

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview at the Hobart CIB on Tuesday, the 11th of the 3rd, correction, on Thursday, the 11th of the 3rd, '99. The time on my watch now is 2.45, and the interviewing is with Senior Constable David Upston of the Sydney Water Police and Constable Rod Stacey, of the Hobart Marine Division Police and Mr Errol Bert Pyke. Mr Pyke, for the purpose of the interview, could you please state your full name and date of birth?

A It's Errol Bert Pyke, 17th of May, 1941.

Q2 And your address?

A 12/403 Sandy Bay Road.

Q3 And your occupation?

A Mechanical engineer.

Q4 O.K. Now as I mentioned to you prior to commencing the interview, Constable Stacey and myself are conducting interviews in regards to the 1998 Sydney to Hobart Yacht Race, where four yachtsmen lost their lives and two others are still missing, and we're also conducting interviews in regards to things surrounding that case, so that we can present an understanding to the Coroner of New South Wales who will conduct an inquest.

A Right.

Q5 Your vessel, the Hummingbird, I, you obviously entered the race and competed in last year's race and you are the owner of that vessel?

A I am, yes.

Q6 And can you just give me an idea of your experiences?

A That was my sixth Sydney Hobart and the fourth in Hummingbird.

Q7 O.K. Now can you just give us an idea what type of vessel the Hummingbird is?

A Hummingbird is a Bruce Farr design, it's called a Farr 37, it's 37 feet long, it was built in 1986 by a company in Sydney called Glass Yachts Australia.

Q8 And you've had it since new?

A No, I've only had it for the last three years.

Q9 O.K. O.K. What we'll do is for the purpose of the interview, we, we know that you competed in the Sydney to Hobart Yacht Race, and you left the Sydney Heads at a certain time after the race started at 1.00pm, on Boxing Day.

A Yes, we would have cleared the Heads approximately 20 to 30 minutes after the 1 o'clock start.

Q10 O.K. And you continued south on a run line that was set?

A Approximately the run line did go out to sea a little bit further. We had ideal running conditions all night, which we, we covered more ground in the 24 hours of that night than we had in any of the other races. By 11 o'clock the next day, which was the 27th, we would have pretty well have been with Gabo.

Q11 And at what time did you experience any type of adverse weather conditions, or day?

A At around 11.30, on the 27th, in the morning, the wind

was, it had, it had turned southerly a bit before that, it had started to drop out and I was helming at the time and I was going to ask for more sail, and two of the, we have a call crew, like most yachts do, of four people, and two of these other guys came up and said, "We got to get the main off quick", and I said, "Well, what's the reason", and another bloke that we know, have said they've just radioed that they're an, no, two miles in front of us and they were experiencing 60 knots, and that was at 11.30, and that's when I guess we started to get the rough conditions.

Q12 What was the yacht in front of you that was

A The boat from Hobart.

Q13 The name, sorry?

A Andrew.

Q14 Andrew.

A Mm, and I mean, we used to talk to one another periodically and, so we then took the mainsail right off the boat, put it down inside. By the time we got that done and changed headsails down to a storm jib, we were having 40-odd knots, at that stage, but the sea was still flat.

Q15 And then what happened?

A We continued on roughly on, on our sailing course for probably another two to three hours and the wind steadily increased and of course the sea built up fairly horrendous and we were approximately 10 to 12 miles behind where we heard the other yachts in

problems, and, 'cause the radio's on all the time. The, our wind gauge, the top of the mast was covered in splume, so it, it only registered, I think it may have got to 70, but it just couldn't spin any faster because of, it was half under water anyway. The boat at that stage was sailing very comfortably in the conditions that we had, but we were sailing to survive, we weren't sailing to race at that stage, and this would have been about 3 o'clock in the afternoon. We did speak to Lou Carter before the sked to tell him that we were going to be a bit busy probably at sked time but at that stage we were going to carry on and, which we did. We had a, a crew of eight and we had an ABC journalist with us, which we had a, we had a web site set up for the state government. So there were nine people on the boat and the foreman of the crew became chronically seasick, which basically left four crew just try and sail the boat. We didn't get knocked down, we steered the boat, as it should have been done in those conditions, I suppose. As you'll see from the IMS certificate in offshore mode with all the people, all the gear, and what we've got to carry, the boat weighs six and a half tonnes, so for a, a 37 foot boat, it is quite heavy, which again makes it probably quite stable. I think that's one of the reasons why it did sail reasonably well in those conditions. But at around, I don't know, 4.00, 4 o'clock, or something, 4.30, we, we talked about it between the four of us

whether we continue or not and we kept saying, well, that, you know, we'll go a little bit longer to see what happens. Then they just come and said, well, the decision is yours, you're the skipper and it's your boat, and I said, "I think we'll go back". And at that stage the boat was still sailing O.K. I, I still believe if we hadn't have had the radio turned on and heard what was happening, we probably would have just kept going. Although the conditions were quite severe, we've sailed in, in seas similar to that before and but not, not the windstream, but then again, we had a lot less sail, but I, I, that was the main reason for turning back, and also the, having, having half the crew in bed, I knew in another six hours we're going to be pretty well stuffed, but, we're going to probably make, make mistakes, so we turned around and went back.

