SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston and Mark Lawrence at the Melbourne Water Police Station in Victoria, St Kilda, on the 18th of the 4th, 1999 and the time on my watch is now 2.23pm. And also present and seated directly opposite me is Detective Senior Constable Gray from the Bega Detectives. And, Mark, for the purpose of the interview, would you like to please state your full name?

A Mark Alan Lawrence.

Q2 And your date of birth?

A 19th of the 3rd, '59.

Q3 And your address?

A Number 6, 370 Montague Street, Albert Park.

Q4 And your occupation?

A Sandwich hand.

Q5 O.K. Mark, as we explained to you earlier, that Senior Constable Gray and myself are making inquiries into the Sydney to Hobart Yacht Race - - -

A Mmm.

Q5 - - - and speaking to people either directly or indirectly involved in the race, and I understand from our discussion earlier that you were on a vessel by the name of Not Negotiable. Is that correct?

A That's correct.

Q6 And who owns that vessel?

A Michael Dolphin.

Q7 O.K. And how long have you sailed, sailed on that vessel?

A I've sailed probably for about a year on that vessel.

Q8 O.K. And could you give me your history of sailing?

A My history of sailing, I started sailing as a 9 year old down at McRae Yacht Club down the southern end of the Port Phillip Bay and I've been involved in some form or another of sailing ever since. I did a lot of sailing as a kid in small boats, in catamarans, and then later myself and my father got a keel boat and we sailed that for a few years down there, a 30 footer. And then later I got into wind surfing, did a lot of wind surfing and competed at a national level in wind surfing in several different disciplines, wave sailing, course racing. And then I've moved up to Melbourne the last 10 years and got more, over the last 5 or 6, got back into keel boats - - -

Q9 O.K.

A - - - and started doing some ocean racing out of, out of Melbourne over the last few years.

Q10 And how long have you been sailing on the, Not, on the vessel, Not Negotiable?

A For a year.

Q11 And what, as a crew member, what is your main play on that, on that vessel?

A All positions, but in the Sydney/Hobart I was doing a lot of steering, I was one of the main helmsmen.

Q12 O.K. And let me now take you to, to a time where, some time prior to the race, and you can enhance me further on that, was that you started to gather certain information - - -

A Yeah.

Q12 - - - about weather.

A Yeah. I have a friend who works in the Bureau of Meteorology and, who is involved in weather modelling, and I asked him some time previous, he's also a bit of a keen sailor, and I said, Look, can I come over and talk to you about the weather before we get up to Sydney? So we went into his office on the 24th and he went through the current weather models, four different models at the time that they had that he showed me were the European modelling, the English, the American and the Australian. He stated at the time actually he felt that the European one tends to be the most accurate for this part of the world. And, and he said, Look, they're all going in different directions at this time but here's what they're all saying and, so you've got some background on what's going on. He also had all the thermal charts for the east coast current, so that we could have a good picture of what the east coast current was doing so that we could maximise it to our advantage for the race.

Q13 O.K. What's your experience with, with weather and the predictions of weather as such?

A Well, with weather having been a sailor, you know, for 30 years and, and a farmer for a fair whack of that time as well, you're always involved in the weather, and a surfer as well, did a lot of surfing, so you always had a weather eye out. Not to mention over the last few years I've been doing a lot of gliding and got myself a much deeper understanding of, of weather, how it works and what, what's involved because part of gliding is you're, you're flying in the atmosphere. And we do our own weather predictions each day at Benalla, where we take a temperature trace and construct our own weather each day so that we have a good idea of what we're going to encounter and, you know, as we go cross country flying for that day. So that, that knowledge has helped me greatly with my sailing, because just having a deeper understanding of how, you know, what goes on with, with the weather and what drives it and what, you know, what it's all about.

Q14 So it'd be fair to say that we could basically name you as a, as a meteorologist in, in a field of, of your own sort of expertise?

A Oh - - -

Q15 Amateur - - -

A Amateur meteorologist, yeah.

Q15 - - - meteorologist.

A Well, yeah, in this, and in particular this race, I sort of, that was the sort of role I had. So yeah.

Q16 O.K. All right. Well, now that you've, you've gained all this information from the Bureau of Meteorology, who, who was that person that you spoke to?

A At the Bureau here?

Q17 Yes.

A Bertronne, but I can't recall the, I don't know his surname. I just know him from sailing.

Q18 O.K.

A I can find it out for you later, if you like.

