

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded record of interview between Senior Constable David Upston of the New South Wales Water Police and Steven Robert Kemp on Tuesday, the 29th of the 6th, '99, at the Port Lincoln C.I.B. The time on my watch is now 12.03pm, and also seated directly opposite me is Detective Senior Constable Gray of the Bega Detectives. Steven, for the purpose of the interview could you please state your full name?

A Steven Robert Kemp.

Q2 And that's Steven with a V?

A That's correct.

Q3 And your address?

A 2, 16 South Point Drive, Port Lincoln.

Q4 And your date of birth?

A 24/7/61.

Q5 And your occupation, please?

A Real estate salesman.

Q6 O.K. Steven, as I explained to you earlier, Detective Senior Constable Gray and I are making inquiries into the 1998 Sydney to Hobart Yacht Race, and the reason why we're here today, as we explained to you earlier, is to talk to you about your involvement in the, in the race, and as a crew member on the yacht, Wild Thing. Is that correct?

A That's correct.

Q7 O.K. Could you give us a, a brief outline on your sailing history?

A Yes, I was a navigator in the, for 2 years in the '87, or '86, '87 America's Cup in Fremantle and have been a navigator in two Australian Cup teams, and am currently the navigator on the yacht, Wild Thing.

Q8 And you were in fact navigator on the Wild Thing at the 1998 Hobart Yacht Race as well?

A That's correct.

Q9 Sydney to Hobart, O.K. Could you just give us a brief description of the, on the boat, Wild Thing, please?

A Wild Thing's a 70 foot Ian Murray design, launched in October 1988, 1998, last year, and we had 24 crew on for the race and a very experienced crew, some of the guys had done round the world races, and, yeah, we were obviously keen to do well in the Hobart race.

Q10 And who owns the Wild Thing?

A Grant Warrington from Mornington.

Q11 Mmm. And you mentioned about the crew experience. What would you say on a conservative amount of experience, from the crew?

A I would say we were pretty, one of the more, one of the more, most experienced crews in the race. We, Ian Walker's just done the round the world race on Dennis Connor's Toshiba, as had Nick Maloney, they had, we had another lad that had also done the recent Whitbread round the world race, Grant's done something like 16 Hobarts, had a lot of, lot of depth on the boat. This was my sixth Sydney to Hobart, and we felt that we had

a good solid crew. We were obviously very keen to try and beat Brindabella and Sayonara.

Q12 O.K. Well, I'll take you now to the 27th of December, 1998, where you'd already proceeded out of the, from the start at 1 o'clock on the 26th, and headed south from Sydney Harbour. And we'll go now to, as I said earlier, to the 27th, where you started to travel into an approaching storm. Could you give us a, an idea of what experiences you had through that storm?

A Around midnight on the 26th, early 27th, we, we had very strong north westerlies gusting 45 to 50, we had trouble getting our speaker down, got that down, the winds went into the, to the west, or maybe a little south of west, but pretty well westerly. We put a storm jib on, and proceeded with no mainsail, basically laying a course of about 170, and we, we were making a speed of around about 8 or 9 knots, and we were pretty comfortable with our position. We were well off shore and, and making a, our intention was to get, get off shore as far as we could. Brindabella was inside of us, as was Sayonara. About 6 o'clock in, or 6.00am on the 27th we were sort of getting down into the Bass Strait area, well ahead of where we expected to be, and we had, we split the, got about an 80 foot split up the starboard side of our mast, and, which meant we couldn't proceed south. We immediately tacked the boat and headed back on a reciprocal course. Huey rigged the boat with some ropes and lines to keep the mast in

place. I remember looking at our course and we were 77 miles down wind of Eden and basically the wind was west-nor'west at that point of time, and we were, it took us a long time. We plodded away, we only, I think in the 10 hours we only made about 7 miles closer to Eden, and we had considered reaching off, trying to get back to Jervis Bay, but we felt that Eden was closer to the home port of the yacht of Melbourne, so we plugged away. We steamed for a long period of time, and eventually getting low on fuel, so we, because of the seas and the head winds, and we just went back to a storm jib and, and just feathered the boat through lightly, because we wanted to preserve the mast and kept working away, and I think we arrived eventually into Eden on the morning of the, would have been the morning of the 28th, at around about 9.00am.

