

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded record of interview between Timothy Alexander David Evans on Thursday, the 3rd of June, 1999, at 179 Castlereagh Street, Sydney. The time on my watch is now 8.55am and for the purpose of the record, Mr Evans, could you please state your full name?

A Timothy Alexander David Evans.

Q2 And your date of birth?

A 12th August, 1946.

Q3 And your address?

A 22 Rushall Street, Pymble.

Q4 And your occupation?

A Solicitor.

Q5 Right. Can I call you Tim?

A Certainly.

Q6 Tim, for the purpose of the, the record and the interview, would you like to state your sailing experience for me and how you came to being in the 1998 Sydney to Hobart Yacht Race?

A I've been sailing for many years, started off in skiffs and then moved on to bigger boats. I've been sailing on a yacht called Siena for about five seasons in harbour racing and some offshore racing. It was decided that the yacht would go in the 1998 Sydney to Hobart race and because I'm one of the regular crew, I'm a qualified navigator and radio operator, I, was aboard as navigator/radio operator in the race.

Q7 O.K. And as I explained to you prior to the commencement of the interview, that I am here today to talk to you as a result of the coronial inquiry into the 1998 Sydney to Hobart and your, your dealings with the, the Stand Aside. Is that correct?

A That's correct, yes.

Q8 O.K. Now what were your duties again as far as the Siena were concerned?

A Basically navigator/radio operator although I, when we race I usually control the cockpit halyards or such things as the main, the headsail, the spinnakers, things like that as well.

Q9 O.K. And do you hold a radio licence?

A I do.

Q10 O.K. And with the, the commencement of the race on, on the 26th of December, you had no problems from the start of the race?

A No, none whatsoever.

Q11 O.K. And you cleared the Heads and started to head south?

A We did.

Q12 O.K. Let me take you now to the 27th of December, 1998, where you received information regarding the weather. I notice that you have a document prepared for me and that is now headed, Siena Sail Number 99, Report on the 1998 Telstra Sydney to Hobart Yacht Race. Is that correct?

A That's correct.

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Q13 O.K. And you've produced that for my information. Is that correct?

A No, I originally produced it for the information of the, the two skippers who were on board the boat, at the request of, or Mr Moray actually, but I make it available to you as a, a general summary of my recollections and the various positions up until the time we retired from the race.

Q14 O.K. And Mr Moray is the owner of Siena?

A One of the owners, yes.

Q15 One of the owners of Siena.

A That's right.

Q16 O.K. Are you an owner of Siena?

A No, I'm not.

Q17 O.K. So now I take you up to the 27th, and could you tell me what happened from, from then when the approaching storm occurred?

A Well, it may, it may possibly be better to go one step back to the 26th at 8.00am that evening, or 20.00 hours there was a radio sched required by the sailing instructions and that sched comprised, as did all the other scheds, a weather report, position report from each of the yachts in the race that were able to make radio contact, and concluded with a weather report. My notes on page 5 of my report state that this was the weather report that the fleet received from Telstra control, apparently issued by the weather bureau at 14.50 hours on 26th December, 1998, was, and the report

was as follows, A high near New Zealand reaching into the New South Wales Central Coast, slow moving low, 995 hectopascals near Lord Howe Island, cold front over Central Victoria, gale warnings south of Broken Bay, storm warning south of Merimbula, winds north to north east 20 to 25 knots tending briefly north to north west 15 to 20 knots ahead of a west to south west change 25 to 30 knots with stronger gusts expected near Jervis Bay at about midnight on 26, 27 December, 1998. Further change with winds south to south west 30 to 40 knots expected later that night off the Illawarra coast. Swells 3 to 4 metres, waves 1 to 2 metres, outlook winds west to north west 40 to 50 knots late Sunday, 27 December, until Monday, 28 December, in the evening, then moderating. That report was noted. At that time Siena was roughly in the area of Merimbula, a little bit north I suspect. We knew that we were in for a blow.

