

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston of the Sydney Water Police and Mark Ballard at the Hobart C.I.B. on Friday, the 7th of the 5th, '99. The time on my watch is now 2.45pm and also present and seated to my immediate right is Detective Senior Constable Gray from the Bega Detectives. Mark, for the purpose of the interview could you please state your full name?

A Mark Thomas Ballard.

Q2 And your date of birth?

A The 18th of July, 1953.

Q3 And your address?

A Number 4, Braeside Crescent, Sandy Bay, Tasmania.

Q4 O.K. Mark, for the purpose of the interview and, of course, as I spoke to you earlier, I informed you that Senior Constable Gray and myself are making inquiries into the 1998 Sydney to Hobart Yacht Race and we have been tasked by the Coroner to speak to people either directly or indirectly involved in the race and I understand that you entered the race with your vessel, Tartan, is that correct?

A Yes, that's correct.

Q5 O.K. Could you please state what sort of sailing experience you have?

A I've been sailing on and off since I was a young child, more recently in Hobart we came here about 10 years ago and I sailed pretty much around the Derwent Estuary.

I purchased our current yacht, Tartan, about 3 years ago and but since then it's mostly involved coastal passages and in Bass Strait we also have done the Three Peaks race the previous year and the Sydney Hobart for most of the crew the, the first time in a major offshore race.

Q6 O.K. Now your yacht, Tartan, could you just, could you describe it for us?

A It's 38 feet, it was built in 1984, it's a series production boat from North Shore Yachts, it's a, what's termed a cruiser racer so it, but it has a bit more of a focus to cruising with hot and cold running water and all the comforts. It's, when I purchased it, it was in very good condition and I've tended to maintain it paying particular attention to our safety requirements, for instance we carry double the amount of flares that are required and in most other areas we've insured that we exceed the specification that are, for category 2 offshore racing, you know, if you have more pumps for instance than, than are required and we just make sure that the boat's in good condition for racing.

A O.K. When you entered the race, I show you a document here with Telstra Sydney to Hobart Yacht Race 1998, mandatory crew list. How many people actually sailed on your vessel this, in last year's race?

A Eight people.

Q7 O.K. Is that the crew that went and actually sailed on the, on the particular day?

A Yes. That's correct.

Q8 O.K. There's been no alteration to that, to the list prior to starting?

A No, everyone that's on the list travelled from Sydney to Eden?

Q9 O.K. I'll, I'll take you to the 27th of December where you'd started the race in Sydney and continued down the coast and, and you've started to experience some, some rough weather. What are your experiences from there?

A Well, our first area of concern came at about 3.00am, the 3.00am sched. Prior to that we noticed that the, that's on the Sunday, that the day before the weather had gradually been building. We expected a front to come through but the winds gradually veered round towards the west but it wasn't a sudden change. We progressively lowered our sails, went down in size. You know, we started up the race with the masthead kite and full main and at that stage, you know, towards the end of the night we'd taken off our spinnakers and we were running with a number 2 with one reef I think in the main. We had the 3.00am sched and at that stage we were still running with a number 2 and doing quite, quite well. The boat speed was good and the boat was quite comfortable but clearly the wind was coming more round to the west and we heard there was the clear expectation from our knowledge of Bass Strait and the weather conditions that a front would be coming through. When we heard that the expected winds had

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increased from that previously briefed we paid particular attention to the other vessels which were ahead of us in the sched alphabetically and we heard the report of Doctel Rager which indicated winds in excess of the forecast by about 15 to 20 knots and we also knew that when the winds were forecast of say 55 that there's a plus or minus 20 per cent variability in that forecast so you could experience much stronger winds than that. At that point we had two crew who were feeling ill but they were strapped in and I was reasonably happy that the two crew were, would survive the problem because they, you know, one of them, well, in fact the two that were sick we've had problems with them before so I knew that they'd get over it. But having regard to the general safety of the, the boat, and the fact that our boat was, you know, relatively small being 38 feet and not anything much bigger I made the decision to, to start tracking towards Eden and indicated to, on the radio sched shortly after the 3.00am sched that we'd taken that decision to seek shelter in Eden which is one of the options that you have. It's not actually retiring from the race but it gives you the option to seek shelter. So the, the race control was advised of that and we then changed our course by about 20 to 25 degrees to south-west, in approximately a south-west direction and headed for Eden and reported in again at the next sched.