Q16 And where did you go back to?

A Eden.

Q17 O.K. At, but approximately what position were you at that time, say between 6.00 and 4.00, when you were experiencing, sorry, between, yeah, between 4.00 and 6.00, when you were experiencing the, those conditions that made you decide to turn back?

A We were approximately 25 miles south, south/east of Gabo.

Q18 O.K.

A We were, we were out in the strait.

Q19 All right.

A Yeah.

Q20 And what sort of winds did you experience there that were logged?

A As I said, we, we only registered, I think it was around 72 - - -

Q21 M'mm.

A - - - but bigger boats that were near us at the time, we were talking to them later, registered 80 - - -

Q22 M'mm.

A - - - and with, with all the, with water in the air, I'd say that would be a fairly accurate

Q23 Just, you mentioned the word splume, a moment ago.

A Yeah.

Q24 Can you just explain in your own words what you mean by splume?

A Splume is spray, I guy or, or water that's just blown, the air is full of it.

Q25 M'mm.

A You couldn't see very far, you could hardly see the top of the mast at times because of this. Once, once, once the boat got on the crest of a wave, where you're in the full force of it, you could hardly see the, the top of the mast, sitting down below.

Q26 So the wind conditions were - - -

A Fairly horrendous.

Q26 - - - fairly horrendous, yeah.

A Yeah.

Q27 Yeah, I can imagine. With the, the radio procedures,

is it the case that the normal practice is to leave the radios on or off?

A On.

Q28 At all times?

A Yeah, 24 hours a day.

Q29 That, that's your, that's your own procedure?

A We've always done that. It is a bit of a pain sometimes because the chatter will wake you up, but yeah, the, the HF is on all the time.

Q30 M'mm.

A VHF, probably not so often, but the HF's always on.

Q31 O.K. With the weather reports you, you mentioned earlier, were you present at the weather briefing held by the CYC on the -?

A Yes, I was.

Q32 O.K. And your crew were there or just -?

A None of the crew was there.

Q33 All right.

A Yeah.

Q34 And you were comfortable with the, the predictions that were given?

A Yep, because in every race I've had, we, we get hammered somewhere with a southerly, it's inevitable. I think all the races that I've done by the end of the first night, if not before, a southerly will come through, so, we weren't uncomfortable with the, with the predictions, that a, a southerly buster was going to come in.

Q35 O.K. What other checks would you have done as far as the weather forecasts before the race news?

A We would pick up the wind flow provided by Bureau of Meteorology on race morning, they give you print-outs of for, I think the last 12 hours and then the predicted, the next predicted four days, that's all we do.

Q36 O.K. Do you have a weather fax on board?

A No.

Q37 O.K. Now did you see any flares or anything of the kind?

A Yeah, we did. Nearing Eden we saw a flare, it was a fair way away. We radioed Lou Carter and told him our position and the approximate position of the flare, and he just said, "Well, thank you very much".

Q38 O.K.

A And that he'd look after it, but it was quite a long way off.

Q39 Yeah, obviously a parachute flare or a hand held flare?

A No, a parachute,.

Q40 O.K. And was there any radio conversations in regards to that flare sighting around the same sort of time?

A No.

Q41 You didn't hear?

A No.

Q42 O.K. And was there any reason why you elected to continue racing and perhaps not head towards that, that flare?

A We were heading towards it.

Q43 O.K. In, it, it was in actual fact on our line of, the line that we were taking to get back.

Q44 O.K. And, how far ahead do you say you saw the flare?

A Probably be about five to eight miles, I reckon.

Q45 All right.

A And when we got to the approximate position, there was nothing there, and we did call Lou Carter again and he just said, "Well, thank you very much". I, I don't know whether anyone else had contacted him prior to that or what.

Q46 All right.

A But that, that was the only flare we saw.

Q47 Yeah. Your visibility at that particular time though, you were saying -?

A It was at night, it would have been around, getting in towards midnight, I'd say we were heading, we were probably then due east of the, 'cause we got blown out a fair way on the way up and visibility was, was pretty good then.

Q48 All right.

A We, we were under the lee of the, of the mainland.

Q49 So the conditions weren't -?

A Weren't too bad.

Q50 Yeah.

A Yeah.

Q51 And when you got to that position there was just, there was nothing there that you could - - -

A No, we, we had a, well, we didn't search at all.

