SENIOR CONSTABLE UPSTON

Q1 This is a, an electronically recorded interview between Senior Constable David Upston and Mark Aspinall on Sunday, the 14th of March, 1999 at the Sydney to Hobart Yacht Race, the, correction the Hobart CIB. The time on my watch is now 10.56. Mark, for the purpose of the interview, would you please give me your full name, date of birth and address please.

A Mark William Aspinall, 19th of the 3rd, 1962 and my address is 117 Bangalee Street, Lauderdale in Tasmania.

Q2 And your occupation?

A I'm a sales rep.

Q3 O.K. And seated directly to my left is Detective Senior Constable Stuart Gray from the Bega detectives. Mark, do you agree that we first spoke on - - -

A Friday.

Q3 - - - on Friday, the 12th?

A Yes.

Q4 And in fact it was then that I told you that Senior Constable Gray and I are making inquiries into the Sydney to Hobart 1998 Sydney to Hobart Yacht Race?

A That's correct.

Q5 And the, either indirectly or directly matters arising from that?

A That's correct.

Q6 O.K. And Mark you were the, the, you told us on Friday that in fact you were the navigator on the vessel Liquid Asset at, during the Sydney to Hobart Yacht Race?

A Yeah, that's correct.

Q7 Mark, we have made certain inquiries and we spoke to the owner of the Liquid Asset, Morris Contessi, and as a result of that interview he told us certain things. Now I'd like to draw your attention to a document or a letter dated the 19th of October, 1998 and could, what could you tell me about this letter?

A That was the letter that had accompanied our notice of intention to, to race, with the entry form for, for the race. It was part of the requirement to enter the PHS class for the '98 Sydney Hobart race. It refers to this positive stability figures for similar boats to Liquid Asset because we didn't have an IMS certificate that we could send off all our, all our entry form which would have had the stability figure on it. We hadn't, hadn't had the, the boat measured for the stability factor but we did have evidence to provide which satisfied the requirements of the entry form.

Q8 O.K. So, for the purpose of the exercise, there's, the race is conducted under two sections, there's IMS

- - -

A Yeah.

Q8 - - - and PHS?

A That's correct.

Q9 Could you just explain to us what your understanding of PHS is?

A PHS is performance handicap division where the boats that don't have IMS certificates, boats that are

cruiser racers or, or cruisers are allowed to, to enter the Sydney Hobart race providing that the meet all the safety requirements for the race.

Q10 O.K. And there's a category that all yachts must fit it. This is a category 1 race. Is that correct?

A That's right, they have to have category 1 safety certificate. They have to be able to comply with that to, to enter the race - - -

Q11 O.K.

A - - - because being an off-shore race, category 1 being, being off-shore.

Q12 Yep. And in that category 1 there's a minimum stability index, isn't there?

A There is, yeah.

Q13 And what, what's your understanding of that?

A 115 degrees.

Q14 O.K.

A Yeah.

Q15 And there is also in the notice of race there's provisions for grandfathering. Do you understand what the terminology "grandfathering" is?

A Yep. Grandfathering generally applies to boats of an older design that were the old IOR racing boats which was the rule, the rating rule previous to the IMS rating.

Q16 M'mm.

A That, it's used where in circumstances where boats that used to race under IOR and had current certificates

that haven't been measured for, for ... IMS they can refer back to the old IOR ratings, which is along similar lines to what the IMS is. But what, what happens there is you find that older boats can race on equal footing to, to the newer boats.

Q17 O.K. All right. So you're fairly au fait with the rules and regulations of IMS, PHS and, and the grandfathering - - -

A Yeah.

Q17 - - - of different vessels in accordance with this - - -

A Yeah.

Q17 - - - this race ..... - - -

A Yeah, I think, I think the, the old grandfathering clause, I, I'd have to check it up, I think it refers to about 110 degrees stability - - -

Q18 Yep.

A - - - for some of, some of the older boats.

Q19 O.K. And that - - -

A 'Cause that ..... to the older side of designs.

Q20 Yeah. And that's actually in fact clearly defined in the notice of race, isn't it?