Q19 All right. Well, how did you use this information in setting courses and, and, and the like for the race?

A Well, two things ..... I missed the, the actual race main weather briefing because I didn't fly up until Christmas Day, but on the morning of the race I talked to the meteorologists that they had there that you, that were freely available for you to go and have a chat to about what they thought was going on with the weather for the next, you know, few days. So I got 'em and had a talk to 'em and said about, mostly about the change that was going to come through, and the timing of it and the direction it'd come at. So I talked to them at length and I said, Are you sure this change is going to be a south-west westerly change? And they said, Yes, we're, we're very sure of that. I said, Well, it's not the usual situation. The usual situation is a, a southerly change that effectually goes to the south-east and moderates rapidly. They said, No, it'll be a westerly change. And I asked

three of them, the three of them that were there that question and I went around and asked 'em again because it's such an unusual situation in that that's, the only time you'd normally see that sort of weather would be mid winter on a very strong front that'd come up from, you know, the Roaring Forties or the Fifties or beyond and just sweep straight through on a westerly sort of way, and that's the only thing you'd, you wouldn't really see that this time of year. That's quite unusual. So I, having all that information and having really hammered 'em on it and told 'em I'd looked at the weather modelling in Melbourne and what did they think was the likely scenario, and they said, The European model is the one that's shaping up as the best predictor. And then they, we went into what predicted wind strengths and they said, The change will come through at 30 to 40 knots with potential gusts of 50. And so I said, Fine. And it'll come from the west, I said, Fine, in that case as far as we're concerned tactically there's only one place to be and that was west of the rum line, and no way would you want to go out to sea because it would put you in a bad, well, not bad but just you wouldn't be in as advantageous a situation as being in close. So, yeah, that was, that was our weather.

Q20 And your track basically down the coast was to stay west of the rum line?

A Or on the rum line, because the rum line takes you right off Gabo.

Q21 Right.

A And just, we didn't bother going right out to the edge of the continental shelf because the east coast current was running, running very inshore this year, so there was no need to chase it all the way out to the continental shelf. So we were quite happy staying in reasonably close.

Q22 Mmm.

A Purely for tactical reasons.

Q23 Mmm.

A Purely for speed.

Q24 Right. And as you proceeded further south, and let's look at the time of the 27th when the storm hit - - -

A Yeah.

Q24 - - - whereabouts were you at that particular time?

A Well, go back 12 hours - - -

Q25 Mmm.

A - - - when the change came through, which was about 2.00 in the morning for us - - -

Q26 Mmm.

A - - - we were, oh, I'm not sure, halfway between Ulladulla and Eden, I think, and the change came through at 30 to 40 knots, we didn't really get many gusts above that, but spot on the money and, and, yeah, no problem with that. We had those conditions for the next 12 hours. It moderated a little, went up a little

but basically stuck around the 30 knot mark, sometimes down to 20, sometimes up closer to 40, but around that sort of mark until 2.00 in the afternoon when the, like, a second front hit.

Q27 Mmm.

A For us where we were it was a, it came across as a second front. Talking to Bertronne later, he said some people saw it as a front, others didn't. It depended on where exactly you were at the time. But we saw it, I saw it as a, a low roll cloud, like, only 2, 300 feet up and running straight sort of south-west, so south-west, north-east type thing.

Q28 Were you watching the barometer at the time?

A Yeah. Well, I was on deck actually from 12 o'clock midday to 6 o'clock that afternoon and we had an electronic barometer that tracked the, you know, and gave you a history of what the pressure was, and we'd never seen it drop so fast ever. It just dropped like a stone, like, it was unbelievable how quick it went down. So we knew we were in for a bit more than just, you know, somethin' was brewing and it didn't look good.

Q29 Mmm.

A So we knew there was goin' to be trouble, but what sort of trouble we didn't really know. They, they were forecasting, you know, wind up to 50 knots so, and we'd all sailed and raced in that sort of wind before. So it wasn't, you know, we knew it was going to be not

much fun, but it wasn't something that was going to be too out of the ordinary.

Q30 So when you were on deck for that length of time, and obviously you were watching all the instruments and you were experiencing 50 knots, 55 knots?

