

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is electronically recorded interview between Detective Senior Constable Stewart Gray and Mr John Smith at the Hobart CIB on Saturday, the 8th of May, 1999. Also present seated to my left is Senior Constable David Upston from the New South Wales Water Police. The time on my watch now is 10.44am. Just for the record, John could you please state your full name?

A John Arthur Smith.

Q2 Your date of birth?

A 27/4/48.

Q3 And your address?

A 9 Mase Point Road, Lauderdale.

Q4 And your occupation?

A Engineering contractor.

Q5 O.K. As I've already explained to you, we're making inquiries in relation to the 1998 Sydney to Hobart Yacht Race and part of that investigation has required us to speak to a number of people who were involved in the race. And in particular, we're going to speak to you about being on board or owning the yacht Elysion, O.K. If I can start by getting some of your background sailing experience.

A O.K. Well, I've done, I think it's four Sydney Hobarts, two Sydney to Southports, a Melbourne to Hobart. All the Sydney to Hobarts and the Melbourne to Hobart have been on my own boats. Quite few delivery trips and I, sort of, started sailing when I was, I

don't know, about eight or nine in small boats. And I've, sort of, worked my way up since then.

Q6 O.K. How many big boats have you owned?

A Three, four, sorry.

Q7 O.K.

A Four, yeah.

Q8 Now, the boat the you entered in the Sydney to Hobart was a boat called Elysion?

A Correct.

Q9 O.K. Could you give us some details about that boat?

A Yes. It's a, it's an aluminium boat. I built it two years ago. It's a David Lions design, a one-of design. I actually wrote the and told the designer what I required and then he designed the boat around that. It's, sort of, classed as a fast cruising boat. It's got a displacement of about 11 tonne, or ton that is. It has a retractable keel to enhance its performance rather than have it, like most people presume that a keel, a retractable keep shape, you can get into a shallow area and retract, and retract the keel right up the hull. It's not the case in this boat. Its, its purpose is so that, I guess, that we don't have to have ten crew sitting on the rail. It's, it's a boat that can be sail short handed.

Q10 What's the length of the boat?

A It's 40, it's 14.3 metres.

Q11 O.K.

A I'll stick to the metric.

Q12 O.K. Now, the crew that I'm about the show you for 1998. Could you just have a look at that for me? Can you tell me if that's, in fact the crew that went on your boat last year for the race?

A Yep, that's correct.

Q13 There were no changes made - - -

A No.

Q13 - - - prior to the race?

A No.

Q14 O.K. Now, so far, you just mentioned that's a which was designed by Lions and yourself, basically. Can you tell me what the stability index or rating of the boat is?

A No.

Q15 Have you got any idea?

A No.

Q16 O.K.

A Except that I know that it, that it meets the, the positive stability requirement - - -

Q17 Yeah.

A - - - under the, I guess it's the AYP rules.

Q18 Yeah.

A And that was one of the criteria that we did address in the initial, sort of, phases of designing the boat.

Q19 Right.

A That the boat had to had to be a very stable boat.

Q20 Right. What division did you enter last year.
.....

A Performance handicap.

Q21 Right. O.K. So, as far as you're aware, you believe the stability index of the boat is sufficient to enter the Sydney to Hobart - - -

A Yep.

Q21 - - - category one race?

A Yep.

Q22 Do you have any proof of that other than - - -

A Well, I've got a certificate, I believe.

Q23 You've got a - - -

A Is that the one that you've got or not?

Q24 I've got a letter here from David Lions yacht design which just states that basically, he indicates that the boat's build to the Australian, no, the American building standards and that - - -

A Well, what he's done, he's addressed that at the bottom there, saying that, you know, that the, that the 90 degrees, here it says 150 millimetres. And that is with the keel in the up position.

Q25 Right.

A Not with the keel in the down position.

Q26 Right. So, if the keel is up, does it make the vessel less stable?

A I couldn't really answer that, Stewart. Like, as in, as in, of course the boat's flightier with the keel up.

