingura's position when they lost their man overboard. We were looking to see where, what boats were in trouble, were around us, whether we could render assistance to anyone.

CONSTABLE STACEY

Q16 So what sort of distance were you away from those vessels?

A We were about 25, at 6.15, we were about 25 miles behind Kingura, and they were a little bit further out to sea. We certainly heard Zeus II, being dismasted, she was close to us. Cylandra was also close to us but further out to sea. We've been racing in company with all those boats up until then and those, those factors, you know, helped us make the decision to, to turn around. What we were, the boat was in good shape, there was no problem there, it's a heavy boat, heavy rig, they're oversize section masts, oversize section rigging, which a lot of Tassie boats tend to have, so the main consideration was with, with the waves and we were probably in 70 knots plus, at that stage, and probably 15 metre seas with top 3 or 4 metres breaking on us, but we would have been susceptible for a knock down in the dark, so we decided to, to turn around and try and make for Eden, rather than risk being knocked down in the dark because the, the breaking waves, there was nowhere to go, you just had to try and line up at 90 degrees and, and go through, so that you didn't get knocked down, we fell off probably three or four real large waves, we were free-falling off the back of them, the rigs and the boat seem to be handling that O.K, but it was breaking waves in the dark that would have made it, may have put lives at risk and the boat at risk so,

discretion was a better of valour at that stage.

Q17 Could you indicate to us what sort of wave heights and winds that you were experiencing at the time?

A We, we don't have wind instruments that actually measure the wind strength but from my experience it would have been 70 knots plus because just the way the water was lifting off and the spray was lifting off the water - - -

Q18 M'mm.

A - - - and it built fairly quickly.

Q19 Yeah.

A Over, probably a good two hours.

Q20 Sorry, the wave height, do you think?

A Probably 15 metres.

Q21 All right.

A Yeah. Occasionally one a little bit larger.

Q22 M'mm.

A We were probably, we were sailing fairly high at the time, so we, our heading was, I, I worked it out the other night that, that, you know at 15.00, we were still sailing 175.

Q23 All right.

A And at 18.00 we were still sailing 170, so that was pretty high compared to a lot of the other boats.

Q24 Yeah.

A But it's just the shape of the boat, it, it was handling it quite well - - -

Q25 Mm.

A - - - so we were still making a lot of south.

Q26 And that, that built very quickly over a short period of time?

A It did, yeah, yeah, it just, it just kept growing, and growing and growing, and growing - - -

Q27 Yeah.

A - - - all the time. Now I didn't record that the, the wind strength, but I, you know, around about the 16.00 mark we were in good 60 to 70 knots and gusting higher than that, so -

Q28 M'mm.

A But the seas would have been 15 metres.

Q29 O.K.

A Easily, yeah.

Q30 How many crew did you have on board the yacht, six?

A Yeah.

Q31 O.K.

SENIOR CONSTABLE UPSTON

Q32 O.K. And then what happened after that, did, with the experience that the, the conditions that you were having and also taking into account the reports that you had from Sword of Orion and Yendys, what, what did you do after that?

A Turned around - - -

Q33 M'mm.

A - - - turned around quite comfortably actually. We tried to get a heading back into Eden, started off at about 5 degrees, magnetic,

and then we got gradually, worked back to about 355,
350 - - -

Q34 M'mm.

A - - - but we just couldn't make enough west, it wasn't safe with the angle of the waves to push it any more than that, to try and get, get back into Eden, so, didn't run straight with it, we made a little bit west but, it was just too touchy - - -

Q35 Yeah.

A - - - to travel any further jibed the boat.

Q36 M'mm.

A We got knocked down to about 70 or 80 degrees on one wave but apart from that it handled it pretty well.

Q37 O.K. And then what happened?

A We, we were blown about 15 miles north of, of, of Eden. At about 5 o'clock in the morning, it started to abate, it started, that was just on daylight. We came alongside Relish IV, she was, she'd been blown further north, she came alongside us, and I think they had someone injured with ribs or, or something, so, we were in talking distance, we asked them whether they were all O.K. They said that they'd lost all their electronics. I gave them a heading to Eden. We continued to tidy up the, up the boat, checked the rig, checked all the rigging gear and then we resumed racing and tried to get back probably, we had 20 knots of breeze in that light and by about 7.00 or 8 o'clock in the morning to 5 or 10, so it was, there was

a still a bit about but we'd gone from heaps of wind - - -

Q38 Yeah.

A - - - to virtually no wind - - -

Q39 Yeah.

A - - - and it was real struggle to get back to the position that where we, where we had been.

Q40 O.K.