A Well, the change, at 2 o'clock the wind just started to increase. Once this roll cloud went through, very soon afterwards it started to increase and it went to 30, up to 40, then it started to hit 50 within less than half an hour, and within probably three quarters of an hour we were all experiencing 60 and gusts up to, I would estimate, about 80 knots. Our wind indicator only went to 68 'cause that's the nature of the instrument, it's a ..... instrument. And actually once it started getting over 60 it wasn't keen on increasing, I think just friction didn't let it increase, but we were, you could feel gusts coming through a lot harder than that, you know - - -

Q31 Mmm.

A - - - a good, you know, 20 knot harder.

Q32 So you can only basically record wind speeds up to 68?

A 68 knots, yeah. So the maximum wind we ever saw was 68 knots, but that's only what the instrument said.

Q33 Right.

A But we, the thing was pegged at 68 knots, but we were getting higher gusts. You can, you can always feel an increase in pressure - - -

Q34 Yeah. Yeah.

A - - - in the wind. So you'd see it, you'd look at the instrument going, Jeez, it's windy, and the thing was pegged and then we were getting higher gusts. So you knew it was up around the 80 knot mark.

Q35 Mmm.

A And then over the H.F. radio talking to other, or hearing other people, they said that they were, who had different instruments, they said they were seeing winds in, you know, 70s and 80s.

Q36 Mmm.

A So - - -

Q37 And you went into Eden?

A Yeah. We sailed the afternoon, we went down to storm gear. There was only two of us on deck because two of the others were, Michael and, and John and Laurie were downstairs sort of manning the radio and things like that. Two other guys were pretty sea sick so they were pretty laid out in bunks, so there were just two of us on deck. We steered the whole afternoon. I mean, we weren't very keen on the idea of pulling out, but we'd been in these conditions now for something like 4 hours and it was, like, the sea state doubled in an hour and then it, 'cause it, previously it was like 3 to 3 metre seas, 3, 4 maybe, and then it went up to sort of 4 to 8 and bigger stuff coming through at probably 12 metres. It was maybe even bigger again, there was some really big sections of waves coming through. So we were going through it and we were just picking, I was

doing a fair bit of steering and we were sort of picking our way through the waves, and the whole trick is to see a section coming towards you that looks like it might break and either bear away and try and speed up and go past it, or slow up, pinch up a little higher and let it go through and then go past it, but either way don't get caught under it, you know? That's the worst thing you can do. And my experience from wind surfing, especially from surf sailing, I think helped enormously because you're used to on a sailboard roaring out through the surf and you're always picking and judging each wave, even each chop when you're on the Bay. And, like, this, the waves there were like, they were like a chop in that it wasn't a continuous rolling swell. You've got a more or less length of wave, but certain sections will be bigger than others, and certain sections would just jack up for no good reason and start to break. So it was sort of like that, you really had to pick each one on its merits and decide on your course through each one.

Q38 Mmm.

A Which isn't easy when you're looking into 80 knots of wind.

Q39 Right. And were you surprised then from those, the weather predictions that you received and any, any forecastings for the conditions that were actually experienced?

A Yeah. It was the top of the range, but I wasn't totally surprised. I mean, the thing is, with fronts is, or with this, you know, this area it's, the fronts come through but they're extremely unpredictable.

Q40 Mmm.

A Like, they really do their own thing and I think the Weather Bureau gets it right so many times it's sort of used to it, but they do, I remember a few years ago the Bureau did a, they wanted to get some more information about how the fronts travel up the Strait. So they set up a whole stack of sensing stations along Bass Strait to sort of track them as they went and see how they speed up, slow down, what they do. And they had money enough to run the thing for, I think it was 2 weeks or somethin' like that. Nothing came through. I mean - (DEMONSTRATES AUDIBLY) - it was just classic, you know?

Q41 Mmm.

A It's just exactly what they're like, you know, they'll speed up, slow down and do all sorts of things. So you've got to be prepared for anything.

Q42 Mmm.

A Because, yeah, anything can, anything can happen.

Q43 Do you think the Weather Bureau got it right?

A I think they were a lot closer than most people seem to be giving them credit for. However, I feel that the people, the other sailors that I talked to didn't understand what they were being told. I think it was more a case they just didn't realise that, that a gale

warning means winds between these strengths with gusts higher again. The Weather Bureau only talks the average wind, not the higher gusts.

Q44 The mean wind.

A The mean wind which a lot of people don't really understand that.

Q45 Mmm.

A And they just didn't really understand what the difference, you know, between a strong wind and a gale and all those sort of things are, and what, what, what to expect and what sort of wind speeds they're talking about. I thought the Weather Bureau did a superb job.