Q27 Right.

A And if you stand 10 people on one side of the boat

- - -

Q28 Yeah.

A - - - I mean, it's going to keel over more so than when the keel's in the down position.

Q29 Yeah, O.K. Now, if we could take you to the 27th of December, 1998, in the Sydney to Hobart. You might like to relay your experiences during that race to us.

A Well, I'm, sort of, trying to keep track of the dates, it's pretty hard. But I made a few notes when I came back and also a friend of mine, which was Steve Clark, who was on the crew he, sort of, got this off the internet of our position at certain times. Now, on the 27th at, at 0300, we were 60 miles off the coast a of Moruya, is that how you pronounce it, M-O-R-U-Y-A?

SENIOR CONSTABLE UPSTON

Q30 Moruya.

A Moruya.

DETECTIVE SENIOR CONSTABLE GRAY

Q31 Moruya.

A Yeah. And I've got a note here that, that, that the storm, sort of, hit at 14.00 hours. I'm not too sure whether that's correct. I really didn't, I mean, when you're out there I wasn't looking at my watching thinking, gee, you know, the storms hit now and I should take a note of that. I mean, that's sort of the last thing that comes in your mind. I don't, we would have to my knowledge, we would have

..... this boat in a fleet out to sea. Good tactical - - -

Q32 Yeah.

A It was a tactical move that I was making originally, that really was the wrong move that, that, just out of, you know, somehow or rather, turned out to right because we didn't really, in my opinion, cop the brunt of the storm. I believe that we had somewhere around about the 55, 50 to 55 knots. That'll go off in another ring, if that's all right.

Q33 You're right.

A And we, sort of, thought we were getting round about, somewhere between 5 to 7 metre seas. Now, then we had some problems with the keel.

Q34 Yep.

A The, the, the flange bolts were loose. The locking pins then, the hydraulic locking pins then weren't holding the keel in position properly and the keel was moving quite a bit forward and aft. And we, that was a little bit frightening because we thought that the end result was it might end up splitting the centre case and therefore, sinking the boat. So, I tried to fix it out at sea and to do it, you've got to crawl down into the hull and lay on your side which wasn't very pleasant. I falling off the back of So, I couldn't do that and so I made a decision to, to retract the keel. It's all hydraulically retracted. So, I simply press a button

and it retracts the locking pins and I press another button and it retracts the keel with a, with a large retrieves the keel and by the grace of God it worked. I, I can't believe it did to be quite honest with you.

Q35 That it came back up?

A Yeah. I just didn't think it was going to happen. And it came up and when I'd get it in the up position, I can then relock it. And I did and then, and the keel didn't move then. So, we, sort of, then beat our way back into Bay and that took us 14 odd hours. And that was, yeah, 'cause we were, it was, sort of, sort of, on the nose and there was a, obviously there's the current running south and quite big seas, so it took us a lot time to get back in.

Q36 So, do you recall where you were when you had problems with the keel, approximately?

A No.

Q37 No, O.K.

A I, I don't, no. I, I actually didn't make note of that.

Q38 As far as the storm, did it come on suddenly, the storm?

A No. We didn't think it did. Where we were, it sort of built, it, it built its way up.

Q39 Right. Now, what about winds? Did you record any winds or -?

A Well, yeah. I can remember talking about 50 to 55

knots.

Q40 Right.

A And, and certainly I don't recall anything over that
- - -

Q41 Yeah

A - - - where we were.

Q42 O.K. And what type of wind instruments do you have on
board?

A Well, I have a Brooks and Gatehouse - - -

Q43 Yeah.

A - - - system with the four wind instruments.

Q44 O.K. And is there means of getting a hard, hard copy
of wind speeds on, on board your vessel?

A Not to my knowledge.

Q45 No.

A Not being into computers - - -

Q46 Yeah.

A - - - and how you can extract it.

Q47 O.K. Now, 'can you tell me the weight of the keel?