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Q10 O.K. And then after the, the storm had passed you then continued on and continued the race?

A Well, we, we stayed in Eden and we monitored the, the weather on both the V.H.F. traffic which was, you know, quite heavy at that stage because of the problems that were occurring in the race and we also monitored it, the weather by contacting one of the oil rigs on which one of my crew, Captain Henry Finness, had a contact. So were able to get direct reports of the wind speeds in Western Bass Strait and we made the decision because later in that day one of the, we heard the reports of, that Business Post Naiad had been lost with Bruce and one of our crew had sailed with him before so she was emotionally upset. So for those reasons we decided to stay in Eden an additional night and went the following day. You know, probably up to 12 hours after what it would've been, we would've been capable of leaving given the weather conditions were sort of moderating at that stage.

Q11 Right.

A So, so with that one person off the crew who remained at Eden, we continued on with seven persons.

Q12 Right. And you, you re-entered the race - - -

A Yes.

Q12 - - - so to speak?

A Yes.

-

Q13 O.K. Now you mentioned earlier that, that you decided to head to Eden as a result of information that you heard from another vessel?

A Yes.

Q14 Now did you also take into account a radio message from Lou Carter who was the radio sched officer at the time indicating to vessels that they can seek shelter and then re-enter the race?

A I don't recall Lou, I wasn't at the radio position at, that I was normally but I don't recall any reference by, by Lou Carter to that particular clause I think the first time it would've, it was raised was by us when we advised Lou that we were intending to seek shelter under that section of the race instructions. And I recall the comment that came back was something of, that it was a well found decision or something similar. I can't remember the exact words.

Q15 O.K.

A And so anyone that was listening to the sched at that stage would've heard, you know, the, the calls between us.

Q16 All right. Now you, you also mentioned earlier about the seasickness - - -

A Mmm.

Q16 - - - for two of your crew. Did that at all affect the general running of the vessel as a result of those two crew going down sick?

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A No, because the, the one of the crew was the navigator who, who would generally perform the functions of navigator and sometimes cook, and there's plenty of, quite a number of us that can do navigation in any event and record the, the schedules. The other, the other person would probably be ranked number 8 in terms of our crew experience in importance.

Q17 O.K.

A So that it wasn't, we can safely sail the boat with two to three on a watch and because of the nature of the way the boat is set up and they weren't so incapable that they were prevented from helping if necessary.

A All right. With your crew experience you mentioned earlier that was the first time that you've been in the Sydney to Hobart Yacht Race?

A Mmm. Yes.

Q18 You also mentioned that there was a, a Captain on board?

A Yes.

Q19 Is, is that his, his title and ranking?

A Yes. That's, that's correct, he's Captain Henry Finness from the Royal Australian Navy. He's currently head of the, the Royal Navy, the Australian Navy in Tasmania.

Q20 Mmm.

A And his background is quite extensive. He's also a yacht master, instructor and he had some 5 or 6 months experience - - -

Q21 Right.

A - - - patrolling the oil rigs in Bass Strait on a patrol class vessel.

Q22 And I think in fact we have interviewed him - - -

A Possibly you have

Q22 - - - yeah, at one stage. O.K. With the, the weather conditions what were the, there was, the extreme conditions that you experienced?

A Well, we certainly noted that in the, from the point of the 3.00am sched down to when we approached Eden we had winds in the vicinity of 35 to 40 knots. As we approached Eden the current drift had actually pushed us a slight bit south of Eden and at about 5 miles off Eden as we started to head north-west, the wind speed increased to around about 45 knots but, and of course there's a bit of but there wasn't a swell there because we were in the, in the of the land and, at that point because we'd reached a stage where to, when, when we were about 2, 3 miles off Eden it did become a bit bad because the, the course that we had to make was directly to windward and so at that point we started our, our motor to achieve reaching the port of Eden. And, you know, subsequently you're able to, to discuss that with race officials and that doesn't exclude you from proceeding in the race. It doesn't -
- -

Q23 Mmm.

A - - - doesn't starting your engine to achieve a safe anchorage is something that's under the race instructions.