A I think it is there, yeah, I'd have to refer to it.

Q21 O.K. But it's fair to say that the notice of race strictly stipulates - - -

A Yeah.

Q21 - - - categories IMS, PHS, grandfathering - - -

A Yeah.

Q21 - - - and the like.

A Yes, that's correct.

Q22 O.K. Now is it fair to stay that due to the fact that your vessel had not been measured for IMS category - - -

A M'mm.

Q22 - - - you then again went for the PHS category, right?

A (NO AUDIBLE REPLY)

Q23 And that's in section 615 of the notice to race.

A That's correct, yeah.

Q24 O.K. And I'll show you that document so you agree with that?

A Yep.

Q25 And then for you to make application for that rating, for to, make application to enter the race - - -

A M'mm.

Q25 - - - you would've clearly looked at section 616 - - -

A That's correct.

Q25 - - - of the notice of race?

A Yeah.

Q26 And can you just tell me what your understanding, in brief of course, of, of 616 A, B and C?

A O.K.

Q27 And your intentions to enter under those categories?

A Yeah. Section A refers to information from a qualified naval architect showing the ..... arm of the yacht. Section B refers to information from the, from the survey which, that generally refers to commercial

vessels. There wouldn't be many yachts around that would have that sort of documentation for section B but, and section C which refers to other information provided to the race committee to show the stability of, of such vessels. We weren't in a position to obtain section A, which was the information from a qualified naval architect in the time frame that we had. That would have taken a fair bit of time to organise and some expense. That information would only have come about by virtually going through with the same procedure as having a boat measured for IMS so if you were to go through that procedure you might as well have it measured for an IMS which we didn't have time to do prior to the entry. Section B, as I said, referred to a, a survey which is like a full commercial survey. We didn't consider that to be a possibility and section C, which was the section that we were, we were looking at, was other information to demonstrate the stability of, of the yacht, being a production yacht, stock-standard yacht out of the mould, we had that information of, of stability of similar yachts and that's what the, the initial letter which I referred to earlier was referring to. And in addition to that we actually had the, the copies of the rating certificates of, of similar boats showing the stability factor and, and the three examples that were referred to in the letter showed stability factors of 120 degrees, 124.9 and 117 degrees. Now we considered, one of those

being, Take Five, which was Morris's previous boat which was identical design to Liquid Asset, that had a stability factor of 120 degrees and we considered Liquid Asset to be even stiffer than what Take Five was, which was Morris's previous boat.

Q28 And what do you mean by - - -

A .....

Q28 - - - to you, what do you mean by "stiffer"?

A It was a lot, lot more stable in water.

Q29 In regards to a tender vessel?

A It didn't, wouldn't heel as much. The, the stability factor would have been, on Liquid Asset, it was a lot higher than what Take, Take Five was.

Q30 O.K.

A Mm.

Q31 All right.

A A lot more, a lot more stable.

Q32 O.K. So, in brief, you felt that you couldn't comply with 616A or 616B?

A Mm.

Q33 So - - -

A We provided, provided the information - - -

Q34 The information under - - -

A - - - under section C.

Q35 O.K. So I'll show you a document now - - -

A M'mm.

Q35 - - - which we obtained from Morris Contessi.

A M'mm.

Q36 What can you tell me about these documents?

A That is a, a spreadsheet, a computer spreadsheet that I prepared as comparison. It's a, virtually a summary of the information that is in the three certificates that we had of the other boats, comparing one boat to the other. It was a document that was prepared to give us an idea of comparison from boat to boat when we did have Liquid Asset measured to know how we stacked up in the IMS rating compared to other boats that, that we knew of. But it ..... us to see whether we would, would be competitive - - -

Q37 O.K.

A - - - and whether we would get any penalties from having a larger number one headsail than, than some of the other boats.

Q38 O.K. Now this information was, you gleaned from, or obtained from other documents?

A It was off these ratings certificates, yes.

Q39 And you've got those documents - - -

A I've got those dockets here.

Q39 - - - there. O.K. O.K. So after you forwarded this letter with your race application - - -

A M'mm.

Q39 - - - when did you actually, what, when did you forward the application in, was it - - -

A ....