Q46 Right.

A Because this, this whole system came through so quickly and developed so quickly that just getting a handle on it would have been difficult, let alone forecasting it.

Q47 Mmm. Mmm. Do you think that there could, should be a, an education program?

A Absolutely, absolutely. I think that's the way to attack it, is to educate the sailors, not castigate the Bureau.

Q48 Yeah.

DETECTIVE SENIOR CONSTABLE GRAY

Q49 Yeah.

A I think the sailors need to know or have a better understanding of what they're being told and what, and what actually, their information, because when you get down to it the marine forecasts are virtually a

commercial forecast for commercial shipping, and you're dealing with professional sea people, professional sailors, whereas we, you know, we might do lots of sailing, but we're still only amateurs and weekenders.

SENIOR CONSTABLE UPSTON

Q50 Mmm.

A And we don't do a whole Master's ticket - - -

Q51 Mmm.

A - - - that you do as a commercial sailor or even a first mate's or whatever - - - .

Q52 Mmm.

A - - - whatever level you've gone up through, plus the amount of time they spend at sea.

Q53 Mmm.

A So yeah, education would be, I think, a very good thing.

Q54 Mmm. What, what caused the Not Negotiable to actually track into Eden?

A Oh, yeah, I was sort of rushin' it a bit. We'd been sort of taking a kicking for about 4 hours. As I said two of the crew were crook and Michael put his head up and had a talk to me and said, What do you think? And basically we just had a conference. And I hadn't heard all the stuff that had been happening over the radio, but he'd been giving us edited highlights every 15 minutes. And to hear, a lot of people go to sea and never heard a, a mayday, and just to hear one after the other, and then hear about Winston Churchill going down

with all hands, and when I heard they'd gone to the rafts I didn't like their chances at all. Well, we didn't even know they'd gone to rafts at that stage. And so I didn't like their chances at all of ever seeing any of 'em, because the sea state was so extreme that just, look, you just couldn't even look into the wind, you know, let alone hop into a life raft.

Q55 Mmm.

A So yeah, we sort of, and then we just had a conference with him and, and Michael said, What do you think? And I said, Well, what I think is, we're steering around at the moment, we're making way, we've sort of got it all under control, but we've got a safety margin of about nothing and it'd take very little to tip us over the other side. At the moment it's daylight, we've got a fighting chance, we can, you know, keep a handle on things, but I've been up here for nearly 6 hours now and we - - -

Q56 Mmm.

A - - - we need some more people on deck and we haven't got 'em, but that's, you know, your, it's your call.

Q57 Mmm.

A 'Cause he sort of wanted me to say, What do you reckon, let's just pull out. And I said, Well, no, these are the facts as I see 'em - - -

Q58 Mmm.

A - - - but it is your call. And he didn't want to pull out by, as in, it's not in his nature, it's the first

time he's ever pulled out of a race and me, me the same. And, and when I said, But look, we're doing it in daylight but at night time this is going to get very, very difficult.

Q59 Mmm.

A 'Cause in day you've got a chance 'cause you can read the waves as best you can for what you can see, but night time you're just totally at the mercy of the elements. So he said, All right, turn around, we're going to Eden. So it was simple as that.

Q60 And you didn't have any troubles tracking back into Eden?

A No. 'Cause we were running at about a 60 degree apparent angle to the sea and making good speed. We'd, we'd, we'd kept our speed up to give us manoeuvrability. We were a bit overcanvassed, but didn't, didn't worry about it because, you know, if you've got control, if you've got enough speed, you've got manoeuvrability, then you've got options. You're not just sitting there waiting for the next one to, to nail you.

Q61 Mmm.

A So we, we were making good speed actually. We were still doing 7 knots and that's a good speed for that boat 'cause it's only a 34 foot boat. So we just, we were running at 60 degrees and we just tacked it over and virtually 60 degrees apparent straight at Eden. 'Cause we were at Eden or Gabo, between Eden and Gabo

at 2 o'clock, we'd chugged along for another 4 hours at a speed of 6, 7 knots, so virtually it was just onto the other tack and the same angle to get back. And we had enough light to get us in behind the mainland so the sea state dropped right off as soon as we got in behind the mainland. So once it actually got dark, we didn't get to Eden til about midnight, but the sea state dropped off enormously as soon as you got in behind the shelter of, of Australia.

Q62 Mmm. So with that weather prediction you got, the European one, did that say there was a, a low moving ..... weather front?