Q13 What caused the mast to split?

A I believe it, it was just a, a, it's a carbon fibre mast, and we believe it was a fabrication problem.

Q14 And was that as a, could you say as, as a result of pounding of the vessel or - - -

A Oh, no, I think it was probably a fault in the mast itself, the mast has been repaired and is back in the boat now, so we preserved it. Certainly, the, the conditions were, at the time were probably 45, 50 knots, and with a big sea, yes, yeah.

Q15 Right. Are carbon fibre masts obviously allowed in, in the race this year?

A Yes, yes, they were, yeah.

Q16 Yeah. Did you have any crew injuries at all as a result of the weather conditions?

A No.

Q17 Did anyone suffer any sea sickness at all?

A Not of any note, a couple very squeazy, but not of any note.

Q18 And when you were in, say, the thick of the, the storm, what sort of winds were you experiencing at the time?

A I never seen anything over 65, any gusts over, I think we might have seen a 67, maybe 65, but remembering we, our intention was to go well east to avoid the storm, and we were probably one of the furthest yachts east in the fleet, which was a deliberate intention, and our weather forecast was that things would get pretty messy in north east in Bass Strait and we would just stay well off shore.

Q19 Right. And what type of wind instruments did you have?

A We use a Brooks & Gatehouse, the latest 690 system.

Q20 And when you said that you observed the wind strengths that you said, were you on deck at the time or were you below and - - -

A I have a wind gauge at my chart table, and obviously there's three or four repeaters on deck so I think at its maximum gust it was a, I was at the chart table, it's right in front of my face.

Q21 O.K. And were you on deck at all to observe any wave heights that you may estimate?

A Yes. Yeah, I spent a, like everyone else, we just rotated through, keep, keeping some crew on deck, four guys on deck basically, steering the boat and keeping it on, on track, and I spent, done my share of time up there when, get a bit of fresh air, yeah, and the wave heights were, they were quite high, and short, I think it, we had been enjoying quite a strong assistance from current going down the coast, up to 3 or 4 knots at times, and, you know, it gets a bit wishy washy down there on that corner where the current eddies, and I think that might have been driving some of the sea state. To say how high is very hard, you know, I s'pose we're talking 5, 5 metres, maybe 6 metres, a bit short and slamming, yeah.

Q22 Did you have any waves that broke over - - -

A Oh, yes, there - - -

Q22 - - - the boat?

A - - - there were breaking waves that would roll, roll ... and down the deck and, and over, yeah.

Q23 Mmm.

A We never at any time were in danger of, of being rolled over, and to my knowledge none of the crew ever felt in danger, we were, apart from we wanted to preserve our mast.

Q24 Mmm. Did you lose any equipment over the side as a result of the breaking waves over the deck?

A We did lose a headsail over the side, which we reported to the Race Committee, and that was, but that was early

on in the race when the strong northerly conditions, when we were running under spinnaker, we nose dived the yacht, and that was washed off the, the bow, and a couple of guys did get washed over on their harnesses, but they were, you know, they come back on obviously, they were harnessed to the boat.

Q25 You talked about the harnesses. What type of harnesses did those guys that were washed over have on, do you recall?

A They were all new ones, and they were inflatable harnesses, with the inflatable jacket on, I think they were Burke brand.

Q26 So they were like a P.F.D. as incorporated with a safety harness - - -

A Yes.

Q26 - - - and lanyard?

A Yeah. And they would inflate once in the water, which they did.

Q27 Right. It's a self inflating mechanism?

A Yes.

Q28 O.K. Did you attend the weather briefing at the C.Y.C. prior to the commencement of the race?