A We were doing quite well when we, when we decided to turn around.

Q41 All right.

A One of the other considerations in, in turning back was that we had the storm jib up, at the time. We still had the mainsail, we had the boom lashed to, to the deck, and we still had the mainsail in the track and we thought it prudent not to send anyone on deck to, we would have to take the mainsail out of the track to, to put the trysail on, so in the conditions we were in at that time, we, so we continued just with the storm jib, jibber, and we'll make modification to, to the boat this year, we'll put an external track on the starboard side, so we can just hoist the trysail without having to take the main out of the, out of the, out of the track, but we tested all the storm sails, they've all been, all been used -

Q42 O.K.

A We knew that operation pretty well, we'd made modifications to it and so we'd to, to

handle that condition.

Q43 All right. Now, then you continued on?

A Yeah.

Q44 And obviously you then completed the race?

A Yeah, an uneventful race apart from that we got reasonable breezes off we had a good blast, we had 30 knots, south/west off

Q45 Yeah.

A Fairly uneventful race after that.

Q46 M'mm.

A A little bit quiet down off and it took us a fair while to get from

Q47 Yeah.

A But we, we finished..

Q48 All right. Did you attend the weather briefing at the CYC?

A I did, yeah.

Q49 O.K.

A Yeah.

Q50 And how did you find those?

A Fairly, I've attended a fair few of those, I think this is the sixth or eighth that I've navigated. The information was fairly vague. Now probably in retrospect, and I've thought about it since that one of the things that surprised me during the race was that if they knew what the wind speeds were at Wilsons Promontory the morning of the 27th, but that wasn't conveyed through to, to the fleet. When we got the

weather forecast on the 2 o'clock sked, on 1400 sked on the 27th, we discussed the option of taking a tuck in towards Eden, but we could have, at the strength that were forecast, we were quite comfortable that the boat was going to be able to to handle that and, and it did,
- - -

Q51 All right.

A - - - we were still racing 55, 60 knots, and once it got above that, then we decided that it was survival conditions --- -

Q52 Mm.

A - - - and we stopped racing, and that's when we went into a decision making process, whether to turn around or not.

Q53 All right.

A Yeah.

Q54 How did you hear about the, the weather that was being experienced, or the winds that had been experienced at Wilson Prom?

A I, that was, after, I've seen that on, in the media afterwards.

Q55 O.K.

A Yeah.

Q56 O.K. But prior to that you had no idea?

A No, I was listening to all the way down during the race and Melbourne radio, but I didn't get, didn't hear anything other than the normal report that we had similar to the 2 o'clock

sked.

Q57 All right.

A So I think if we would, had heard, I didn't get any position reports around about 1200 on the 27th, if I'd got some position reports from Wilson Prom, or or somewhere like that, we probably would have taken the option of tucking in under the lead of

Q58 M'mm. O.K.

A So perhaps a little bit closer in rather than being so far out.

Q59 All right, you mentioned to me earlier that you'd been on the vessel since new, well, since, since you've -

A Since it was brought back from Adelaide, yes.

Q60 Yeah. O.K. And are you aware of the two different classes of the race being an IMS and CHS - - -

A Yeah.

Q60 - - - class?

A Yeah, yeah.

Q61 And Liquid Asset's raced in the CHS event?

A We raced in PHS this year.

Q62 Over PHS?

A Yeah, purely because we didn't have a valid IMS certificate.

Q63 All right.

A We didn't have enough time to, to, well, comes down funds a lot of the time as well.

Q64 Yeah.

A To have it rated for this year's race.

Q65 M'mm.

A We've since, we've got back, we've had the mast out and had that weighed as part of the measurement process for, for this year's race.

Q66 M'mm.

A So we had to, we had the option of just going in PHS because we didn't have that, that valid certificate.

Q67 Yeah.

A The boat itself is, is a John Dunkerston design, and I think John designed it in about 1974. They have a reputation for being strong sea boats.

Q68 M'mm.

A A deep V hull, with two and a half tonne of ballast in the keel, skeg rudder, so they are well known sea boats.

Q69 Mm.

A I think we have an all up weight of over 5 tonnes.

Q70 All right.

A But I consider the boat was beautifully prepared.

Q71 Yeah.

A Yeah.

Q72 O.K. The - - -

A design.

Q73 Yeah.

A Yeah.

Q74 So you, are, are basically going to have the boat measured and entered in a CH -

A In IMS.

Q75 In IMS - - -

A Yeah.

Q75 - - - in the future?

A Yeah. It's actually a production hull.

Q76 Yeah.

A So a lot of the measurements are already in the IMS computer.