A That was forecasting, see, you had two big high pressure systems butting up against each other. Now that's not a natural state, something has to happen, you'd have to get a low pressure form of some description.

Q63 Mmm.

A A trough, a low, something like that has to happen. So the European model was forecasting a small but intense low.

Q64 To go, travel - - -

A ..... what we got.

Q64 - - - south?

A How exactly it would track, they weren't real, 'cause we're talking about something that was still a fair way out, we're talking about a system that was pretty unstable - - -

Q65 Mmm.

A - - - so they weren't super, you know, accurate or, but, you know, straight off they just said, it's going to, something's going to form - - -

Q66 Mmm. Mmm.

A - - - and what it does after that, well, we'll wait and see.

Q67 So I, we just discussed a minute ago about interpretation and education. If I just read a section out to you from this Bureau of Met preliminary report, you could understand this, but obviously a lot, a lot of others wouldn't. Storm warnings for both the coastal waters and high seas referred to winds of up to 45 to 55 knots. By international convention, these are mean wind speeds. It is known that wind gusts cause large temporary fluctuations about this mean and that maximum gusts of up to 40 percent above the forecast mean wind are to be expected. Therefore, with a forecast of 45 to, to 55 knots, regular gusts in excess of 70 knots were to be expected.

A Yeah.

Q68 So, so you understand that from an educational point of view?

A Yeah. Yeah.

Q69 And do you think that it is the case that some people would just look at 45 to 55 and say, Well - - -

A That's all we're going to get - - -

Q69 - - - that's it?

A - - - yeah. And, yeah, exactly, that's all they expected and that, that's because also, the other thing to remember is that a lot of the people who sail out of Sydney very rarely experience those sort of winds.

Q70 Mmm.

A I mean, it's considered all time, if you ever read any of the old reports on the Sydney/Hobart, you know, if the wind hits 30 knots they reckon it's, it's a howling gale.

Q71 Mmm.

A But I've done more than one ocean race out of Melbourne to Tasmania and we've had 50 knots all night.

Q72 Mmm.

A And, you know, big seas and really taken a kicking, but in this case once the wind gets over 50 into 60, into 70 - - -

Q73 Mmm.

A - - - you start going off the Richter scale.

Q74 Mmm.

A The same as the wind and the sea state between, you know, sort of 20 and 30 knots is huge?

Q75 Mmm.

A Well, you go from 50 to 60, it, it's just as big a jump, and from 60 to 70 just as big a jump again.

Q76 Mmm.

A So it was, for us it was the first time we'd experienced wind as strong as that, but we'd

experienced conditions that were not that dissimilar before in, in sailing, in racing over here.

Q77 So having that experience sort of gave you motivation to sort of, Well, let's, let's go in the race and regardless of - - -

A Oh, well, we felt, we felt that even though we hadn't done the Sydney/Hobart before, we all felt pretty confident with our level of experience - - -

Q78 Yeah.

A - - - on board.

Q79 Yeah.

A We'd all done a lot of ocean racing and, and all had a good idea of what it was all about - - -

Q80 Mmm.

A - - - and particularly we'd all experienced, you know, harsh conditions - - -

Q81 Mmm.

A - - - before. So - - -

Q82 Mmm.

A - - - we felt that the level, we had adequate, more than adequate experience on board in that, in that situation.

Q83 Mmm.

A I think that was pretty much borne out, because we didn't break any gear and we didn't hurt anyone.

Q84 Yeah. That's right.

A So - - -

Q85 As far as harness and lanyard worn by you, what set up did you have?

A I actually bought my own one because I've, I'm strongly of the view that each crew member has got to be responsible for their own safety.

Q86 Mmm.

A Because the ..... gear is, is fine, but if there's better stuff about then, you know, it's your butt - - -

Q87 Mmm.

A - - - so you should look after it. So I went and bought a Stormy Seas full harness with a inflatable yoke life preserver and it had room for a, I got a pocket put in so I could stick a torch and a strobe in - - -

Q88 Right.

A - - - as well. And I also have my own leash that I use so that I'm confident, you know, I know the equipment and I know what I'm doing.

Q89 Mmm.

A Because often, see, I do, I usually do general crew and that means you might be up on the, changing a sail in the middle of the night or anything.

Q90 Mmm.

A So I want to know that the gear I've got, I'm, I know how to use it and I'm, I'm happy with it.

Q91 Mmm.