A Yes.

Q29 And did you receive any outside weather briefings apart from that given by the Weather Bureau?

A Yes, we received a very detailed briefing from Roger Badam.

Q30 And what can you tell me about that briefing?

A Roger gave us a indepth day by day summary, an overview of what he thought would happen, suggested possible course to take. I also spoke to him daily for a period of a week before the race, and, and went down and spent 2 days at his house in Wollongong, to, to basically get a full update of, of what we thought, or what he thought was going to happen.

Q31 And how did you feel the accuracy of Roger Badam's report was to you to what you experienced?

A I think the conditions were what we experienced and Roger's forecast was about right, what some of the other yachts have reported to experience was probably more than what Roger forecast, certainly he didn't mention gusts of 80 or whatever, but in the forecast he gave us and what we experienced his, his forecast was very accurate, because we, mind you, we were east of the, of the system.

Q32 What were the weather reports given to you by the Bureau of Meteorology compared to what you experienced?

A We, the Bureau forecast that I had, the one which I collected from their booth what we experienced was higher than that.

Q33 Right.

A They, they were sort of saying 45 to 55 maximum. I spoke verbally with a, the Bureau forecaster and he said that he had an update through and we might see 45 to 55.

Q34 Were, were you also a radio operator at the time, as navigator?

A Yes.

Q35 O.K. And do you hold a radio licence - - -

A Yes.

Q35 - - - certificate? And just as you were leaving Sydney or a short time after that, did you receive any type of warnings?

A We heard a storm warning broadcast.

Q36 And who was that broadcast from?

A We got that through the, a Bureau update which would have been on channel, on the V.H.F.

Q37 And who, that would have been through - - -

A Sydney Radio.

Q38 Sydney Radio. Right. And what can you recall that storm warning, or can you interpret a storm warning for us now?

A My interpretation of a storm warning is, and give or take a few knots, is, you know, 47 to 65 knots, that was the figure that I had in my mind, and I don't know whether I might be a few out on that, but when I heard it, I said to two or three of the blokes that were on the boat that have experienced basically said, Shit, you know, yeah, things are cranking up, and obviously the system's changing a bit. It didn't concern me all that much because we, you know, Roger said, you know, we, we, in the week talking before, you know, If this develops, it could be quite nasty, you

know, and we just assumed that things had got a bit, you know, there was going to be a bit deeper cell of low pressure air form, and we were probably going to, you know, just up the ante a bit.

Q39 O.K. And Roger Badam's report, you can make that available to us at some stage?

A Yes.

Q40 O.K. Now when you were in those storm conditions did you observe any red flares at all?

A Yes, we did.

Q41 At what time did you observe those red flares?

A We - - -

Q42 Can you recall?

A We seen flares, the exact time's testing memory, but I would say we seen a, I think we seen five flares on the evening of the 27th and they ranged from, it was around about 8.00pm through to 9.30.

Q43 O.K. And did you radio the positions or your estimated positions of those flares?

A Yes.

Q44 And - - -

A To Telstra Control.

Q45 Right. And you logged all those positions as well in your radio log?

A We plotted them on the chart as, as well, but that chart unfortunately, I believe, has been, it got, we did have a bit of a leak near the chart table and I think it's become papier mache, but there was a lot of

radio action at the time, and obviously other boats in the vicinity did see the flares and were recording them. Some of the reports were very similar to ours and we were very conscious of making sure anything we did report was accurate, and in cases where we were unsure of the accuracy of the bearings we didn't, we, we plotted what we thought and reported, but we didn't, some of the yachts had coinciding reports with us.

Q46 Were you in a position to, to assist any of those sightings?

A Our problems was we could only sail the yacht on starboard tack because of the split in the mast on port tack, which meant we could only really make a course well north of Eden, our concern is to tack the boat at any time could break, the mast is about 120 feet high, break that mast would put us in, in a deep deal of bother, and possibly the mast of that size would end up with a severe hole in the hull, and the Telstra Control were aware of our situation, so the best assistance we could be was as a relay, we had a very good radio, or just report what we seen.