A Yeah. The, the lead bulb, it has a bulb on the bottom
on the fin - - -

Q48 Yeah.

A - - - and the lead bulb's 4.2 tonne. And the, and the
fin is 550 kilos. So, you're looking all but 5 tonne.
I mean, it's a fair - - -

Q49 Fair weight.

A Sort of, fair, sort of a weight.

Q50 O.K. Now, when you get into Eden, what happened there?

A Well, we went over to, it is Voigtown?

Q51 Yep.

A Yeah, over the other side of the bay. And dropped
..... and I spent the night, or the rest of
time, or the time we were there, sorry, trying to make
repairs. I, I had in the morning, effected what I
thought was repairs. Four of my crew wanted to get
off. So, I dropped them off at Eden. Then - - -

Q52 Why, sorry, go on.

A Are you going to ask me why?

Q53 Yeah.

A You'd have to ask them I reckon. Like, bearing
excuses, bearing reason for why.

Q54 I mean what did they tell you, I mean -

A The kids, the kids are beside themselves or, you know,
I'm not happy or - - -

Q55 Yeah.

A I believe that the, that the problem may have been the
fact that, well I, I guess there's a couple of things.
People tend to panic a bit. We'd listened to the skeds
all night and we've listened to people, as you're both
aware, panicking and, you know, in trouble and, and
that went on all the time. And, and when the crew went
down below off watch, if I could have turned the clock
back now, I would have never had my set going down
below. I think that, sort of, caused it, you know, a
few problems amongst a few people.

Q56 And this group of four, were they experienced sailors?

A One of the, one of the people had done a couple of races with me. A couple of the others, it depends what, how you class experience. They, they are very good or good river sailors and I, I wouldn't say that they were certainly ocean sailors. So, yeah, there was few different reasons. I, I really didn't get down to it. I, I mean, there was excuses and/or reasons made on the morning. I had no choice but to let it go and I wasn't certainly happy to take, I wasn't trying to talk somebody out it. In my opinion, they're not the sort of people you need to, to handle the boat.

Q57 So, how, how did the boat after that minus four crew, no problems?

A Yeah. Not too many problems. I didn't sleep for the three days. We came back, we, I put two on watch and two off and I floated in between. So, I, sort of, did the watch with, each time and tried to get, you know, 10 minutes when I could through the day. We, we didn't have, the weather was pretty good actually, after that except the crossing in Bass Strait. We got a bit of a dust up going across Bass Strait. And then other than that, I think we would be calm for one day which is a normal thing, isn't it?

Q58 Yeah.

A You cop a hiding and then you get your calm. There was a, just a little funny bit there at one stage, we had a blasted mutton bird swimming round and round the boat and that's how, you know, I had the sails down, I think

at one stage, they were just And, and a dolphin going round the boat and he actually came up behind this little mutton bird and he gave it a little bit of a on the back and mutton bird never even flinched, you know. I mean, if we weren't, sort of, savaged about gettin' a hiding and then sitting there, it was quite good. But, yeah.

Q59 So, you sailed from Eden to Hobart with the keel up?

A Yep.

Q60 And how did that effect the boat at all?

A The boat just doesn't perform as well.

Q61 Right.

A We sort of got to get the sails on and off a little bit quicker.

Q62 Yeah.

A And that's fairly obvious. I mean we, we, we've learnt the balance for the boat. But other than that, yeah, the boat still handles. I mean, I was very happy with the boat.

Q63 Yeah.

A Apart from the keel, I mean, we were just unlucky with that, I think.

Q64 Yeah.

A And apart from that, we would've weathered anything that came up to us. If you went aboard the boat the day after we got here, you wouldn't have known it'd been in the Sydney to Hobart, so -

Q65 Now, was there any sea sickness on board?

A Yep.

Q66 And how many people were effected by that?

A On the way back, if we're talking about when I had full
 crew - - -

Q67 Yep, full crew.

A Two thirds.

Q68 Yeah. How did that effect the routine on the boat?

A People don't do much.