A And in fact I'm going to change it for next year because I'm going to make sure it's got a crotch strap as well, because a lot of people - - -

Q92 Mmm.

A - - - had troubles slipping straight out of 'em, which is understandable.

Q93 Mmm.

A So yeah, I think it's just an ongoing thing, you just try and - - -

Q94 Yeah.

A - - - look after your own responsibility of your own safety and keep up with it, and it's a small investment.

Q95 Mmm. Are you aware of the requirement to ensure that that harness complies with a standard?

A Yeah. Yeah.

Q96 And your - - -

A Mine was above that standard.

Q97 Your, how do, how do you deduce that?

A Because the standard only allows for a harness, mine was a harness with a life preserver integral to it, a, the CO^2 that inflated if you needed it.

Q98 O.K.

A But they're not compulsory.

Q99 But with the, with the standard I'm talking about, it's an Australian standard as far as its structural capabilities.

A Right. No. I didn't, I didn't, not aware of that, but it doesn't surprise me. I mean, most of the stuff has a series of specs that it's got to live up to, the same as life preservers are, and all the gear has to be up to a certain specification but I wouldn't be aware of the actual specification.

Q100 O.K. So you're not aware that it's a, are you aware that it's a requirement of the club to ensure, and I, when I say the club, the C.Y.C.A, to ensure that harnesses and lanyards must comply with Australian standard 2-2-2-7?

A No. I wouldn't be aware of the actual name of the standard - - -

Q101 Mmm.

A - - - or what exactly is required, but I am, I have participated in safety inspections before - - -

Q102 Mmm.

A - - - when you, when, to bring a boat up to Category 1 and to assemble all the gear to do that, and then the inspection follows to make sure that you have the appropriate stuff, but I don't, I'm not aware of each individual - - -

Q103 Well, if you've been involved in - - -

A - - - standard.

Q104 If you've been involved in a, in safety checks yourself - - -

A Mmm.

Q104 - - - in ensuring that they've been brought up to a Cat 1 state - - -

A Yeah.

Q104 - - - do you recall anywhere on the form or anywhere where it states in a rule that the safety harness and lanyards must comply with a strict Australian standard?

A No. I'm not overly aware of that, no. I just, it's like you buy a piece of safety gear. Does it, is it up to Cat 1? Yes. That's all the information that I need.

Q105 Now yours is a Stormy Seas harness?

A Yeah.

Q106 O.K. How old is that?

A I bought it a week before the race.

Q107 O.K. Would you be available for us to observe that, that safety harness?

A Yeah. Sure.

Q108 O.K. At a time suitable to you?

A Yeah. I can bring it in.

Q109 O.K.

A Stormy Seas, I think they're very, they advertise a lot in the, the sailing media and they're very progressive on this stuff and pretty switched on about what it's about.

Q110 Yeah.

A So, because the, the whole thing is if safety equipment is hard to use or uncomfortable to use - - -

Q111 Mmm.

A - - - it doesn't get used.

Q112 Mmm.

A So, but as far as lanyards were concerned, I didn't buy my own lanyard because I was worried about the standard of the ones we had. It was more a case of I had my own so that I could use it and be happy using it in the middle of the night when I couldn't see it.

Q113 Mmm.

A And not have to fumble around with it, not knowing exactly how the, the latch worked.

Q114 Mmm.

A So I wanted to know that I knew it and knew what it was, how to use it easily.

Q115 On, on your life vest and, 'cause it's a, it's a, it's an incorporated life vest, isn't it, with - - -

A Yeah.

Q115 - - - with a jacket, is there anywhere that, are you aware where there's, without the knowledge of being here with us unfortunately now, is there any, any labelling or markings on it to say that it complies with the standard?

A I know there's a label on it. I don't know exactly if it's got that on it or not.

Q116 Yeah.

A I don't know. I would assume so, but I don't know.

Q117 O.K. I have, I'll show you here this document or page from a document as the Bureau of Meteorology Preliminary Report, Meteorology Aspects of 1998 Sydney

to Hobart Yacht Race. In attachment 3 is the summary of weather forecast model output operationally available in the lead up to the race. Are you familiar with any of those models? And there's a number of them running across the page? In fact, if you turn over the page - - -

A Yeah, we've used, we, we actually used the, the G.A.S.P, the U.K, the Australian and, I'm not sure, what's this one, E.C.M.W.F, what's that stand for?