Q47 Well, what sort of radio messages were you receiving or that, or that you were relaying to Telstra Control?

A Well, we were listening to all the radio messages that were coming through. A lot of yachts were reporting their situation, there was a, the Team Jaguar situation, and a trawler was trying to locate them and that seemed to be having difficulty finding them.

There was also, and I can't recall the name of the boat, but I do know that the yacht, Kendall, Kendall was involved in helping with that search, was, and they must have been quite close to us, we didn't see them, but they were reporting very similar reports to us.

Q48 O.K.

A may have been Henry Kendall, or Kendall Airlines.

Q49 O.K. What, do you know what type of batteries that you had on board the, the boat?

A We've got a genset on the boat.

Q50 Mmm.

A So we don't have any problem with battery power. I think we've got two large banks, I don't know the full details, but battery power was not an issue with us.

Q51 Right. Do you know that if they are either wet cell or are they dry cell batteries?

A I can't answer that.

Q52 Can't recall, O.K. That's all right. Do you recall receiving a radio message from the Telstra Control in regards to vessels retiring from the race, or being given some relief?

A In - - -

Q53 As a, as a result of the storm - - -

A Yes.

Q53 - - - what, do you recall a message that was broadcast by Telstra Control for vessels to take any action that they may deem necessary?

A Oh, yes, I do recall Telstra Control, you know, basically reminding people of the fundamental rule, you know, to proceed at their, you know, to make their own decisions, and the skipper of the boat make the decision whether to continue to race, or retire with the race, and to think carefully about that decision.

Q54 Mmm.

A Yes.

Q55 Have you ever heard that broadcast in previous races?

A No, I haven't.

Q56 Have you heard of that, that being broadcast in previous races at all?

A No, I haven't.

Q57 O.K. Do you feel that it was necessary for the Telstra Control to broadcast that message, that fundamental rule?

A Well, I think it would have definitely brought to the attention of some people that may be very tired or weary, some yachts, the fleet was spread out over probably 120 miles late on the night of the 27th, and I think it probably, those boats that were still on the east coast of, of, of, say, Victoria or southern New South Wales, it would have brought them to an attention that things were really quite serious, weather conditions ahead. I do remember in the '94 race, I believe, it was, when there was a large storm went through Bass Strait that certainly there was some discussion from Telstra Control about, you know, yachts

being aware of the, of a front moving through the area and, and relaying extra forecasts to us, yeah.

Q58 Mmm. Do you recall hearing any broadcast messages from other yachts about the extreme weather conditions that they were experiencing?

A Yes, I, Sword of Orion's sent a radio message back from a position saying that they were receiving gusts of 80 knots, in excess of 80 knots, I think was their call, and that was on our afternoon, late afternoon of the 27th.

Q59 At that stage had you received any damage to your vessel?

A We had obviously, we were, we were, well, we, this is, we were on our way back with our - - -

Q60 Right.

A - - - cracked mast, yeah.

Q61 O.K.

DETECTIVE SENIOR CONSTABLE GRAY

Q62 In relation to the Bureau's weather predictions or forecasts, were you aware of this add 40 per cent formula?

A No, I wasn't.

Q63 O.K. Was that the first you've heard of that?

A It is, yes.

Q64 And then has it been mentioned previously in the other weather briefings at Sydney to Hobarts that you know of?

A No.

Q65 Right. O.K. And I believe that's also, there was a formula that they put out in relation to wave heights as well - - -

A

Q65 - - - 87 per cent or something?

A Yes. Never heard of that, no.

Q66 O.K. Now you said earlier that you heard some communications with the Business Post Naiad. Can you - - -

A We never had any communications, we, we observed or listened to - - -

Q67 O.K.

A - - - communications.

Q68 And what were those communications, do you recall?