Q18 When, when you received, firstly let me take you back, did you attend the weather briefing at the C.Y.C?

A I did.

Q19 O.K. And when you received these weather briefings and any subsequent weather briefings, do you, what's your interpretation of those weather briefings?

A Well, I understand that what is being forecast is a forecast. Weather forecasting isn't an exact science. I understand that the wind and wave conditions are estimates, averages. I think wind is averaged,

averaged over a 10 minute span. I don't understand there to be a variation of anything like 50 per cent one way or the other, 20 I would have, I would have expected. I've in fact never heard of the fact that a weather forecast could be 50 per cent out, but then again I suppose that's logical because, a bit like whether it's gunna rain or, or be fine. You've got to be right if you're 50 per cent out one way or the other. But certainly there was no, no doubt in our minds that, that there was going to be big seas and a lot of wind. We also, well, we also understood that from Ken Batt's weather report in the pre-race briefing because, and from examinations of the synoptic charts issued prior to the race. Ken Batt did say that the various computer models that he, he was looking at were giving several different impressions and he was unsure as to which, which impression was the correct one, and certainly there was mention, as there always is, of the dreaded east coast low, it's always a possibility and they tend to arise very very quickly, they're very violent, last about 24 hours and go away.

Q20 Right. So from what those, from those reports you did expect the weather conditions and seas conditions to be as given if not slightly higher.

A Oh, yes, yes, yes.

Q21 O.K. And then, then what happened?

A Well, we, we sailed on for in fact quite some time after that. The weather in fact, well, I'll rephrase that, we were expecting a storm.

Q22 Mmm.

A We could see the horizon in front darkening, it was still reasonably light. There were a number of yachts in front of us, we could, we could see their spinnakers up, we had our spinnaker up, small spinnaker, travelling at very quick speeds for a 38 foot yacht, certainly with the east coast current assisting. We were watching lights in front of us, navigation lights. We thought that would be an indication that the boats in front were hitting the storm front when we could start to see them, we could start seeing their navigation lights which would indicate that they'd taken their kites off and that they were in fact tacking, beating into the weather rather than running before the north easterly breeze, which was very strong. We expected that, we thought from Ken Batt's forecast that we'd hit it about 4 o'clock in the afternoon of Boxing Day. At 8 o'clock it still hadn't hit us. It did in fact hit us about midnight. As I recorded on page 7, at 1 o'clock in the morning of the 27th, Sunday the 27th, the spinnaker was taken off and a number 3 headsail, quite a small headsail was bent on and poled out, and at half past 1.00 two reefs were put in the main. In other words we were, we were in strong wind at that stage, and that's at 1 o'clock in the

morning. At 3 o'clock in the morning of the 27th was another radio sched. At that stage we still had two reefs in the main and the number 3 on and we were approximately 32.5 nautical miles due east of Montague Island near Narooma. That weather report, I, I didn't note what time it was issued by the Bureau of Meteorology but it was expressed to be for the area Jervis Bay to Gabo Island and it said, A low situated approximately 41 degrees south, which would have put it off Eddystone Point, east of Flinders Island, moving east north east at 20 knots, which is pretty quick for a weather system, winds west to south west, which is logical if it's a low, coming out of Bass Strait in other words, 25 to 30 knots increasing 40 to 50 knots south of Merimbula as the low deepens. That's an east coast low building, that's a Bass Strait growler they call it. Swells 1 to 2 metres increasing to 3 to 4 metres with waves of 2 metres. That's 6 metres of swell in waves. The south coast current was going past Gabo Island, which is a little unusual, it usually swings away from the coast around there. It was going into Bass Strait, so you had a situation with a previously strong north easterly wind with a south flowing current meeting strong wind coming from the south, south west out of Bass Strait, obviously building up because of the depth of Bass Strait into very steep seas, you had a westerly moving sea and wind meeting a southerly moving sea and wind. That's