Q24 Right.

A And it's, but it's perhaps something that should've been discussed at the briefing - - -

Q25 Right.

A - - - 'cause that, that particular section wasn't - - -
-

Q26 Mmm.

A - - - is not mentioned in the, the race briefing

Q27 But it is mentioned in the race instructions?

A Yes. Yes.

Q28 Yeah. And - - -

A It's buried in, in the, the race instructions and, you know, general comments from people around the dock at Eden were that not many people were fully aware of that section, I mean, and it wasn't, as I said, it wasn't discussed in the race instructions, or the race briefing I mean.

Q29 O.K. You, did you attend the weather briefing at the C.Y.C?

A Yes. Yes.

Q30 And what were your, what are your thoughts about the weather briefing and, to what you experienced or what was experienced?

A It, what we experienced was slightly more than what the, the briefing indicated. There, there was a note

of caution given by Ken Batt in terms of the quality of the forecast. Subsequent to the race we watched the, you know, the recorded telecast and what particularly surprised me though was that the, there was one comment made by one of the, the commentators that, you know, contradicted the forecast that was given. He said that they're going to, something along the words that they were going to sail to a hell hole of 55 plus knots. We'd, and there was a short discussion, verbal discussion in the tape whereas they'd been talking about 40 to 45 knots and that's all that was said. But someone at the point of time of the boats leaving was aware that it was going to be worse than it did and it wasn't until the 3.00am sched that we received, you know, that was conveyed, that information was conveyed to the fleet.

Q31 If, if, if you would've known that the wind strengths were going to be and you mentioned earlier a plus or minus of - - -

A 20 per cent.

Q31 - - - of 20 per cent, is that the norm - - -

A Well, that's what I - - -

Q31 - - - that you would experience?

A From living in Tasmania that's the degree of variability that I expect in a weather forecast because weather forecasting is, is not an exact science - - -

Q32 Mmm.

-
A - - - and, you know, local conditions can vary that. So it, it's, if you know about, you know, this is something we learnt from Ken Batt's own training because he's come down to Tasmania and given us, you know, most of our crew attended his weather forecasting course that he did as part of the confident crew when offshore doing their training through that, that side of it and it's clear that that's sort of a mean average.

Q33 Mmm.

A And it's the, when the gusts go through and their, their length that can really cause the problems - - -

Q34 Right.

A - - - because you then get lifting of spray and all this sort of thing.

Q35 So you're saying that that 20 per cent variance is in mean winds or can be in, in gusts and peaks?

A Well, if they my expectation if a forecast was given of 55 knots I would expect that you might have a, an, an increase of up to 65 and it would go down to 35 within that range, it'd be in that range.

Q36 Mmm.

A And that, that would be something that I'd, I'd be reasonably could expect would happen - - -

Q37 Mmm.

A - - - given that forecast. You know, I wouldn't expect the wind gauge to exactly sit on 55 continuously - - -

Q38 Mmm.

A - - - it just, just doesn't work that way.

Q39 No. With the, your wind instruments that you've got the wind gauge, what, what brand is that?

A It's an auto helm ST50 and they were made about 5 years ago.

Q40 Right.

A And I've had them, before doing the race we had them serviced and checked and calibrated.

Q41 Right. And is that an analogue display or a digital display?

A Both. because we've got a full set so we've got different repeaters and so on so the, the, the display, one of the display head gives angle which is analogue with a digital readout below and of course other repeaters have apparent wind strengths and all that.

Q42 O.K.

A But the, the speed that I mentioned there earlier on at 45 was at, was the actual wind strength after it had been adjusted for boat speed.

Q43 Oh, righto.

A It had been, sorry

Q44 Yeah. So you, you've got a, a method that you can adjust the wind speed or the gauge through the boat speed - - -

A Yes. Yes.

Q44 - - - is that right?

A It's got, there's another repeater which will, besides the wind instrument there's a multi function repeater

-
which will tell you the, the true wind speed versus the apparent wind speed. The, the wind speed you see with the direction indicator is the, the main one, is the apparent wind speed whereas the wind speed on, I was talking about is true, the true wind speed.

Q45 All right. And you just had those calibrated?

A Yes.