Q69 Yeah.

A You generally find that what happens, you've got two or
 three people doing the work.

Q70 Yeah.

A And the others will come up and stand there and watch
 but they don't, they're not really putting in. If
 you've got to make sail changes or you've got to do
 something else, then it becomes, probably a little bit
 difficult.

Q71 Yeah.

A But I also, well, qualify that by saying I had
 particular chap who's done the, all the races who's
 always sea sick and performs just the same as anybody
 else. And, and in this instance, my son who was
 sailing back and come all the way back, Darryn was
 crook and so, different,
 you know, degrees of being crook, I suppose.

Q72 Now, what's the, so far as the retractable keel, what's
 the idea of having a retractable keel?

A Well, it is, as I said earlier, so you can enhance the

performance of the boat so that you're not really looking for, it makes a stiffer boat, you're not looking for 10 people sitting on the rails. This is not a boat that you would expect to see with 10 people sitting along the rails on the boat. It, it sails because it has that depth of keel and the weight at the bottom. The boat sails extremely well without having to have those sort of problems where I believe a lot of lighter boats, I guess if you consider that that boat displaces 11 tonne and there's boats in that race that are the same size as mine, the same beam, the same length that displace half that weight. Then, there's got to be, and then have the same mast height or carry the same amount of sail up wind, then they've got to rely on their crew weight, as in movable balance, where I don't. I suppose that's one way of explaining it. And my boat's set up for cruising.

Q73 Right.

A So, I mean, you know, I can sail it shorthanded and don't need the people.

Q74 O.K. With the, you mentioned that when you started the race - - -

A It won't turn off. We've got a bit of problem here, I can't turn my phone off for a second.
.....

Q75 We'll just stop the tape for the purpose of a phone call.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q76 The time is 11.03. This interview between Smith and Gray is recommenced. John, we were talking about the keel and when youse commenced the race, what position was the keel at that time?

A In the down position

Q77 O.K. And is it the case that you can alter the, when you've got a keel that can retract, is it in the ruling where you can, in fact, alter the position of the keel?

A I - - -

Q78 To - - -

A Yeah. I believe you can't.

Q79 To enhance performance?

A I believe you, I, my understanding of the rule is
- - -

Q80 Yeah.

A - - - that you can't.

Q81 Right.

A And when I enter the race, I declare that my keel, that, that my boat's draft is whatever it is.

Q82 Yeah.

A In my case, 3 metres. And, and my understanding is that you can't retract the keel and/or put the keel back down during the race.

Q83 Right. So, when you went into Eden and you attempted to carry out repairs of the keel, when you sailed from Eden to Hobart with the keel retracted, did you have to

-

notify anybody for that case because of the changing of the, the draft of the keel?

A We, I, we put in a declaration and I, I honestly, honestly can't remember whether that was part of the declaration or not. And, and if it, if we, if it wasn't, then I didn't notify anybody.

Q84 O.K. But, but when you, you obviously, four crew weren't with you from the Eden to Hobart leg, that, that also would alter the crew weight, the mandatory crew weights that are required for the race as well. Is that right?

A Yeah. That's correct but under the forms handicap, I don't think that enters the equation.

Q85 O.K.

A And we certainly notified the Cruising Yacht Club that, that four people had got off the boat.

Q86 O.K. You mentioned the wave height was between 5 and 7 metres. How did you determine that?

A Looked up and gave it a fair shot I suppose.

Q87 Yeah. Did you gauge it, say from the size of your, the height of your mast?

A Well, we tried to, yeah. And if we saw other boats, or, around, anywhere around, we, sort of, tried to gauge it that way.

Q88 Right.

A I find it very difficult actually, to judge it. If you've got a big swell and there was a big swell on, to, to, sort of, say what size the actual wave is.

Q89 Yeah. You mentioned that there was a little bit of panic on board your boat. And further to that, you said that it might have been induced through listening to the radio below. Did you hear any mayday calls yourself?

A Yeah, yeah.