A They were calling for assistance and wanted, my recollection was they were calling for, to be lifted off.

Q69 Right.

A Now I believe, my recollection, they'd done a roll - - -

Q70 Right.

A - - - but they didn't, I, I felt at the time that they probably didn't explain their position that well, 'cause I don't, at that first point of call I don't think they'd, apart from saying they might have had a bit of shock on board, but I don't think there'd been anyone that was drastically injured.

Q71 O.K.

A And I remember Telstra Control saying they would refer that to, to Canberra.

Q72 Right. Now did you hear any communications between Telstra Control and the Winston Churchill at all?

A No.

Q73 O.K. Did you at any stage in the race see the Winston Churchill?

A No.

Q74 In relation to the radio procedure and the general communication on the radio, were you satisfied with it at all?

A There was a lot of communication on the radio and I felt that Telstra Control done a pretty good job because whenever we wanted or reported in we, they would always, if there, if there was a lot of action they would always say, Look, we'll take you, we'll get, we'll come back, and they always did. Sometimes it might take 10, 12, 15 minutes but they always come back. So we'd given an E.T.A. which was, it was wrong, to Eden, which we wanted to update, once we realised that we just couldn't get, just get upwind when the wind switched back into the west north-west and we, and Eden had, we heard, overheard a conversation from Eden saying, Where is Wild Thing, or, When is it due in, and we wanted to just to get messages through and we eventually got the message through, just so that, mainly from our own family point of view, that they

knew that we were O.K. and we were, you know, we were just running a bit late.

Q75 O.K. So then after motoring back into Eden you've stayed there for some time and, and did you return back to your port on the vessel or - - -

A No, the boat was, we got, went into Eden and we tied up alongside a fishing vessel, there was a fair bit of activity there, and I left Eden, we got in there probably around half past 9.00 in the morning and I left Eden that afternoon at 2 o'clock, I flew out of Merimbula. We didn't hang around. The boat was left there for 3 or 4 days until we got an accurate forecast to, to take the boat back with the mast in its condition to, to, to Mornington.

Q76 O.K. Steven, is there anything that you would like to add to this interview where you feel it may assist us in our inquiries to the Coroner? Have you any thoughts or any views on, on, may, improvements that the club or that we can put forward?

A Oh, it's easy, look, it's easy in hindsight. I think perhaps if, and I don't know that it's even possible to do, but if someone would be able to say, well, look, you know, there is 70 to 80 knots of wind forecast tomorrow or the next day, prior to starting, some of the yachts would have perhaps gone into it perhaps a little bit more prepared for, for what actually happened, especially some of the smaller yachts or people that may have, you know, may not have had as

much ocean going experience, you know, I think the word 70 or 80 knots is probably enough to, to bring 'em to attention, 45 to 55 knots is regularly - - -

Q77 Mmm.

A - - - you regularly get that in a Sydney to Hobart race, which probably indicates, oh, well, it's just another tough race.

Q78 Mmm.

A But certainly, you know, the more, the better understanding we can all have of the weather the better it will be, I think, yeah.

Q79 Mmm.

A Perhaps understand what may happen.

Q80 Mmm.

SENIOR CONSTABLE UPSTON

Q81 Are you satisfied with the way the Cruising Yacht Club conducted themselves, as far as the, the race organisation's concerned?

A Certainly all our involvement with them was fine, you know, they, I think in the circumstances and the conditions they done an exceptional job, yeah, they, in our involvement, as I said, we were, we were never in any danger, so I can only say from where we sat, it, it was fine.

Q82 O.K.

DETECTIVE SENIOR CONSTABLE GRAY

Q83 Steve, are you aware of the stability index of Wild Thing?

A Reasonably, I know that we came in stiffer than we expected - - -

Q84 Right.

A - - - yes - - -

Q85 So you were in excess of 120 degrees or, as far as you're aware?

A I think we were about 121, I'm just - - -

Q86 Right.