Q46 And were you on deck when the, at the time that you saw the, the height of the wind, wind strengths and - - -

A Yes, I was helming at that stage.

Q47 O.K. And, and they were blowing constantly, those wind speeds, for how long?

A Until we reached Eden - - -

Q48 All right.

A - - - and they, it was gradually increasing. There'd been, we came into Eden at about 1 o'clock, 1.00 to 2 o'clock I think, thereabouts. I'd have to check on that with, something of that time.

Q49 Did you record any of those wind, wind strengths?

A In the log I believe we did somewhere. Yes, there's, yes in our log we've got a number of recordings on the various states as, this is the log that was issued by the Sydney to Hobart Yacht Race as you can see. Well, it was at this stage that we were going into Eden. That was when the fellow that was doing the navigation and using the, was rather sick so we may not have got all those. See, that's the one, yeah, we've got 36.

I think they, after that the record dropped, has dropped out there.

Q50 Mmm. So obviously he was quite ill?

A Yeah. Yes. Well, we, you know, things were starting to get, our priorities were ensuring our navigation was maintained - - -

Q51 Yes.

A - - - so we'd only go downstairs as long as necessary to maintain our navigation and fixed data, you know, 'cause we were doing 15 minute, we don't normally do 15 minute, fixes. But the log, the actual log book, the recording of the, the, those details we, we didn't complete after that time.

Q52 O.K. You entered the race under the C.H.F, C.H.S. division?

A Yes.

Q53 O.K. I show you a document. What could you tell me about this document here?

A That's a copy of an earlier I.M.S. certificate that was issued to the previous owner of the boat that we had.

Q54 And highlighted is - - -

A The vessel's name and that's it's stability index.

Q55 And that is 117.6?

A Yes. That's correct.

Q56 What can you tell me about the, do you understand what - - -

A

Q56 - - - stability index is about?

A Yes, the stability index relates to the righting momentum in, in the event of a knockdown.

Q57 Right.

A So that indicates to me that it's, the boat is, is not terribly stiff - - -

Q58 Mmm.

A - - - right, and you have to therefore regard it as being, it's, it's more in, in line with being a cruiser racer and not a boat that is, has for instance most of the righting moment at the bottom of the keel and so on. There's inherent dangers when you increase the, the momentum arm by, if you increase your stability index you've got to have a stronger keel.

Q59 Mmm.

A So there's pluses and minuses for that, yeah.

Q60 O.K. And you're aware of the category of the race that the Sydney to Hobart is under a category 1 event?

A I thought it was category 2 offshore.

Q61 Category 1.

A Category 1, is it?

Q62 Yeah.

A Because category 1 is for extended offshore under the rules book where, you know, for interocean races.

Q63 Yeah. No, well, I, I, I'll, I'll tell you that the Sydney to Hobart Yacht Race of 1998 is a category 1 event and under that, I.M.S. vessels must comply with 115 - - -

A Mmm.

Q63 - - - degree stability index.

A Right. So we're, we were above that anyway.

Q64 You were above that anyway.

A Yeah.

Q65 Yeah. Yeah. O.K.

A Just one point of comment on that - - -

Q66 Yes.

A - - - movement, too, I don't know whether that takes into account, this was dated October, '93, I know that our vessel's had a, an option put on it where there's additional lead put on the keel, right, with the North Shore's they're found to be a bit tender and they had a factory option of the traditional lead foot which goes on the keel. That's been fitted to our boat but I don't know if that measurement reflects that change.

Q67 Right. Did you inform the C.Y.C. prior to the race that in fact you had altered the righting moment of the vessel?

A We weren't required to under the category we were entered in because it didn't affect our handicap.

Q68 O.K.

A It would've, I didn't carry out the alteration.

Q69 Right.

A Just on the issue of this, are you sure that we weren't in P.H.S. because there were three different divisions. There was I.H.S, P.H.S. and C.H.S.