Q39 - - - before the closing date of the race?

A Yes, yes.

Q40 O.K. .....

A It was. It would've been, if it wasn't the 19th of October, it would've been shortly afterwards, within a couple of days.

Q41 All right.

A And Morris was responsible for, for sending it off.

Q42 Yep.

A And, but I do know that it was sent within a relatively short period of time of that, of that letter.

Q43 O.K. So, in receipt of that letter - - -

A M'mm.

Q43 - - - what are you aware of happened then?

A We had a request from the sailing office, from the CYC in Sydney requesting more information and referring to clause, clause 3 to be able to satisfy the, the yacht meets the required rule.

Q44 M'mm. And who was that from? Who was that, who, who was that telephone conversation with or was there - - -

A .....

Q44 - - - was there correspondence from somebody in regards to that, from the, from the sailing office?

A I, I believe it was a telephone call to Morris. I don't think there was any correspondence from it -

Q45 All right.

A But it was a, you know I, I was told that there was a request from the CYC for some more information.

Q46 Do you know offhand who that might've been from, a

person?

A I'm not sure, I'm not sure - - -

Q47 Right.

A - - - as I didn't take the call.

Q48 Right. But someone from the sailing office?

A Yeah.

Q49 O.K. And as result of that conversation, do you know what Morris did?

A Morris contacted me and told me that, that he had the request. I then what, Morris then contacted the designer of the, of the yacht, John Duncanson. We located John in Thailand. We asked John whether he would be in a position to be able to supply the information to satisfy clause A and John wasn't in the position to be able to, to do that, to provide that to us in the time frame that, that we required. I then, and I can't recollect whether I actually contacted Phil Thompson first.

Q50 And who's Phil Thompson?

A Phil Thompson's the race director - - -

Q51 O.K.

A - - - with CYC.

Q52 M'mm.

A On the race committee.

Q53 M'mm.

A In, in Sydney or whether I contacted Robert Badenach who's the Hobart equivalent - - -

Q54 M'mm.

A - - - of, of Phil, he's race director in, in Hobart. I, I conveyed to Robert that we'd had the request for some more information. And indicated to him that we were in a position to supply the certificate, the other certificates that were referred to in the original, original letter -

Q55 M'mm.

A And I conveyed to him that we weren't in a position to be able to get the information to satisfy clause A from John Duncanson because of his location in, in Thailand.

Q56 Yep.

A I, I conveyed to Robert that we considered the boat, being a stock standard production yacht and any other information that we had, that the, that we would be able to comply under clause C because there is, there is a large amount of evidence that they are a seaworthy boat with high stability factors - - -

Q57 M'mm.

A - - - and Robert said to me that he would speak to Phil Thompson in, in the race committee and that they would attend to the matter, that they would try and get the information that they required to be able to satisfy their obligations to comply with that rule.

Q58 Right.

A Now, after that, I am led to believe that Phil Thompson did contact John Duncanson in Thailand and made the relevant inquiries to get the information that, that he was, he was happy with to show that we did comply with

the requirements under, under section C. And, you know, there is a section where the race committee will be the sole judge as to the acceptability of that information.

Q59 M'mm.

A So they'd made the inquiries we'd provided with the information, extra information and were willing to supply other information. They also made their own inquiries and obtained other information and, we were of the understanding that the other information that they obtained was acceptable to comply with that section C which would, would've been the case - - -

Q60 Mm.

A - - - because of the history and the other, and the, the amount of other information there is about - - -

Q61 Mm.

A - - - it, it wasn't, wasn't a problem -

Q62 M'mm.

A .... the boat was certainly well above the minimum requirements - - -

Q63 Yep.

A - - - to comply with PHS.

Q64 Yep.

A If it had been a, a borderline case, from my past dealings with, with entry forms in previous races they certainly do take that to, to the letter of the law. So if there was any margin there, they considered was, was a bit slim - - -

Q65 Mm.

A - - - they would've requested further, further information and we would've had to have gone through the process of supplying the extra information we would've, might even had to go back if they hadn't accepted C, we would've had to go to, our next step would've been to go to, to B and we would've had to get a naval architect in - - -

Q66 .....