Q77 Mm.

A We just, would have to have some of the writing, maybe test - - -

Q78 M'mm.

A - - - the, the mast is part of having, having that, so -

Q79 All right.

A Yeah, we've, we've tried to estimate what our stability factor would be, but I would say that it, from the IMS certificates we've seen of similar boats and, and knowing what modifications we've made to it, it'd have a righting moment of in excess of 120 degrees.

Q80 All right.

A So it is a very, very stable boat.

Q81 Well what modifications have you made to the yacht since you've owned it?

A Maurice when he purchased the boat, when it was built for him, had a lot of, a lot of say in what he wanted to go on the boat, it's, you know, a larger rig, larger rigging, some modifications to the deck, the layout of all the running gear, and winches and such but it,

rather than be built for, as a cruiser, cruiser/racer boat, rather than going for the cruiser, cruiser option, the gear that's been put on the boat is of the highest racing quality and harping winches and - - -

Q82 All right.

A - - - and running gear and such so -

Q83 You are quite comfortable with the boat as far as it's, the way it handled in those, those sea conditions?

A Yeah.

Q84 Yeah.

A Yeah, yeah, on, on the wind, very stable, the boat is a handful down wind, because of the sked, it's not a flat bottom boat by any means - - -

Q85 Yeah.

A - - - it won't get up and, and surf so it can be, be a, a handful down wind. The first day was tricky but we've had to cut, had the sails cut to, to compensate for the, the rolling tendency that it has down wind - - -

Q86 M'mm.

A - - - but certainly a very, very well behaved on the wind. Now when we, when the breaking waves caught the boat, she would just, she'll sit down for a second and she'll just pop up again and wanted, wanted to go again, so - - -

Q87 M'mm.

A - - - it's a very, very sturdy boat.

Q88 O.K.

A And very similar to the 34s, which,
I've done five previous Sydneys on, so -

Q89 O.K.

A Yeah.

Q90 Are you familiar with all the safety equipment on board
the boat?

A Yes, yeah.

Q91 O.K.

A Yeah.

Q92 And all the safety lines, lanyards, harnesses - - -

A Yeah.

Q93 All that sort of thing?

A Yeah, I prepared all the safety certificates, so -

Q94 O.K.

A I've, I've done that previously on other boats so I'd
wanted that done correctly so went, went over the
- - -

Q95 M'mm.

A - - - the whole one, same
with a fine tooth Commonwealth Bank .

Q96 So were you present when the safety compliance form was
- - -

A Yeah.

Q96 - - - completed?

A Yes, I was.

Q97 And you checked all the equipment - - -

A We pre-checked it a couple of times.

Q97 - - - as the safety officer did?

A Yeah.

Q98 O.K.

A Yeah.

Q99 With the safety harnesses and lanyards - - -

A M'mm.

Q99 - - - it mentions that they must comply with Australian Standard 2227?

A Yeah.

Q100 What brand of lanyards and safety harnesses do you have on board your vessel?

A We had a mixture. We had a tendency for request, most of the guys have their own safety harnesses, and most of the guys on the boat did. I certainly had my own personal harness, which I think is a Bourke or similar, the rest of the harnesses were all relatively new, they certainly weren't old harnesses. We had an excess of harnesses as well, our standard operating procedure was that everyone has their own harness, it was set for themselves and it was their responsibility to look after their harness if they, if they were going on deck of a night and that was standard operating policy for the boat, anyone on deck of a night time wore a harness and we operate with that policy when we're racing here in Hobart. So to avoid the situation of having to adjust someone else's harness, you looked after your own harness. We also, I think, John Hall, who was the second helmsman, he brought another harness with him, which was a self inflating type, so I think we probably

had, we had at least eight harnesses - - -

Q101 M'mm.

A - - - on board.

Q102 But as, did you personally check that they all - - -

A They all - - -

Q102 - - - had a safety, the Australian Standards certificates on them?

A Checked all the tags, yeah.

Q103 Yeah.

A Yeah, because of, the gentleman conducts the safety down here, I know how he operates and we checked all the, all the - - -

Q104 M'mm.

A - - - Australian Standards on all the safety equipment, EPIRBS - - -

Q105 Yeah.

A - - - everything.

Q106 O.K.

A So, you know, even if, if, if a, a safety is torn, we wouldn't use that harness, we would go and get, get a new one - - -

Q107 O.K.

A - - -

Q108 All right.

A So, yeah, probably in hindsight, and I would certainly, certainly have issued, purchasing, you know, a new harness for myself with under leg strap.

Q109 What, what made you think about that at -?