washing machine country if you're a sailor. The outlook for the next 48 hours, winds west to south west 20 to 25 knots moderating at night but increasing to 35 knots near Bass Strait. At, we were still sailing, we were still racing, the boat was quite comfortable, still with two reefs in the main and a number 3 up. At midday on Sunday the 27th we were approximately 42.5 nautical miles north east of Gabo Island, so we'd passed Eden and we still had a main with two reefs and a number 3. At 1 o'clock in the morning the number 3 was taken off and not replaced. At approximately 1.20, 1.30, the number 3 was put on again but it was removed a half an hour later and again not replaced. There was a radio sched at 14.00 hours that afternoon. We were then approximately 40 nautical miles east north east of Gabo Island, not quite in, in the mouth of Bass Strait, and the weather report on that sched I noted as, firstly Tasman Island reported not to be lit. I think that was rather prophetic because Sayonara was really motoring down the coast, why Tasman Island wasn't lit I don't know. There was a storm warning south of Merimbula, a low 988 hectopascals, so it had deepened considerably, centred east of Flinders Island and it was forecast to move to the east south east, out and down the Tasmanian coast. Winds west south west 25 to 35 knots, greater in the gusts, increasing to 30 to 40 knots offshore and 40 to 50 knots near the Victorian coast. Swells 1 to 2 metres increasing to 3 metres,

waves 2 to 3 metres increasing to 4 to 5 metres, a big sea. The outlook was, winds south of Merimbula easing to 25 to 35 knots early on Monday, the 28th of December, in the morning, and then easing further to 20 to 25 knots by midday on Monday, the 28th. At 40 degrees south, Flinders Island, winds south west 30 to 35 knots easing to 25 to 30 knots early Monday morning, the 28th of December, and then easing further to 20 to 25 knots by midday. South west swell of 3 metres with 5 to 6 metre seas. Once again, a big sea coming out of Bass Strait, slowly abating. South west winds will moderate on Monday and Tuesday, the 29th of December, and will swing to the west and then north west, south west, at 10 to 15 knots on Tuesday, 29 December, followed by north east sea breezes of 15 knots. I've noted, because I heard it on the radio sched, that at that stage Sword of Orion reported that it was in an area and in, I think further south than us, and was recording gusts of 70 to 80 knots. At about this time I seem to recall somebody in my crew commenting that they'd seen a gust of 86 knots on our wind machine, on our wind instrument.

Q23 That, that, that gust, did they say it was as a gust and, and not a, a mean wind?

A It was a gust.

Q24 It was just a gust?

A Yes, yes.

Q25 When you received that outlook that you've just spoken about the weather outlook, was that consistent with what you were receiving at that particular time?

A Yes, yes.

Q26 O.K.

A The seas would have been, in old measurement - - -

Q27 Yeah.

A - - - 50 to 70 feet - - -

Q28 Yes.

A - - - breaking, the sound was unbelievable, the wind was not howling, it wasn't shrieking, it was making an even more high pitched sound.

Q29 Right.

A Very very rough seas, very crossed seas, lots of breaking waves. The boat was still performing very well under a storm jib alone at that stage - - -

Q30 Mmm.

A - - - but the conditions were, were very rough and very, very windy.

Q31 However still consistent with that weather report at that time?

A In my opinion, yes.

Q32 Yes, O.K.

A Yes.

Q33 O.K.

A Although the only comment I'd make is 30 to 35 knots, 25 to 30, 40 to 50, I mean, it was clear that the winds were in excess of 50 knots generally speaking and

sometimes in excess of 80 knots, but to be honest there wasn't much that anybody could do at that point.

Q34 Mmm.

A You either kept going or you stopped.

Q35 Mmm.

A Because at that stage we were south east of Gabo Island. The prospect of turning back into the seas and the crossed seas I don't think appealed to anybody. I don't recall the conversations but I know it was discussed, we were, we intended to keep going, we intended to start heading out to the south east but at sort of somewhere about 7 or 8 knots under the storm jib in those sorts of seas the, the helming was obviously horrific. The idea basically I would think from the helmsman, was to stay out of the broken water. It was like being in a washing machine, and of course at seven or so knots you don't go anywhere very fast.