A - - - and, and had that done. But certainly the information that we supplied it was more than satisfactory and showed that the boat stability was, was well above what was required.

Q67 O.K.

A Yeah.

Q68 So as, as far as you're aware when Phil Thompson spoke to John Duncanson that it was only a verbal conversation and John Duncanson didn't supply any factual information in, in regards to the Liquid Asset?

A I'm, I'm not sure what happened there what, what transpired in the conversation but I, I would suspect that John would've referred to all the extra information from similar boats that are, are available.

Q69 All right.

A And I, I don't know what, what transpired but obviously the result of it was that the information that he got was acceptable to comply with, with section C.

Q70 Is it the case that after vessels are manufactured a

number of years go by, that a number of alterations can be made to the boats and, which could in fact alter the stability of a vessel?

A They can be, they'd, they'd have to be fairly major modifications .... -

Q71 What would, what would you think would be something major or something that would actually alter the stability index? We look at two vessels - - -

A M'mm.

Q71 - - - being built by the same person -

A Yeah.

Q72 Two separate vessels, Star Gazer - - -

A Yep.

Q72 - - - and Take Five.

A Yep.

Q73 Now you can clearly see that the stability index of these two vessels is quite marginal.

A Yes.

Q74 All right. What's to say that Liquid Asset falls below 115 in fact perhaps falls below 110 degrees the stability index and through alterations that's been made - - -

A Mm.

Q74 - - - over a period of time. What do you say to that?

A Really the, the major influence to affect a stability rating would be a replacement of a keel. That would be, for that boat, that would be really the only modification that you could make that would affect the

stability. Liquid Asset being a 3 year old boat and being ordered by Morris from new and being actually involved in the, having some input into the making of the yacht, Morris would've been aware and required that the boat was built to what the specifications were and Morris was aware that the boat had two and a half ton of lead in the keel so it was certainly, would have been in excess of what was required - - -

Q75 M'mm.

A - - - for the specifications. So it had, it had more than what was actually required.

Q76 O.K. Let's, let's take Liquid Asset out of - - -

A Just, just referring back to that - - -

Q77 Yes.

A - - - so the net effect of, of Liquid Asset's stability factor is that it would be in excess - - -

Q78 Mm.

A - - - of what, what the other information that we had.

Q79 O.K.

A We, from being involved in the building of it and the requests that were made on his specifications that it was actually, as I said before, stiffer, so it, the stability factor would've been higher than, than the other boats - - -

Q80 Mm.

A - - - and from the having a direct comparison from Morris's previous boat to this boat - - -

Q81 Mm.

A - - - we were aware that yes, it was, the stability factor was higher - - -

Q82 Yeah.

A - - - so we were quite confident yes, we were well, well in excess - - -

Q83 Yeah.

A - - - of what the minimum requirements were.

Q84 All right. Let's take for argument's sake Liquid Asset out of the equation.

A Yep.

Q85 And let's look at the other two vessels, Take Five again and Stargazer - - -

A Yes.

Q85 - - - with two relatively marginal differences in stability and somebody, another vessel, for argument's sake, decides to enter the race - - -

A M'mm.

Q85 - - - under the PHS category - - -

A M'mm.

Q85 - - - that was built some time ago - - -

A Yeah.

Q85 - - - which, Liquid Asset was built over three years ago -

A Yeah.

Q86 And alterations are made to the vessel for some reason, whether smaller mast section, lighter mast section - - -

A M'mm.

Q86 - - - various sails - - -

A Yeah.

Q86 - - - alterations are made, and on face value the race organisers accepted the information basically the same as what you've supplied now. Do you think that's a fair assumption for the, for the race organisers to accept in regard to vessels could be altered and in fact the stability index could in fact go below 110 or 115 degrees?

A Yep. It could occur but the general procedure there is that, if it had a previous certificate which might've been an old ILR certificate, if they were going into IMS, if there are any modifications made to the boat that notification has to be made for a change to the certificate. If they were going into PHS and they had an old certificate but they weren't going to be measured for ...., this is generally the case that would happen, most of, most of the older boats would've had certificates. If they had any, any modifications done that they would generally notify the authority that there was modifications and the, the certificates would be adjusted accordingly.