Q90 All right.

A Yeah. We heard, I think we heard probably the biggest percentage of what happened.

Q91 Right. Were you plotting, did you have a navigator on board?

A Yes.

Q92 And were you plotting your way down into Eden?

A Yes.

Q93 Right. Was there any vessels that were close to you that you feel that you could render assistance to

- - -

A No.

Q93 - - - or was it as a result of the damage to your vessel, you were concerned about getting it back to Eden?

A No, no. Not at all. We, there was no vessels near us that were in trouble.

Q94 Right.

A There were vessels returning from south of us that were a long way from us, but we were certainly not anywhere near anybody. We could have rendered assistance, well, we could have stood by, I totally believe that you

couldn't render assistance anyway. All you could do, in my opinion, would be stand by.

Q95 With your, your crew selection, John, do you think that that's a vital part of, of the race in crew selection, keeping in mind that the amount of sea sickness you had on board and your shorthandedness in the scheme of the race, continuing the race?

A Yep. I'm, I'm doing this years Sydney to Hobart again and I've actually changed my attitude and my thinking on how I choose my crew.

Q96 What would you look at this time?

A Well, dare it say it amongst, people that are not as young as the very young, but I'm looking at probably taking, hopefully taking at least three to four young people this time. I think they have the ability to be able to get up and go again where some of the older ones don't. I certainly continue to have a nucleus of people with experience. I think that's extremely important. I've got four people that I will take this year that were on that boat which are the obviously the four that came back, that have done a lot of miles and have a lot of experience. But I think that with the younger people which we intend to train up during the winter series, you've got that capacity to be able to, a bit of keenness, a bit of, sort of, I think the young blokes can, sort of, recover quickly
- - -

Q97 Right.

A - - - or, or quicker and a few little things like that. I mean, I think that I would never let my crew take their wet weather gear off again in those conditions. I think that's another problem, where people went down below, stripped their gear off which took them quarter of an hour or a half hour in those condition, to get their gear off. Get into the bunk and they don't want to get back out and if you need them, it's a problem as well.

Q98 Yeah.

A If you need them in a hurry. Yeah.

Q99 With, while we're talking about wet weather gear and safety equipment now, how many life, how many harness do you carry on the boat?

A I had nine harnesses.

Q100 Right. And one for each of the crew?

A For each of the crew, yeah.

Q101 Was it the case were any of the crew brought their own harness?

A Yep, yep.

Q102 O.K. You underwent a safety check sometime this year?

A Yes, yeah.

Q103 And the safety harness were, were checked?

A Yes.

Q104 What - - -

A I mean, well, I could clarify that by saying that the amount of safety harnesses were checked.

Q105 All right. I don't know that the safety harnesses

themselves were checked.

A O.K.

Q106 Are you aware of the, the standard that has to be kept with the harnesses as far as entering the race and I'll mention to you the Australian standard that you might not be aware of is 2227 and it refers to yachting harnesses in particular and lifelines.

A Yeah, I am.

Q107 What, what brand are your harnesses?

A Pass.

Q108 All right.

A I can't remember.

Q109 Can you recall seeing any approval notification on them at all?

A They've all got approval notifications.

Q110 Right.

A Yeah. I can guarantee that.

Q111 Right. John, are you aware or did any of your crew attend a life raft and flare display at the CYCA prior to the race?

A No.

Q112 Are you aware of one?

A No.

Q113 O.K. Have any of your crew ever deployed a lift raft before that you're aware of?

A I, I think that maybe Steve Clark may have done.

Q114 All right.

A And he's the chap that you're going to talk to this

afternoon.

Q115 Yeah.

A I certainly haven't, touch wood. And to my knowledge, the others haven't.

Q116 What about flares?

A As in, have I - -

Q117 Firing them.

A No. I've never fired a flare. I've got boxes of them at home. Actually, I'll tell, I'll just add something. We are, as a club at Belreve about to do a, a deploy a life raft and we had, we've had a chap whose donated one which is out of date and he doesn't, sort of, want it. He doesn't mind if it's and most of us who have done any off shore stuff have ended up with heaps of flares, so we're going to have a day shortly actually.