Q52 Yeah.

A We were, we just kept going.

Q53 All right.

A We were nearly buggered anyway.

Q54 Yeah.

A At that stage.

Q55 Yeah. Obviously seasickness was -?

A Yeah, there was only two of us that weren't, not actually seasick.

Q56 M'mm.

A And the other two were but they were O.K, but the other four were - - -

Q57 All right.

A - - - were pretty crook.

Q58 Yeah. As a result of the conditions, was there any serious injuries or - - -

A No.

Q58 - - - any serious damage to your vessel?

A No.

Q59 None at all?

A No, we didn't, we didn't break anything, well, we, were broke a plate, unfortunately.

Q60 A dinner plate?

A It fell out of the cupboard, yeah, but I don't know whether it was someone trod on it or -

Q61 Yeah.

A No, but that's all we broke.

Q62 O.K.

A But as, as I said before, the boat's handled it quite well, and it sailed quite well, and it was sailing comfortably but we'd lost half the crew.

Q63 Mm. How did you find you coped with only then two handed?

A Well, we also competed in the, where we brace three handed for four days, so, sailing short-handed like that is, is no great deal.

Q64 But in those conditions?

A It's pretty strenuous, yeah.

Q65 Yeah. O.K. And then what happened after that?

A We, we arrived at Eden at, I think a quarter to 4.00 in the morning.

Q66 All right. And then?

A Slept for about three hours and had a shower.

Q67 All right. So officially you retired from the race?

A We officially retired, yeah. We, we actually officially retired around 11 o'clock at night.

Q68 O.K. O.K.

A And that's when we started the engine and motor sailed the rest of the way.

Q69 All right. You've then informed the, the boats that you were then going to continue back to Hobart under power?

A No, no. We, we advised Telstra control that we were going to officially retire and, and make our way to Eden, which, we then used the engine as well.

Q70 M'mm.

A And at that, at that point we were out of the race.

Q71 All right, yeah.

A And, no, we, we sailed home.

Q72 Yeah.

A But at that stage the wind had gone.

Q73 M'mm. O.K. Well, I'll show you a document here that's labelled IMS Rating Certificate 708300, which has got the name Hummingbird. Are you familiar with this document?

A Yes, I am.

Q74 And I point out to you two figures, one being the stability of X of 115.0 degrees, or sail 115 decimal 0, and the calculated limited, limit of positive stability is 115 decimal 4 degrees. Can you just explain to me now in your words what those two figures mean, or any of those, what -?

A It means that the boat has the capability of righting itself if, if the mast or, or the whole boat, actually, heels over to 115.4 degrees off the vertical.

Q75 M'mm.

A It will then come up again.

Q76 O.K. Prior to commencing the race, or any races, do you make your crew aware of that righting moment?

A Not actually off the certificate. The crew that I have, we have sailed together for four years. At two or three stages during that time we have had the mast of the boat in the water, not by rough seas but by

broaching and carrying probably too much, too many, too big a spinnaker in too hard a breeze - - -

Q77 Mm.

A - - - and we, we have tipped it in.

Q78 M'mm.

A And the boat's just bobbed back up again.

Q79 All right.

A So there's, there's never been, there's never ever been a problem of us righting.

Q80 O.K. So basically the, your crew are, that you sail with on a regular basis and in fact the crew that, that competed in the race with you, are fully aware of the stability, capabilities of the boat - - -

A That's right.

Q80 - - - and, and no question has ever been raised about that?

A No, none whatsoever.

Q81 O.K.

A I might add, the boat under previous owners, this was its seventh Sydney/Hobart the boat's actually competed in.

Q82 M'mm.

A And the fourth that I've partaken in.

Q83 All right. I'll, I'll now show a document which is a, a compliance check on safety equipment. Are you familiar with this, with this document.

A Yes, I am, m'mm.

Q84 And on the top of the document it mentions your, your

yacht, the Hummingbird?

A That's right.

Q85 And also with a sail number?

A M'mm.

Q86 I bring your attention to a point on the certificate, which is 16.1, safety harnesses AS2227.

A Yeah.

Q87 What can you tell me about that section of the document and also a figure?

A The figure is eight, and the boat has eight harnesses, which are for the eight crew. It also has eight lanyards which are, are basically for the crew and probably, I think, six of the eight crew do have their own harnesses, they now have them built into the waterproof jacket, but the boat does supply harnesses.

Q88 All right. And there's a tick on the far right-hand column of, of that, after the figure eight.

A Yeah.

Q89 What does that mean that -?

A They're all O.K.

Q90 O.K. They'd all been checked.

A And they all comply.

Q91 O.K. Are you aware that all your harnesses actually have some sort of certification of it, or with labelling

A They all have a, a cloth piece sewn on the harness with the, the ASA number on it.