Q36 Right.

A So it was just sort of batten down the hatches and battle on.

Q37 Yeah

A Yeah, sorry.

Q38 No, you're right. And then, and then what happened?

A Well, at the end of the radio sched, because we were using the special SSB frequency for the race, but I had the VHF on channel 16, I didn't have the SSB on, on the, the usual distress and calling channel, but I heard the ABC television helicopter, who was obviously

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flying in the area, calling quite, quite often Wild Thing, to which there was no response. My recollection is that VC Offshore Stand Aside at about that time I, I recall after the radio sched, not during it, in fact sent out a Mayday call. Although I didn't note it she quoted her position, I noted our position at about 15.15 hours and they were identical, yeah, almost identical if not identical, but with GPS you get a bit of, bit of a difference, so it was clear to me that we were about to sail over the top of VC Offshore Stand Aside or certainly very close to her - - -

Q39 Yes.

A - - - although because of positions and we might have been doing, say 7 or 8 knots, in a half an hour you can still go, you know, four or five nautical miles which is quite a distance, I wouldn't have thought, my recollection of the sea is that if you were anywhere outside a couple of hundred metres from another, another yacht, it was distinctly possible that you wouldn't see either the yacht or any flares that she let off, unless you were specifically looking for flares but you'd have to almost look up in the sky because of the size of the seas - - -

Q40 Right.

A - - - particularly when you're in the troughs.

Q41 Yeah.

A Anyway I heard the Mayday. As is normal practice I didn't respond immediately because there may have been

somebody else who is in a better position to offer assistance to, to VC Offshore Stand Aside, and in fact the ABC television helicopter responded. I then asked the rest of the crew, all of whom were on deck, whether they could see another yacht because somebody had issued a Mayday call. The response to that was, no, they couldn't. Somebody then commented that there was a helicopter hovering on the horizon almost directly in front of us. It then became, go back one. I heard the helicopter pilot, radio operator, commenting that there was an unidentified yacht in the vicinity. It then became apparent to me that not only were we very close but that we were that unidentified yacht. I made contact with the, the ABC TV helicopter and identified Siena and it was confirmed we were in fact that, that yacht and we were very very close to VC Offshore Stand Aside. Although I wasn't on deck I would imagine that the helicopter was easy to see, whereas the other yacht was not, although I note from pictures in the Daily Telegraph at the time that they were actually taking photographs on board VC Offshore Stand Aside, I think one of the photos is of, of Siena at the top of a swell and then in a trough. However, there was some discussion briefly about the possibility of, of being able to bring Siena around to go back to offer assistance. There was some discussion as to whether or not that would put Siena in imminent danger of sinking. It was quickly decided that we were in good shape and

that, as is every sailor's duty, that we need, needed and should respond to the Mayday call, which we did. My recollection is it took quite some time to bring the yacht around and back to, to VC Offshore Stand Aside, I guess guided by the helicopter rather than anything visual. I don't recall speaking on the radio to Offshore Stand Aside, it was all basically to, to Gary Ticehurst who I subsequently found out was talking to me from the television helicopter. We, I suppose sailed up and down for approximately an hour. I think the time when we decided to turn around and, try and turn around and come back was about 15.42 on that Sunday afternoon. I, I'm not dead sure of that. We noted the time mainly for the purpose of possibly seeking redress in time allowance. I remember Gary Ticehurst advising Offshore Stand Aside that there was a helicopter on its way out to them. He obviously couldn't do anything apart from watch and monitor. I don't recall whether the helicopter arrived but I have a feeling it did. During the course of that standing on station I suppose, although we were moving all the time there was no way that we could be, we were hove to but we, we fell off the back of a very large wave. I was fairly badly injured, to the extent that it was decided that Siena would retire from the race.