Q87 Right. If there's no IMS certificate - - -

A M'mm.

Q87 - - - like in this case with Liquid Asset -

A Yeah.

Q88 All right. And other vessels are just compared, what I'm saying is that basically there's a huge margin

between the two different boats that we've just described here.

A Yeah.

Q89 And fortunately they've had IMS certificates and - - -

A Yeah.

Q89 - - - certainly would fit in the category of an IMS rated vessel.

A Yeah. If, if a boat was going to PHS and they had to, had an IMS or an old IR certificate - - -

Q90 Yep.

A - - - they would, all they would have to do, to enter into PHS would be to provide - - -

Q91 That information.

A - - - provide the copy of that certificate.

Q92 Yep.

A But if they provided that certificate they would also provide information of any modifications that have been made to the boat. Now if it was a new, a new boat and it was a one-off, one-off production boat and they wanted to enter into PHS - - -

Q93 M'mm.

A - - - the race committee would certainly require more detailed information as to the stability to be able to accept an entry.

Q94 In fact that would be from a naval architect?

A A naval architect -

Q95 Yeah.

A They would have to go through -

Q96 Or the ..... or the builder?

A Yep, they would have to go, go through some process - - -

Q97 Yep.

A - - - in actually, of measurement - - -

Q98 Mm.

A - - - to actually provide that.

Q99 Yep.

A The race committee would not accept information - - -

Q100 Mm.

A - - - from, if it's a one-off boat. They wouldn't, they wouldn't accept, certainly accept just general information - - -

Q101 Yeah.

A - - - from comparison boats that, which there probably would be in that case so they would request - - -

Q102 Mm.

A - - - extra information. Now if it is a stock standard production hull and, in our case where you provided similar information - - -

Q103 Mm.

A - - - anecdotal evidence of the stability factor - - -

Q104 Mm.

A - - - if that stability factor was, it was, it only had a small margin to what the required level was, as I said before they would, if that situation they required, they would require extra information. So you would get a request back and saying, O.K, the

requirement is 115 degrees, the anecdotal evidence that you have supplied is ..... - - -

Q105 Yep, yep.

A - - - would be 114 or 115 in that case they would ask for more information and you would have to take another step.

Q106 O.K.

A In our case because of the information that we provided was well and truly in excess of what the minimum requirements were, that was considered acceptable.

Q107 O.K.

A Yeah. If it hadn't been, then they would've come back to us and requested extra information and we would've had to take further measurement steps to provide that.

Q108 O.K. Senior Constable Gray?

SENIOR CONSTABLE GRAY

Q109 O.K. Good. As a result of these figures in this document here, there's 11 pages I think it is, 12 pages, this 11 page document - - -

A Mm.

Q109 - - - which you prepared.

A Yeah.

Q110 Is that correct?

A Yeah.

Q111 Did you in fact come up with a IMS rating?

A No, no.

Q112 O.K.

A No, it was for a document, it was for the purpose of

being used in the future when, when we had a, a relevant rating certificate - - -

Q113 O.K.

A - - - to compare boat on boat.

Q114 Right.

A Mainly in regards to sails -

Q115 O.K.

A Sizes of sails.

Q116 So none of the, the information in this document was used by you or Morris or anybody else to sort of calculate a rough stability index in comparison?

A Not directly -

Q117 All right.

A Probably the best comparison that we had would be, a direct comparison to Morris's previous boat which had a stability factor of 120.

Q118 O.K.

A Mm.

Q119 Now ... there's either your, Morris or yourself technically qualified to play with figures of this sort of thing to come up with a, an answer?

A No, no, we wouldn't attempt to that because - - -

Q120 Right.

A - - - the, the IMS rating is actually computer generated.

Q121 All right.

A It's, it's a large generation of, of calculations from various measurements which can only be done by, by a

computer.

Q122 M'mm.

A We're, we are certainly would be aware of any penalties under the rating in regards to different sizes of sails and such - - -

Q123 Mm.