A I, I've heard of people coming out of, out of their harnesses, been in their jackets and coming out of their jackets and, so, it's just an additional safety factor that we would probably put in place.

Q110 M'mm.

A Maurice and myself requested that all crew members carry their own personal strobe lights, that was the condition of them coming with us, and they would have carried that with them - - -

Q111 M'mm.

A - - - at all times of the night. You know, during, during probably the worst of the winds, we were comfortable that we were in a situation where we only had to have two on deck, a helmsman and a watchman, and we had the luxury of being able to put the other four down below, we didn't have to have guys sitting on the rail to hold the boat up - - -

Q112 Mm.

A - - - well, it's not that sort of boat.

Q113 Mm.

A So we, from experience from down here, we put some safety precautions in place, and we'll probably improve on those - - -

Q114 O.K.

A - - - from, from this year but I would certainly consider the, the safety equipment that we had was in Al condition, there was nothing there that was suspect, anything that was out of date was turfed out and

replaced - - -

Q115 M'mm.

A - - - so harnesses, lanyards, everything was of - - -

Q116 Yeah.

A Yeah, any, any safety inspector would pass it, no problems, and it was probably the easiest out of all the safety inspections I've done - - -

Q117 M'mm.

A - - - we do it every year.

Q118 Mm.

A I felt confident that the gear was going to pass because we put so much work into it beforehand to make sure that it was all right.

Q119 O.K.

A And that's, that's Maurice's policy and that's my policy, that everything has to be spot on.

Q120 All right. Is there anything you'd like to add to that?

A No.

Q121 All right. Well, is there anything else you'd like to add about the race, the way the race was conducted, your thoughts or possible improvements that you'd like to make yourself?

A Probably in retrospect, you're probably thinking back what can be improved, you know, was there anything in the safety that, that wasn't up to scratch, certainly the, the CAT1 certificate, which is the requirement for the race, I think is satisfactory for it. The

-
enforcing of that to the letter of the, of the law,
would certainly make sure that everything is, you know,
of the highest standard, and that probably the only
additions that, that could be included to to that, a
lot of boats request, anyway, is having the personal,
personal strobe light, you know, having inflatable
safety harnesses and, you know, a lot of people this
year had personal EPIRBs with them, now we would
certainly be considering, and I will certainly be
purchasing a personal EPIRB for myself, whether you can
actually make that mandatory for, for, for a boat
that's got, you know, 18 people on it, that, you know,
three, \$400 a pop for a piece of personal EPIRB, but I
think you'll will tend to find that a lot of people
will go and purchase those anyway - - -

Q122 Yeah.

A - - - and have those, have those with them. And I've
had the experience of being washed off in Bass Strait
before, I, I got washed off in '88, so I know what it
was like and - - -

Q123 Yeah.

A - - - that was, you know, a lot of things we put, like
standard operating procedures were put in place on the
boat were from, from being in similar situations, I
think I've probably been in, in waves almost as big
- - -

Q124 M'mm.

A - - - but not quite as much wind - - -

Q125 Mm.

A - - - as that and, and, you know, so, virtually wipe out conditions.

Q126 Yeah.

A Yeah.

Q127 All right. So there's nothing further you'd like to add?

A I don't think there's anything else, sir. Probably, sorry

Q128 No, go ahead.

A I, I don't know the advantages of, maybe you have a present skeds of 0300 and 1400, whether to avoid the situation in, in the future, that it would be advantageous to have interim weather skeds, you know, a lot of the boats, and we certainly did listen to the outside weather stations, to gather as much information as you, you can, we weren't in a position of having a weather fax on, on board like some of the, the high tech boats, but rather, rather than waiting from 0300 to 1400 for a, for a weather report, that the actual race committee, the race, the relay vessel could, say, every four to six hours have another - - -

Q129 M'mm.

A - - - so that if there was a, a drastic quick change in the conditions, that they could convey that through to the fleet - - -

Q130 M'mm.

A - - - because it certainly, the more information that

you can gather and the quicker you can gather it, the quicker you can make your decisions.

Q131 Mm.

A So in hindsight I, I think probably boats were seeking information, some might have got it, some didn't, we didn't certainly get all of it, the information that we did have go, went into our decision making process, but if there is, you know, probably some more weather information that certainly, might have avoided, or help some of the boats to turn back a little back earlier.

Q132 Mm.

A You know, yeah. Now when you're in that sort of, sort of situation.

Q133 Yeah.

A That's probably all I've got to say on that.

Q134 Yeah. O.K. Well, thanks very much for that. The time on my watch is now 3.29, and this interview is now concluded.

INTERVIEW CONCLUDED