Q42 How did you receive that injury?

A When we fell off the back of this wave I was catapulted from behind the navigation station across to the other

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side of, of Siena and slammed my chest into the, the stove in the galley, broke, I can't remember, one or two ribs, which at the time didn't seem that diabolical but very soon thereafter my left lung collapsed. I knew there was something significantly wrong with me when I couldn't breathe and there was, sort of a little bit of bloody mucus dribbling out of my nose and such like. In any event, the rest of the crew sought my opinion as to what I thought would be best for me and I didn't see how I could continue on across Bass Strait to Tasmania in those conditions. I didn't really contemplate the difficulty of heading back towards Eden in those conditions, but nevertheless Eden was closer and we in fact retired from the race, although I don't think we reported that immediately, well, I'm sure we didn't report that immediately to Telstra control, but I do recall conversing with Gary Ticehurst about it.

Q43 So you injured yourself - - -

A Mmm.

Q43 - - - and your lung collapsed and you were still, what did you do then? You, you mentioned earlier that you were catapulted across the other side of the, the saloon inside the yacht and you mentioned prior to the commencement of this interview that you were knocked unconscious for some time.

A I, I don't think it was unconscious, I think it was, I don't know now long but it was a, well, I, I - - -

Q44 So there was a space that you couldn't remember?

A Yes

Q45 So there's a chance that you were knocked unconscious?

A Oh, well, maybe.

Q46 Yeah, O.K.

A I picked myself up from the bottom of the companionway steps - - -

Q47 Yeah.

A - - - and I don't know how long it was that I was there but a very brief time.

Q48 O.K. And then you made your way back to the radio station and continued - - -

A Yes.

Q48 - - - with your radio communications?

A Yes.

Q49 O.K. Obviously in a fair amount of distress yourself?

A Yes, yes, yes. I, I don't really recall that much of it in great detail but - - -

Q50 Right. But nevertheless you continued on with your radio communications with the ABC chopper?

A Yes, yes.

Q51 O.K. And, and then you had a conversation with the crew about your, your condition and - - -

A Yeah.

Q51 - - - wanting to retire from the race?

A Yes.

Q52 How long did that take, from your injury to the time that you decided and, to retire, and from what you were saying, unable to assist the Stand Aside any longer?

A Oh, I really couldn't put a time on it. I have a, a feeling now that it, it wasn't a very long time.

Q53 Mmm.

A I'm really just not sure.

Q54 Right. But keeping in mind that you'd been there for an hour or so standing by the Stand Aside?

A That's my recollection - - -

Q55 Yeah.

A - - - yes.

Q56 O.K. All right. And then what happened?

A Well, I, I, I seem to recall asking for permission to, for Siena to, not to retire from the race but to, to leave the scene and, and that position, that permission being granted. If, if it had been suggested to us that notwithstanding my injury which, and bear in mind I didn't know really what had happened to me other than I knew that I'd broken a rib or ribs - - -

Q57 Mmm.

A - - - we, we wouldn't have left at that stage.

Q58 Yeah.

A I mean, although subsequently I understand from a medical point of view, collapsed lungs are, are a bit, a bit dicey - - -

Q59 Mmm.

A - - - particularly when you're out there - - -

Q60 Mmm.

A - - - but I don't think, well, I'm sure I wouldn't have said, Let's go - - -

Q61 Mmm.

A - - - if we'd been asked by those coordinating the rescue not to go - - -

Q62 Mmm.

A - - - for sure.

Q63 Yeah. So everyone felt the same on board? They felt as though they could have stayed - - -

A Oh, yes, well everybody else was - - -

Q63 - - - if, if he were requested to?

A - - - everybody else was fine.

Q64 Yeah.

A The, the boat, there was no damage to the boat.

Q65 Yeah.

A There was a little bit of water inside but that's only to be expected.

Q66 Mmm.

A We were seaworthy, we were in control.