A - - - but it's really only used as a, as a rule of thumb.

Q124 O.K.

A What, what generally happens there and what we were intending to do in the future when we had a, a valid IMS certificate was that if we were presently measured with a jib size of say, 148 per cent that if we went back to a jib size of say 145 per cent, how much we would gain in our rating in seconds per mile to, to being the rating down to a, to a lower level from a higher level.

Q125 Yeah.

A But that can only be done once, once the boat is, is measured. So what we would've done then once we had a valid IMS certificate is that we would've added to that information and looked at the differences of who had a smaller jib and a bigger jib, whether they gained anything out of it.

Q126 Right.

A And what you can actually do is that once you've had the boat measured if you make any changes in the size of your sails, the you have your sail re-measured and

you make an application for a change and you get a new rating certificate, and can you see the differences whether you've gained or lost by making different modifications from that, so.

Q127 O.K. To this day - - -

A Mm.

Q127 - - - are you under the belief that the acceptance into the, into last year's race was based on technical information that you supplied to Mr Thompson, or is it, do you consider or are you under the belief that it is information that was ultimately supplied to, Thompson by Duncanson, what's your belief, ...?

A My belief is that, that, the race committee had enough information whether it would be from us or whether it, it was from information that they obtained that they, that it was considered certainly acceptable to meet, meet the requirements of, of clause C and that would've been, been the case from our understanding of it.

Q128 M'mm.

A But it you know, as the, as the rule says it is at the discretion of, the race committee and from my previous dealings with them if the information isn't acceptable, then they certainly would've requested more information. So it would've been taken to the nth, nth degree, so our understanding is that the information they had obtained was certainly acceptable.

Q129 Right.

A Yeah.

Q130 Are you aware of how long Duncanson is in Thailand for, or was in Thailand?

A He lives there permanently now.

Q131 O.K.

A Yeah. And has done for, for several years.

Q132 Is he still designing yachts as far as you're aware?

A I believe so, yeah, I think he's, believe he's still involved in that. He is, I believe he's about 74 years old now - - -

Q133 O.K.

A - - - so I would expect that he would be probably tapering off a little bit.

Q134 M'mm. As far as the variation in the IMS at 120 which is for Take Five and the 117.7 of Stargazer -

A Yeah.

Q135 Just looking at that letter and that, the 2.3 degrees difference, could you explain or do you know why there's a difference there?

A It would be in just difference, just differences in, in yacht. I'd have to look, confer -

Q136 Just offhand, that's what I mean, just a sort of question like just, just, small, small modifications like we'd -

A We'd consider that Stargazer would probably be the minimum -

SENIOR CONSTABLE UPSTON

Q137 Right, of the two.

A Of the two, yeah.

Q138 .....

A It would be at the lower levels -

Q139 So it would be more towards Stargazer than -

A Liquid Asset?

Q140 Yeah.

A No, Liquid Asset would be above Take Five - - -

Q141 Right. O.K.

A - - - rather than, than Stargazer.

Q142 O.K.

A If I looked at this.

SENIOR CONSTABLE GRAY

Q143 But what we're saying here is small alterations have, yeah, have, have excessive stability index variations.

A Yeah, that's right. . Yeah, probably the best way that I could, that I could describe, explain that - - -

Q144 Yeah.

A - - - that there, there would be, there would be no modification that we could make - - -

Q145 Right.

A - - - to Liquid Asset - - -

Q146 Yeah.

A - - - that would affect the stability greatly - - -

Q147 M'mm.

A - - - by, by a larger percentage degree.

Q148 M'mm.

A We, you know we would have to, to affect it by more than say 2 or 3 degrees -

Q149 Yep.

A We would virtually have to remove the keel, it would have to be done major, major modification work would have to be done to that and because it was built to a standard over standard specifications - - -

Q150 Mm.

A It was, it was well in, well in excess of, it certainly would've had, would've had more lead in the keel that what, what Take Five had.

Q151 How - - -

A And we were aware of that from the direct sail comparisons out on the water from one to the other.

Q152 Right, are you able to say that there definitely was more weight -?