Q70 All right. What do you, what, can you tell me what division you were in - - -

A I believe - - -
Q70 - - - if I was incorrect?
A I believe I was in P.H.S.
Q71 Right, performance handicap system.
A Performance handicap system.
Q72 O.K, then.
A The C.H.S. is a, a system similar to I.M.S - - -
Q73 Right.
A - - - rating certificate.
Q74 Yeah.
A There's, a lot of the information is taken from that
but the P.H.S. is, is handicapping that is imposed by
the handicap but based on their perceived performance
not necessarily on any statistics.
Q75 Yes.
A But that was supplied as part of our entry.
Q76 O.K. Yeah, oh, well - - -
A So
Q76 - - - I apologise if I - - -
A - - -
Q76 - - - if I, yeah, if I misled you there.
A Mmm.
Q77 Stuart?

DETECTIVE SENIOR CONSTABLE GRAY

Q78 So far as your experience, Mark, with the additional
lead put on the keel would that increase or decrease
your stability?

A That would improve our ability to withstand winds and conditions that'd, you know, potentially cause you to be knocked over. It improves our righting moment.

Q79 O.K.

A And that's, that was done and of course it was recognised that some of the North Shore 38 Yachts had an inherent defect in them. I noticed there's, there's another two North Shores in that, so it'd be interesting to see whether they've had that same modification done.

Q80 Do you know the names of those two yachts?

A Yes, can I just look at the race entry

Q81 Yeah.

A Siena was one and there was another one, I can't recall which, the name it was.

Q82 That's all right.

A It might've been. It was like Henry Kendall but it's not, something like that. I'd have to check. But there were three, three boats in, in the race. I'm not sure if the third boat actually continued on the race. It may have had a problem just off Sydney Heads. I'm not sure.

Q83 What, what sort of inherent problem, sorry, did you, do you think was in the vessels?

A In our particular vessels?

Q84 Yeah.

A Just check the time. The vessels, as, as I have found it has been very good offshore. The only minor problem

we experienced in the race was because the - (Tape Beeping) - gunwales were constantly under the water. Have to change tapes? (Tape Beeping)

SENIOR CONSTABLE UPSTON

Q85 Just.

DETECTIVE SENIOR CONSTABLE GRAY

O.K.

SENIOR CONSTABLE UPSTON

Q86 Yeah.

A Yeah, if we - - -

Q87 As you were saying, yeah.

A Yeah. If the, the gunwales were constantly under the water because of the nature of, we were sailing offshore and we found that the breathers were getting salt water back into the fresh water tanks. So - - -

Q88 Right.

A - - - we found that after a short period the salt water, there was a slight salt water taste to our fresh water and we carried all our fresh water in properly contained steel tanks.

Q89 Mmm.

A And I know that a lot of boats did, do start their race with their fresh water in plastic bottles in the bilge and places like this.

Q90 Mmm.

A But we carried something like 280 litres of water or more so it was more than what was required in the, in the tanks. That's the only problem that we noted but

in Eden we did note the number of, the, one of the boats next to us which was a Sydney 40, one of the newer Bashford boats, they had two buckets of water in their fuel tank because they, their breather was that far off the bottom of the, what do you call it, the cockpit floor and of course the cockpits fill with water all the time and it just filled up and so as soon they tried to start their engine they had water and fuel problems.

Q91 Mmm.

A So it was a poor design issue there.

Q92 Right.

A The one thing that, you know, whilst we're on general issues I suppose that surprised us was that this being our first race we expected to be, someone would fully check our boat, being a newcomer, because we'd certainly declared this was our first race but no one came near us up there and we, you know, even though we were confident that we had everything checked that was right we would've expected someone to - - -

Q93 Right.

A - - - have gone over our boat to make sure everything was there.

Q94 How many previous Sydney to Hobarts were there on the boat, the crew?

A Henry Finness had the most, he had three previous but hadn't finished any of them yet, with, on each occasion

he hadn't completed the distance. He'd also done a Fast Net race as well - - -

Q95 Yeah?

A - - - in that year, '79.

Q96 Any other crew done Hobarts?

A No. No, we'd only cruised locally but we, we did have a number of offshore races, like the - - -

Q97 Right. So you qualified on those - - -

A Yes.

Q97 - - - offshore races?

A Yes. Yes, and we've done the Three Peaks race which is a race through Bass Strait and - - -

Q98 Yeah.

A - - - and so on. So we've done sufficient pre-qualification miles - - -

Q99 Yeah.

A - - - and as I said our strategy was a conservative strategy.

Q100 Mmm. Now insofar as waves sizes during the race can you give, make any comment on the size of the waves?