Q67 Were there any other injuries to any other crew?

A Yes, one of the other members of the crew hurt his arm on deck, I think his left arm, lost a bit of sensation in his hand, he may have, you know, pinched a nerve or something like that.

Q68 Right.

A But apart from that and the usual mal de mer - - -

Q69 Yeah.

A - - - no, as far as I'm aware everybody was fine.

Q70 O.K. O.K. So then you decided to retire, you got permission to leave the scene.

A Mmm.

Q71 Who gave you that permission?

A My recollection is, is, is Gary Ticehurst but I don't know whether that's true or not, I really don't recall.

Q72 Right.

A I do recall another aircraft being in the area, I had an impression it was an Orion or, or something like that but, and I certainly don't recall, 'cause I didn't see whether or not the, the larger rescue helicopter had arrived on the scene at that stage or not.

Q73 Did you relate to Gary Ticehurst prior to your retiring that you'd received serious injuries?

A My recollection is yes.

Q74 Yes, O.K.

A Not me, I just - - -

Q75 Yeah.

A - - - said somebody had been injured.

Q76 No, O.K.

A I don't think I said me but - - -

Q77 Yeah, O.K. O.K. So then you retired from the scene or left the scene - - -

A Yes.

Q77 - - - and headed to Eden?

A Motored north to Eden with the storm jib still up. We were doing at that stage, I seem to think about 3 knots, very slow, it took an awful long while. We arrived off Eden if I recall probably about 2.00 or 3.00 in the morning. There was a 40 knot westerly wind

blowing and we were about probably 30 nautical miles off the coast when the engine died. We tried to tack into Eden for quite a while but with the westerly wind and fairly steep seas we gave that up for a bad joke and, and decided to head north, reaching up the coast until we were out of it and Ulladulla was contemplated, Narooma was crossed off the list immediately because of the bar. I, we did have the east coast pilot on board and I think Alan Lucas's book. We, I think Ulladulla was the option but as it transpired about midday the next day fairly calm conditions, we were off Bermagui and I indicated I didn't think I could hang in there until we got to Ulladulla so we sailed into the bay just near the Bermagui channel or the harbour entrance and called the Coast Guard and they came out and towed us in, but I, on the way back I was not in a terribly fit state to be of much assistance, but I did hear Winston Churchill's Mayday on the, on channel 16 - - -

Q78 Mmm.

A - - - which I didn't record the time or position because I was more or less lying in the quarterberth bunk near the nav station rather than sitting up at the nav table, but it was most distressing 'cause we sailed against Winston Churchill during the sea by sea winter series - - -

Q79 Mmm.

A - - - and, and it was very quick.

Q80 Mmm.

A I would have thought about 20 minutes, pretty, pretty shocking.

Q81 Right, right.

A But I gathered, I mean, I had a feeling that we weren't certainly in any position to do anything about that ourselves.

Q82 Yeah, O.K.

A And I don't think she gave her position with any particular accuracy at the time, but - - -

Q83 All right. So then you went into Bermagui and the Coast Guard attended - - -

A Yes.

Q83 - - - to your vessel and you were taken off and subsequently taken to hospital?

A At Moruya, yes.

Q84 At Moruya Hospital and - - -

A Yeah.

Q84 - - - where you were treated for your injuries?

A Yeah, that's right.

Q85 O.K. Did you have a weather fax on the vessel at the - - -

A No.

Q86 O.K. You mentioned earlier the Bass Strait growler.

A Yeah.

Q87 How many Sydney to Hobarts have you sailed?

A This was my first.

Q88 O.K. So, but you have heard about the Bass Strait growler and - - -

A Oh, yes.

Q88 - - - and as the nav officer and radio operator you were, prior to commencing the race, you were sort of thinking about the weather conditions you were going to expect?

A Oh, indeed.

Q89 Yeah.

A Yeah, yeah.

Q90 When you attended the weather briefing at the C.Y.C. what were your thoughts on, on that?