A On Liquid Asset?

Q153 Yeah.

A Yes, yeah.

Q154 And how, how do you that, by sailing? Comparisons?

A Well, in certain breezes with certain sails up you would, you would know ..... -

Q155 What I'm saying here is you, you've not a hands-on situation where you've been able to determine that positively?

SENIOR CONSTABLE UPSTON

Q156 By measuring the weight.

SENIOR CONSTABLE GRAY

Q157 By measuring.

A No, it's just from sailing experience.

Q158 Sailing experience -

A Sailing experience, yeah.

Q159 Yeah, that's what I saying, yeah. Sailing experience rather that technical - - -

A Yeah, yeah.

Q159 - - - knowledge or know-how.

A Yeah.

Q160 That's fine.

A But you know to, to alter, to alter any Liquid Asset stability it, it just wasn't possible - - -

Q161 Mm.

A - - - you couldn't do it.

SENIOR CONSTABLE UPSTON

Q162 But it, it in fact it is possible to alter any other type of boats - - - .

A It is possible - - -

Q162 - - - where, where it can result in a major stability index - - -

A Yes.

Q162 - - - being altered?

A Yep, yep, you would, it is possible but certainly any changes that are made would have to be notified. I don't think you would find an instance where someone had a put a new keel on a yacht and not notified - - -

Q163 Mm.

A - - - the relevant authorities that they'd done so.

Q164 Yeah, but it's possible for them actually probably to not do so anyway. It is possible though, isn't it?

A It is possible.

Q165 Yeah. Honesty thing, isn't it?

A There is an honesty factor to it.

Q166 Mm.

A But because the, the stability factor reflects so much on how the boat's performance is, that they would do that because the note, the difference in, in performance would be notified.

Q167 Mm.

A It would be noticeable straight away.

Q168 Yeah. But if it is an honesty sort of thing, we received information that certain techniques are carried out to in fact alter the size of sails by various means. Would, would you agree that happens?

A There are small anomalies in the rule that a leading edge of racing probably have, have the ability to be able to take advantage of those anomalies but as a general rule the majority of the sailing community don't have the time, the money or, or the availability to be able to, to take advantage of those anomalies in, within the rule.

Q169 But let's say in general terms, a little bit of cheating happens every now and then.

A Um -

Q170 Or shall we say, let's not say cheating - - -

A No, I wouldn't say cheating -

Q170 - - - what about we say stretching the rule.

A No, it's not, not even stretching the rules, it is, it is taking advantage of, of the rule if, if for instance

a, a sail was measured a certain way and, and measured at certain points, now if you can gain an advantage from a part of the sail that isn't measured that's within the rule and has always been the case and will be taken advantage of, it's not cheating, it's taking, the boat still complies with the measurement criteria, but they can gain an advantage from it. As in regards to, to rig or keel or, or those sort of things really it's the only advantages could be taken is from the shape of them and they, their, their dynamic performance through the water, but that doesn't refer, doesn't, doesn't come back to relating to the stability of, of a yacht.

Q171 Yeah.

A The shape they'll get an advantage in the flow over, over a new keel but it still has to meet the requirements as to the stability in, in regards to another section of the rule. So it's no use putting a keel on that is a great shape and doesn't meet, give the advantage of the stability. What they would do is they would put a new keel on that would, has the right shape and meets, meets the, the stability as well.

Q172 All right well, thanks very much for that, Mark. The, is there anything else you'd like to say further?

A No, no -

Q173 ..... You're quite happy with ..... -?

A Do you want me to give you these copies of -?

Q174 Yes, thanks very much if, if you can supply those

documents to us - - -

A Yes.

Q175 That would be good.

A A copy of the rating certificate of Tradition?

Q176 Yep.

A Take Five?

Q177 Yep.

A And Stargazer ..... which are rating certificates that are referred to in ..... -

Q178 O.K. And these documents relate exactly to the spreadsheets that you've supplied -

A To the spreadsheet, yep.

Q179 O.K. Right, the time on my watch is now 11.38. This interview is now concluded.

INTERVIEW CONCLUDED