A - - - but, look, I'm just estimating.

Q87 O.K.

A But, mmm.

Q88 Now you're aware that the minimum requirement's 115 degrees or the - - -

A Mmm.

Q88 - - - Sydney to Hobart - - -

A Mmm.

Q88 - - - it was a cat. 1. What are your views, or do you know anything about grandfathering?

A The grandfathering - - -

Q89 Grandfathering clause.

A - - - clause? Look, I don't know a real lot about it, no - - -

Q90 O.K. If I was to tell you that the minimum would be 110 degrees - - -

A Mmm.

Q90 - - - that is in fact the, the way the clause is, it, it's yachts which don't reach the 115, but do not go below the 110 - - -

A Mmm.

Q90 - - - come into the grandfathering clause. do you have any views on that in relation to it being a cat. 1 and having this, having this special section which allows yachts to go in between 110, 115? As I - - -

A Well, I never - - -

Q90 - - - as

A - - - I've never sailed on it, I have a couple of little rules in my own mind, and that's only to, just for, ... yachts I go on and yachts I don't go on.

Q91 Mmm.

A I haven't really thought about it, no.

Q92 Mmm.

A If I was probably going on an older yacht or a yacht that, that come into it, I might think about it a bit more carefully. I, the one thing that's come to mind which fits, you know, I, some of the yachts I've been on in Sydney to Hobart races when we've been down to storm gear, sometimes I've sensed that the storm gear is, in the severe conditions we had this year, the storm gear could be a little on the large side, you know, perhaps if, perhaps when the sail makers design storm gear they, they still want you to go fast in storm conditions, but maybe the, the storm sails, the ratio should be perhaps a little less - - -

Q93 Mmm.

A - - - so that you actually are, you know, basically in storm conditions you should be surviving, you know, not

trying to race, and if you've got too much sail up and you can't slow the boat down, which I think is often a problem, you know, you're going to slam a lot harder, you're going to run the risk of being knocked down a bit easier, and those sorts of things.

Q94 Mmm. Do you think that there's room to make the Sydney to Hobart a category 0 race, in view of what happened last year, and the unpredictability of - - -

A Yeah, but I think that, again in our situation with the safety gear that we had and that, we felt very comfortable with - - -

Q95 Mmm.

A - - - now that might be a bit different if we'd - - -

Q96 Well, you would have in fact - - -

A - - - been in our life rafts. Mmm.

Q97 Yeah, well, you would have in fact, at 121 degrees would have been eligible for a cat. 0 anyway.

A Yes. Well, the, your Wild Thing just only last week competed in the Auckland to Fiji race, and that was a category 0 race.

Q98 Yeah.

A So the boat probably meets those standards anyway.

Q99 Yeah.

A And we, basically we believe our safety systems are, are, you know, we talk about it, we know where, you know, what, what, how we're going to handle it.

Q100 Yeah.

A And everyone on board probably has a, is conscious of it.

Q101 Mmm.

A It's not an issue about harnesses and things like that. The people, yeah, I don't know how other boats handle that sort of thing, I just know that boats that I go on I always like to make sure that everyone knows what we're going to do if we're going to get off again.

Q102 Mmm.

A Yeah. But just reading, and I've only read the Winston Churchill articles and the one that was in the weekend about John Stanley and that, obviously they had their procedures of getting off the boat worked, and they very, very nearly pulled it all off, but, yeah. I, the safety regulations, probably obviously, obviously perhaps more flares may be an issue, and perhaps, you know, at least two E.P.I.R.B's, you know, I must say I was always under the impression that there was an E.P.I.R.B. in the life raft, I've since learnt there isn't, so, which is interesting. Might be scratching around, swearing and cursing if - - -

Q103 O.K. Anything else?

A No, I think that's about all.

SENIOR CONSTABLE UPSTON

Q104 O.K. The time on my watch is now 12.35pm. This interview is now concluded.

INTERVIEW CONCLUDED