Q118

SENIOR CONSTABLE UPSTON

Q119 John, if, just for the purpose of an exercise and not wanting to embarrass you in any way, if I turned the lights off here now and handed you a flare, would you feel confident in knowing what type of flare it was and firing it?

A No.

Q120 O.K.

A It won't embarrass me, David.

Q121 Yeah.

A I wouldn't know if the lights were off.

Q122

A I, I, I have to admit that I'd have to read the instructions.

Q123 Would it, not to be unfair again, but participating in a number of flare displays myself, let me tell you that there are ways of determining what type of flare to use when it is dark. So, there's, the flare is designed, in total darkness you can determine what type of flare it is.

A

Q124 That's, that's the reason why I asked.

A

Q125 Yeah.

A Yeah. I, I mean, look, I guess, like most people, I'm extremely safety conscious but you could bring me undone - - -

Q126 Yeah.

A - - - purely and simply, just like that.

Q127 Yeah

A 'Cause I haven't, you know, like you, sort of, tend to go around and, I mean, I personally purchased strobe lights and things for the crew. But yeah, I never ever, sort of, thought to go and find out whether I needed a light to deliver the flare or -

Q128 O.K. No problems.

DETECTIVE SENIOR CONSTABLE GRAY

Q129 John, is there anything that you would like to tell us about that, that may assist in our investigation in the

future of the Sydney to Hobart? Any other views or ideas that you may have?

A Well, I guess I haven't got too many, Stewart. One of the things I did find, getting back to wet weather gear, if I had, I had a full dry suit and the crew laughed at me to begin with and I could have sold it for a million bucks halfway down the track and, and one of the things I, I found is that once the, the blokes get cold and wet and most of this is supposedly off-shore wet weather gear. In my opinion, it's really not. I mean, once the water's down your neck and up your arms and up your feet, you've only got to go forward and that's the end of that. And then people get cold and miserable and don't perform as well. And, I mean, I know it's difficult but I'd like to see the manufacturers address that and try and put out something that, that's affordable. I know there's lots of things getting around at the moment and suggestions and ideas, but I'd hate to see the race put out to the stage where it was for the filthy rich only. You know, if we're talking personal EPIRB and those sorts of things. I also think it's a race that you accept the responsibilities once you start. And, you know, I mean I don't stop motorbike races because somebody crashes into a barrier and breaks his neck. I was quite happy with the way that the, that the organisers went about the event. When we have a safety check and you realise your responsibilities and that's got to be the end of

it. But I take on board what David's saying regarding little things like, well, not little things, but things like the flares. And, and I mean we've been frightened into it, I guess, to, to run this event at our club, now.

Q130 Right.

A So

SENIOR CONSTABLE UPSTON

Q131 Do you carry a personal, do you carry a portable VHF radio?

A No. As in, you mean - - -

Q132 At the time of the race. Did you carry a personal, sorry. Did you carry a portable VHF radio?

A No, no. I have an HF and VHF and everything of course, fixed but not portable, no.

DETECTIVE SENIOR CONSTABLE GRAY

Q133 Just, John, just another thing, did you have a, did you and your crew have a man overboard routine?

A Yes, we had.

Q134 You had.

A Yeah.

Q135 And everyone's drilled in that sufficiently then?

A Well, well, once again, I'd say that, that we probably didn't go into it enough this year round. Steve Clark actually wrote up the man overboard procedure for us. I guess you tend to think nowadays, because we've got all the gadgets and you can press the button, that you don't need to do those sorts of things. And I will,

and I, and I definitely will admit that we didn't actually go through the procedure this year.

Q136 O.K. Anything else you'd like to add?

A Can't think of anything else.

Q137 O.K. The time on my watch is now 11.17. This interview's concluded.

INTERVIEW CONCLUDED