Q92 And what is the brand of your harnesses that you keep

on board the boat, those eight, offhand?

A I don't know.

Q93 You don't know. That's O.K, no problem. Just one thing that pops into question is that you mentioned earlier that a number of the crew had their own lifelines and harnesses.

A Harness, yeah, that's right.

Q94 And do you know that, whether they can actually have the Australian Standard on it - - -

A Yeah, they have.

Q94 - - - and they comply?

A Yeah.

Q95 O.K. Do you check that yourself?

A I asked them.

Q96 Yeah.

A And they have told me, yes, I can't do much more than that.

Q97 O.K. No, that's fine. And what would be the normal general care and maintenance that you would perform or conduct on the harnesses and the lanyards, perhaps after a race?

A They're soaked in a bucket of water for probably a day and then hosed off and hung on the line to dry.

Q98 And then stowed -?

A Then stowed back on the boat.

Q99 O.K.

A And we do that, that, that's a normal thing that's done after every offshore race - - -

Q100 M'mm.

A - - - where they get wet.

Q101 M'mm. And if you inspect them and there may be some sort of fault that's caused, what would you do with that harness then?

A The only fault really that can happen to the harness is that the stitching will rot.

Q102 M'mm.

A Well, if they did, they'd be resewn.

Q103 Yeah, or you'd replace them or throw them away or -?

A Or throw them away, or - - -

Q104 Yeah.

A - - - whatever but it's webbing - - -

Q105 M'mm.

A - - - and, I mean, you'd lift the boat up with the webbing.

Q106 Yeah.

A It's only the stitching which is the weak point.

Q107 Yeah, yeah. O.K. With flares and safety equipment on board, do you carry out and conduct regular safety checks with the crew and have them, have a full understanding of the operations of the safety equipment?

A Periodically, mainly just the key crew.

Q108 And what would basically you do?

A Well we just get out and have a look at it. It, it's mainly that they, that everyone knows where everything is stowed.

Q109 Mm.

A Because it's not all, you don't have the whole lot in one big heap obviously.

Q110 Yeah.

A It's all over the boat.

Q111 M'mm.

A So that everyone knows where the flares are, knows where the EPIRB is, knows where the man overboard sling and all that sort of stuff is.

Q112 Yeah.

A That, that's really what's it all about.

Q113 Have you ever fired flares yourself?

A Mm.

Q114 O.K. And you're fully familiar with the operation of them?

A Mm.

Q115 Were you aware of a flare and safety liferaft demonstration that was held down here in Hobart or in Sydney prior to the commencement of the race?

A No.

Q116 No. If you were made aware of that, would you attend?

A Probably, they, they did have one, I can't remember who put it on but prior to the start of race last year at Beauty Point.

Q117 M'mm.

A Did you know about that?

Q118 No.

A Yeah. They had one in the shed up there but it wasn't

-
a flare but they had a raft and, and fired it and blew
it up and - - -

Q119 Yeah.

A - - - whatnot.

Q120 O.K. All right. Constable Stacey, have you got any
questions?

CONSTABLE STACEY

Q121 Just on that point, the liferaft, how, how many other
people on your crew would have had experience with
liferafts as far as knowing - - -

A See them blow up.

Q122 Yes, seen them blow up, righting them if they tip over.

A Four that I know of.

Q123 O.K.

A And I don't think the others did. That's one of those
things we don't really want to know how they work, like
we don't leant to have to use it.

Q124 But it'd be handy to know -

A Handy to know. We all know how to, how to blow it up.

Q125 Yeah.

A Yeah. And whatnot.

Q126 O.K.

SENIOR CONSTABLE UPSTON

Q127 Well, is there anything further you'd like to add in
relation to the race, how it was conducted, your
feelings about anything that

A The only thing I would like to add on the tape. I, I
think the way the race was conducted, I think it was

quite fair. In, in a nation race there is no way in the wide world you can ever cancel it, unless you call the whole thing off and unless it's abandoned, but you can't finish after the second day or third day, I mean, where, where do you go, what do you do.

Q128 Mm.

A The, when, when you're filling out the entry form, you're basically signing a declaration stating that the onus to start and/or continue, is solely the responsibility of the skipper, and I've got no problem with that, and everyone else that I know, they haven't got any problem with that either, and we race under that same system down here all the time, but, and on that basis, I'm very, very critical of the Four Corners program where blame, or it did appear that blame was trying to be pushed onto certain people which did a, a remarkable job and I'm very, very critical of that. That's the only thing I'd like to say on that.

Q129 O.K. All right. Well, the, no further questions
.....?

CONSTABLE STACEY

No.

SENIOR CONSTABLE UPSTON

Q130 O.K. The time on my watch now is 3.12pm. This interview is now concluded.

INTERVIEW CONCLUDED