A No bigger than what I expected for the conditions but bear in mind that we were heading in towards Eden.

Q101 Yeah.

A Pretty much tracking along from that 3.00am sched as you've shown in that diagram, you can see that we we're off here, right we're up here, so we, we were probably a fair way offshore but to track into Eden we, we varied by about 15 degrees when the fleet - - -

Q102 Mmm.

A - - - started to come in. But as we came, you know, we were certainly aware that we were doing a lot of speed across the ground. The current was strong.

Q103 Mmm.

A We were certainly getting a lot of benefit from that. I, the, we actually saw probably larger waves in Bass Strait when we left Eden.

Q104 Right.

A Not necessarily than we experienced because one well, we hadn't reached, I think they certainly would've got bigger south of Eden because we, we were certainly from our experiences in Bass Strait, and you know, we've been up there a couple, number of times - - -

Q105 Mmm.

A - - - in Bass Strait that when you've got any potential for wind against tide or conflict of two tides, you know, two tidal streams for the, the water to build up quite a bit and stand up - - -

Q106 Mmm. Mmm.

A - - - and so that's, I mean, we could, in our experience expecting something that was going to get pretty nasty in Bass Strait given the forecast - - -

Q107 Mmm.

A - - - even before Doctel Rager came up with their forecast, you know.

Q108 Now, Ken Batt, does he work for the bureau?

A Yes, the Bureau of Meteorology, yes.

Q109 Now you've said before that he, he threw caution to the quality of the forecast. What do you mean by that?

A The way, you know, the impression that I got was that this is our best guess about how it will be, there is some variability in that, in that forecast and he certainly indicated that, that it wouldn't be an easier ride later on in the race.

Q110 All right.

A But he, you know, he, he didn't say it's, it's going to be exactly this - - -

Q111 Yeah.

A - - - right, he said, Because of the nature of all the different systems that are happening, happening, that I, I thought that his presentation was probably reasonable in the circumstances. The only question I raise is, as I mentioned before that the T.V. commentator was aware of a change at the time that the race was leaving Sydney Heads and we didn't hear about it until some time afterwards.

Q112 Who was the individual who said that, that you were sailing into a hell hole in fact? You mentioned before that there was an individual at that briefing who said that, said that you were in fact sailing into a hell hole.

A No, that was on the radio, that was the T.V - - -

Q113 That was the T.V - - -

A - - - commentator.

Q114 O.K.

A I didn't, he just didn't use those words but -

Q115 Yeah.

A - - - he'd go through it, there was one commentator that has a, a different opinion to, and he only speaks for a short time - - -

Q116 Right.

A - - - from the, the commentator that's doing most of the commentary.

Q117 Right.

A And it's, you know, well, I found that surprising - - -

Q118 Yeah.

A - - - he'd had different information from - - -

Q119 Yeah.

A - - - the normal race commentator.

Q120 Mmm. Now did you hear any Maydays at all during your trip?

A Oh, not, not until we'd reached Eden - - -

Q121 Right.

A - - - essentially.

Q122 O.K. then. Now were you or your crew aware of a life raft and flares demonstration at the C.Y.C.A. prior to the race?

A C.Y.C.A, no were weren't, no.

Q123 You weren't aware of that?

A No, we, we'd done our own in Hobart in any event.

Q124 O.K.

A And all our crew attending the packing and unpacking of our own life raft.

Q125 Right.

A So I make them, we've done that twice each year, we, they go through it when it's up in the loft up there being serviced and we go through and ask all the questions. Our, our raft is a full offshore rather than a coastal raft which is a sort of a different category of a - - -

Q126 Where's that stowed on the boat?

A That's stowed immediately the boom kicker, the - - -

Q127 Right.

A - - - underneath the, the - - -

Q128 So it's on deck?

A On deck, yes.

DETECTIVE SENIOR CONSTABLE GRAY

Q129 Just behind the mast?

A Yes, just behind the mast.

SENIOR CONSTABLE UPSTON

Q130 And what weight is it?

A Pretty bloody heavy.

Q131 O.K.