Q118 O.K. Well, if you turn over the page, there's a footnote.

A This is globe model, European, O.K. So there's two European ones. The Australian one is the Australian one, that's the European one, yeah, yeah, so we used the Australian, I looked at the Australian, the European, the English and I think it was the American. Yeah. So I'm familiar with these and they're all still going in different directions, by the look of it.

Q119 Well - - -

A Yeah. Because they all operate, they're all given a random .... numbers and they all sort of operate slightly differently on how they're going to end up. But usually when they all start to come together to a similar conclusion and then you can say, That's a very good chance, 'cause weather prediction is only the best chance of what's going to happen, it's not a gimme.

Q120 Mmm.

A You know, it's best chance, this is the most likely thing to happen, that's all.

Q121 Mmm.

A So - - -

Q122 O.K. You, you mentioned a minute ago just that they're all still not giving the same conclusion. Can you just build on that a bit?

A Yeah. Well, in that because in particular that they all pretty much came together and I think predicted the front, the first one, 12 hours previous which is pretty much what we were expecting. But I think the secondary system, the intense low pressure, because it developed so quickly it was virtually impossible to predict, because I mean, to physically predict or even do, you've got to collate some information and put it all together and you've got to take readings from all your outlying stations and make it all happen.

Q123 Mmm.

A And this thing happened so quickly.

Q124 Mmm.

A Like, you could just about watch the barometer drop. So that's just outside their physical capability, I would have thought, to - - -

Q125 Mmm.

A - - - you know, normally information, if you get it, it's 12 hours old, that's pretty good. And this thing had all happened, it was over and gone in 12 hours so,

you know, it started and finished in not much more than that. So I mean, virtually impossible to predict.

Q126 Mmm.

A I would have thought.

Q127 Yeah.

A As an amateur looking at it, I mean I don't have all the, I'm not a professional meteorologist but things happened so quickly that, but I thought you had to be thinking that, Gee, this is not, you know, it's lookin' ugly, you know, we've got our change, fine, that's what we've got, but really it's, there's a good chance it could be worse.

DETECTIVE SENIOR CONSTABLE GRAY

Q128 Yeah. Well, when you said that, that one of them, the Met officer said that, Oh, it's going to get bad and, you know, you could get a kicking.

A Mmm.

Q129 I can't remember what your exact words were.

A Mmm.

Q130 I mean, how do you interpret that from a meteorologist?

A Well, that's my interpretation - - -

Q131 The worst?

A - - - of what he actually said and that was actually talking to Bertronne, he said, You, you know, you're going to be in for some rough weather. Yeah, he just, you know, once I started talking with him about weather modelling and stuff, he knew I had a ..... of an understanding about what he was talking about.

Q132 Mmm.

A And he said, Yeah, it's goin' to be, you know, it's goin' to be pretty rough. But I mean exactly how rough - - -

Q133 How rough, yeah, you can't place that.

A You can't. I mean it's, it's, you know, it's not a, and it's not an exact science.

Q134 No.

A You know, as I said, weather is only predicting the best chance - - -

Q135 Mmm.

A - - - the most likely thing that's going to happen.

Q136 Mmm.

A I mean, you're talking about an extreme event, it's not exactly a likely thing. However, I might add that these sorts of changes and these sort of wind strengths are not uncommon over a course of a year in, in those waters and in Bass Strait waters. It's not uncommon to have, you know, over, over a year to have that sort of wind.

Q137 Mmm.

A It happens. It just happened to go smack through the middle of the Sydney/Hobart fleet - - -

Q138 Mmm.

A - - - but, which is just chance, but those, those conditions are not, you know - - -

Q139 Mmm.

A - - - totally extreme and never happened before.

Q140 Mmm.

A Nothing like it.

Q141 Mmm.

SENIOR CONSTABLE UPSTON

Q142 O.K. Well, is there anything that you'd like to add that you might find of benefit to this investigation?

A Oh, just about the education process. I think, I think our safety standard's very high, I think a few small things need, need to be looked at, but, like harness design, like personal E.P.I.R.Bs, things like that can only help. Also personal equipment that each sailor uses, you know, like we've learned here you've got to have good thermal wear, you know, you've got to have good waterproofs, you've got to have really good stuff, because hypothermia will make you pretty useless as a crewman pretty quickly so you've really personally got to make sure that your own personal equipment is up to the standard. And there's very good stuff out there, it does cost money but it, you know, it, it works extremely well.