A Confused.

Q91 Right.

A I wasn't so much confused with the, the various models that were not giving a clear indication of anything in particular, I, I, and I've never attended a briefing prior to a Sydney Hobart, I thought it was a bit of a media beat up personally, no criticism of C.Y.C. intended, but I thought the weather forecast was, was a little more rushed than I would have hoped for. There was a lot of people in the room, flimsies were put up on, on screens, there was no hard copy information handed out, although, although I didn't have facility at the time we could have I guess got synoptic charts from the Internet. I mean I got, I made the notes and Ken Batt talked about currents and, and possibilities of low weather, low, lows forming and, I mean, everybody knows about east coast lows.

Q92 Mmm.

A And looking at the synoptic chart as I have commented on, in the paper on the day, on the morning of the race on page 2, I mean, there certainly was a low around that area - - -

Q93 Yeah.

A - - - but the, the isobars didn't seem to indicate - (Tape Beeping) - a particularly deep low forming.

Q94 O.K.

A But as I say, I don't think it would happen at the drop of a hat. So, yeah, I was very, we were all very conscious that the weather was going to be bad.

Q95 Yes.

A I mean, there was, I don't think anybody that was listening to the weather briefing - - -

Q96 Mmm.

A - - - and subsequently talked and observed or heard what was going on, was under any illusion at all that the fleet was gunna be hit by a storm at some time, in fact I think Ken Batt talked about it being southerly change at about 16.00 hours or 4.00pm on the afternoon of the race, which as I say, we were looking for it from then on and through to about midnight - - -

Q97 Mmm.

A - - - and it, it arrived but a bit later.

Q98 A bit later?

A Mmm.

Q99 O.K. What are your, what is your weather experience and, and knowledge of the weather?

A Well, I, just I suppose general experience. I've done a meteorology course, I have a Yachting Federation certification for doing that course - - -

Q100 Yes.

A - - - but, I mean, nothing particularly special, certainly - - -

Q101 Nevertheless you've got qualifications as far as sailing is concerned with your, with your outlook on weather?

A Yes.

Q102 Yeah, O.K. All right. Is there anything else you'd like to say now that you feel may assist us with the investigation?

A Well, only that in a situation like we found ourselves in with VC Offshore Stand Aside, that, and the seas and the wind, that apart from being there and being a larger presence in case people have to get into the life rafts or they're in the water, I would have thought that there is very little another yacht can do to practically get people off a stricken yacht. I wouldn't have thought that it would be possible to even get close to a yacht in those conditions, particularly in the breaking waves - - -

Q103 Mmm.

A - - - and particularly a yacht that had no, no way - - -

Q104 Mmm.

A - - - had no way of controlling itself. I would think you would have to stand quite a way off, upwind possibly rather than downwind and you've got to keep out of the breaking waves yourself so you don't get rolled.

Q105 Mmm.

A I mean, I've got the highest regard for those involved in the, the aerial rescue, they were fantastic - - -

Q106 Mmm.

A - - - and, and I guess subsequent stories, you know, fishermen and Water Police, etc. out of Eden, terrific stuff, but I think as a yacht to yacht situation - - -

Q107 Mmm.

A - - - apart from being there and drifting with them or possibly picking people up if you could - - -

Q108 Mmm.

A - - - you certainly wouldn't go, I wouldn't have thought anywhere near the other vessel - - -

Q109 Right.

A - - - 'cause you'd both end up sinking I would think, so, just, my impression was we were, we were there but we couldn't have done very much in truth apart from in a moral sense or - - -

Q110 Mmm.

A - - - being a larger thing that was afloat. It was all a bit, bit frustrating really.

Q111 Yeah, yeah.

A But it's something you've got to do.

Q112 O.K. So there's nothing else now?

A No.

Q113 All right. The time on my watch is now 9.37. The interview between Tim Evans and Senior Constable David Upston of the Sydney Water Police is now concluded.

INTERVIEW CONCLUDED