A But generally to get to, I can only just lift it so I'd say it's in the order of 50 kilos, something like that, of that nature. It's a, it's an eight person raft and that's the other thing I note, it's, a number of boats elected to take two four man rafts which you know, for various reasons, the, generally the four man

rafts aren't an, full ocean going raft, you know, they're a coastal raft - - -

Q132 Mmm.

A - - - and they're not necessarily built to withstand the upturning that you're likely to get in heavier seas.

Q133 Yeah. O.K. All right. Mark, is there anything that you would like to add now that you feel would assist us with our inquiry for the Coroner?

A Oh, well, just, just to give a bit of background, I mentioned Captain Henry Finness. He did provide me with his comments that were done shortly after the race in written form and those, together with my own, those comments were forwarded onto the chairman of the Hobart Race Review Committee and I'll give you a copy of those documents.

Q134 O.K. There's nothing then that you'd to add apart from that?

A Only to say that it's just a pity that some of the other skippers, you know, didn't take the view that they should seek shelter in the same way that we did. There was boats that came after us and boats that were much smaller that I considered took a foolhardy approach to the race.

Q135 Mmm.

A And, you know, we came out of it, you know, absolutely no damage.

-
Q136 Your radio operator, or do you have the radio operator's licence?

A I have a radio operator's licence and there's two others on the boat that do.

Q137 Right.

A Captain Henry Finness and one other.

Q138 O.K. Do you have your radio on all the time?

A Yes. Yes, we also monitor it from the cockpit as well so we have a, an external speaker in the cockpit for the V.H.F. but not the H.F. radio.

Q139 All right.

A So normally when we're at sea we monitor both V.H.F. and H.F. radios. We monitor the V.H.F. in the cockpit so that, you know, if it's not linked up with, if no one's down below we can at least hear any - - -

Q140 Yeah.

A - - - urgency that's nearby.

Q141 Right. With your, the H.F. frequencies, were you listening on the race frequency 4-4-8-3 or were you listening on any other frequencies?

A No. We relied on the V.H.F. for close communication for emergency. The reason for that is purely because of distance, if you're going to get a call for an emergency to which you can assist or respond it's going to be through V.H.F.

Q142 Mmm.

A We, of course, monitored the, the race frequency all the time.

Q143 O.K.

A But we didn't, you know, monitor the emergency frequency on H.F. because you, you'd then miss, you'd have the potential of missing on the race frequency broadcast.

Q144 Right.

A Because my, my radio doesn't, can't flip between the two of them though the V.H.F. one can between 16 and whatever else you're on.

Q145 Yeah. But isn't there set times for the scheds?

A Yes, there is but there's still a lot of communication that goes on outside those set times and that's the useful period in which to pick up reports on progress of other, other boats and so on. The, the race instructions in, and I suppose we should comment on that too, include a section which state that, A boat shall not give repeat radio throughout the radio sched any information which is, unless requested by the race controller, and I think that's a bit of a disadvantage because they should be able to certainly report weather conditions that are either in advance or behind the fleet.

Q146 Mmm.

A And I think that's, that's one factor that if that section hadn't been in the race instructions that there might've been a freer exchange - - -

Q147 Mmm.

A - - - of information.

Q148 Mmm.

DETECTIVE SENIOR CONSTABLE GRAY

Q149 So you feel that it should be offered, that information should be offered - - -

A Yes.

Q149 - - - under, in, in times of duress?

A Well, I, I think that it, at some, I think that it should be available at any time in an offshore race of the category that we're talking about through Sydney Hobart because there's, there's going to be very little tactical advantage and it's also up to the decision of the, the boat offering the advice and they, they will be in a better position to know whether that device will be useful to someone that may be following in the fleet or - - -

Q150 Mmm.

SENIOR CONSTABLE UPSTON

Q151 Mmm.

A You know. Certainly the advice that Doctel Rager gave wasn't called for but it was certainly useful.

DETECTIVE SENIOR CONSTABLE GRAY

Q152 Mmm.

SENIOR CONSTABLE UPSTON

Q153 Mmm.

A And that, that assisted in our decision as we got through to our boaters to the sched - - -

Q154 Mmm.

A - - - for us to make the decision to go to Eden.

Q155 Mmm. O.K. All right. The, the time on my watch is
 now 3.22pm. This interview is now concluded.

INTERVIEW CONCLUDED