Q143 Mmm.

A You can be soaking wet and still warm.

Q144 Mmm.

A So, you know, in, in those conditions it's pretty damn handy. But the other thing is just a, an education process about the weather and about what safety equipment can do for you and, and maybe, it's hard to give people education on rough handling, rough weather

handling techniques for boats, for yachts because they're all different. What worked on ours would not work on a maxi or even a 40 foot boat.

Q145 Mmm.

A A boat, you know, 5, 6 foot longer than ours, this, the techniques that we were using as in keeping our nose into it and, and ploughing forward and just ducking and weaving around the worst of the waves worked for us fine.

Q146 Mmm.

A Another bloke I talked to was on Wild One, which is a very fast 40, I think it's a 44 footer, and the best thing for them was actually turn and run away but stay on a wave.

Q147 Mmm.

A So that they didn't get overtaken by waves, they were doing 15 knots and more, but they were safe. They were sitting on the one wave and just, that's the only wave they had to worry about, and so they had speed, so they had options, so they had safety via their speed.

Q148 Mmm.

A For us it's not an option 'cause we can't go that fast.

Q149 Mmm.

A So if we turned around, we'd just have a wave, it'd roll straight through us. So you know, each one has to sort of work out what works - - -

Q150 Mmm.

A - - - best for them.

Q151 Mmm.

A I mean one of the lightest boats in the fleet got through and won the whole damn thing and, and actually Chutzpah, which I suppose you guys are probably going to talk to Bruce, I mean his would be one of the lightest boats in the fleet, one of the most modern lightweight boats and because of just good handling and knowing what to do, they got through, you know, unscathed.

Q152 What's the boat that was his?

A Chutzpah, spelt with C-H-U-T - - -

Q153 Oh, Chutzpah.

A Chutzpah, yeah. Pronounced Hutzpah.

Q154 Oh, is it?

A It's the Jewish word for front. Having lots of front, you've got lots of chutzpah.

Q155 Where's he at?

A He's Williamstown.

Q156 And that's a Murray 36?

A Yeah. Yeah. It would be, yeah. So it seemed at this stage that the sea seemed to treat everyone pretty equally and the difference is often, I mean, you know, you can be unlucky, but the differences often come down to the, the quality of the personnel and the decision making processes that were going on on board under extreme conditions. I mean, that's when it gets hardest, you know, that's the stuff, like, you know, if you're cold and strung out and you're sea sick and you

haven't eaten in 24 hours your, you know, your mental capacity is pretty limited.

Q157 Mmm.

A And I've heard it said that if you haven't slept in 24 hours that you're already at an equivalent of about a .1 blood alcohol level as far as your mental capacity goes.

Q158 Mmm.

A It's, I often discuss, you know, people always know about what happened in the Sydney/Hobart. And I don't mind talking to other sailors about it 'cause they understand what you're talking about, but when you're talking to just lay people who've only had media and stuff, they say, Well, why didn't you do this? Why, like, it doesn't work that way.

Q159 Mmm.

DETECTIVE SENIOR CONSTABLE GRAY

Q160 Yeah.

A You know, you're talking about a group of individuals who've been gettin' rattled around, bashed around, cold, wet, and haven't had any sleep in, in a day, it's, things become very different very quickly - - -

SENIOR CONSTABLE UPSTON

Q161 Mmm.

A - - - about how they react to situations, how they respond, all sorts of things, all sorts of things. All sorts of things. I mean, I experienced an ocean race a couple of years ago and we got a big blow through in

the middle of the night and I didn't eat much and I didn't, I wasn't crook but I didn't feel great. I got up and I was sea sick and then spent the rest of the race feeling terrible, but still working, but still feeling pretty bad.

Q162 Yeah.

A And so I learned from that to monitor my own situation. So now as soon as I knew there was rough weather coming, I take some Travel Calm 'cause you've got to work out what works for you, it works for me fine, and have one every 4 to 6 hours if I feel the need.

Q163 Mmm.

A And so I had absolutely no problems with sea sickness or anything like that and was able to keep myself in good nick to continue on with what had to be done.

Q164 Mmm.

A Which, because I'd learned from previous experience that this is what, you know, you've got to do.

Q165 Mmm. O.K. All right. Nothing else you'd like to add?

A No. I think that's, that's pretty much it.

Q166 O.K. The time by my watch is now 3.00pm. This interview is now concluded.

INTERVIEW CONCLUDED