

TO: DAVID UPSTON

Gibson Robinson

L A W Y E R S

Partners
John Gibson
Mark Robinson
Senior Associate
Stephen Rolfe

Our Reference John Gibson

10 June 1999

Mr John Stanley
North Sydney Yacht Squadron
Kirribilli

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Dear John

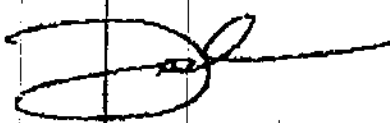
**REPORT OF THE 1998 SYDNEY TO HOBART RACE REVIEW COMMITTEE
MAY 1999**

Herewith draft letter to Hugo.

What do you think?

Consider and advise if you think it is appropriate.

Regards



John

Yacht Performance Prediction Workshop

Location: At the Australian Maritime College, Launceston, Tasmania

Date: 27th and 28th September 1999

Theme

A constrained design brief will be used as the basis for the workshop. Attendees will be introduced to the design problem and the tools available. then go into workshop mode to work through the performance prediction process. Breaks in this activity will be created by demonstrations of some experimental tools.

Presenters

- Dr. Paul Brandner, Australian Maritime college
- Mr. Andy Dovell, Murray, Burns & Dovell
- Mr. Dougal Harris, Curtin University
- Mr. Kim Klaka, Curtin University
- Dr. Martin Renilson, Australian Maritime College

Draft program

Day 1

- Introduction - the differences between yachts and other craft
- The prediction problem -Some design tools available
- Workshop groups
- Test tank demonstration

evening – informal dinner

Day 2:

- The design process revisited
- Stability and capsizing
- Workshop groups
- Cavitation tunnel demonstration
- Summing up

Cost:

- full fee \$500 include. lunch and dinner
- bona fide full time students \$180 (dinner extra \$25)

Further details:

Mr. Kim Klaka, Senior Research Fellow, Centre for Marine Science & Technology
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Mr Hugo Von Kretschmar
Commodore
Cruising Yacht Club of Australia
New Beach Road
DARLING POINT NSW 2027

PRIVATE AND CONFIDENTIAL

Dear Mr Von Kretschmar

**REPORT OF THE 1998 SYDNEY TO HOBART RACE REVIEW COMMITTEE
MAY 1999**

John Stanley and myself have had an opportunity to consider the above report and in particular the recommendations and findings relating to the use of life rafts.

We have concern that important issues may not have been addressed arising from the deployment of the life rafts from the Winston Churchill.

We invite you to consider further appropriate investigations with which we will fully co-operate on some of the following issues.

1. Was the life raft (number 2) being a Pro Saver six man raft ever tested as to its rightability?
2. Was it in fact rightable in the conditions prevailing on the 27/28 December 1998 following its capsizing in extreme sea conditions?
3. Was there ever any warning by the manufacturer or any instructions concerning the possibility of a capsizing?
4. Were there any directions provided as to how the raft was to be righted in the event of a capsizing.
5. What equipment was available on the raft to right it in the event of a capsizing?
6. Did the manufacturers of the raft appreciate the extreme danger to a person attempting to exit from the raft for the purposes of carrying out a righting manoeuvre if there was no harness or attachment line to the raft?
7. The ingress and egress of this raft was extremely difficult with buoyancy material.
8. What footholds or handholds are available on a capsized raft to enable a crew member to attempt a righting action in a sea way?
9. Would a righting attempt require all or only one of the crew members to exit the raft during this manoeuvre?

ENCLOSURE

10. Can a righting manoeuvre be attempted with a person wearing buoyancy equipment such as a standard life vest in light of the difficulty of obtaining ingress and egress to the submerged raft wearing this equipment and the exposure to being washed from the raft by reason of the buoyancy of this equipment.

The above are a few of the salient features which we recommend should be addressed.

We recommend that a demonstration of this raft should be undertaken as soon as possible in order to test the above matters. We are not aware that this has been done.

All manufacturer's literature and instructions which are normally sold with the raft should be inspected and reviewed. This particularly relates to any literature as to its suitability or otherwise.

Our understanding is that the literature available with the Pro Saver raft states that :

"With its wide range of equipment, the Pro Saver is an inexpensive safety factor in waters near to the coast"

The above statement would clearly indicate that the raft is in fact not suitable in a sea way. Was this factor known and considered by the committee?

Copy of brochure containing the above extract is enclosed.

The local press apparently reported that RFD Marine and Safety Equipment and General Manager, Mark Clothier is reported to have allegedly said:

"Neither raft on the yacht was designed to survive 10m waves."

A copy of this article is enclosed.

Referring specifically to the report we invite your attention to the following.

Paragraph 6.4.3 Competitors' Views of An Organisation, Safety and Equipment

At page 100 the last paragraph says:

"Furthermore, they do not see, as a result, any need for wide sweeping changes to safety regulations and equipment"

In our opinion the life raft Pro Saver was grossly inadequate for the conditions and exposed the crew members to perils which could easily have been avoided.

We are of the opinion that this type of raft, which is clearly prone to capsize, needs to be carefully considered by all cruising yachtsmen as to its suitability in a sea way.

The chronology of the events at paragraph 7.7.2 notes at 1800 hours a crew member received severe injuries.

In our opinion some type of internal harness is required in life rafts to prevent this type of injury.

At 2000 hours the decision to cut a five inch slit in reinforced floor was determined after a lengthy debate with very experienced crew members and in particular the late Jim Lawler an International Marine Surveyor, in view of the fact that the considered opinion of the crew was that there was no alternative.

At paragraph 8.2 Training and Knowledge of Crews of FAR Systems and Techniques at page 132 it is noted that:

"The Winston Churchill crew reported that a lack of familiarity with life raft features ultimately resulted in them cutting the floor of the raft for air when it capsized, rather than trying to right it."

We believe this paragraph totally misstates the position.

We are most concerned that we were not consulted prior to its publication.

In our opinion there was extreme peril for any crew member who attempted to exit the raft in the prevailing conditions in making any attempt to right the raft. The raft was regularly being swept by violent broken water and any such person was at risk of being separated from the raft.

The above paragraph raises the assumption that in the conditions it was possible to right the raft.

We suggest this should be tested and we believe the conclusion was reached without testing.

As noted above we are not aware as to what features were available on the raft to undertake this manoeuvre and in fact if such a manoeuvre was possible.

We believe this paragraph needs to be addressed urgently.

At paragraph 9.6 Safety Equipment, page 142 at the centre of the page it is noted that:

"The destructive damage to WC's two life rafts was most probably instigated by the crew cutting an air hole in the floor."

This paragraph again assumes that there was an alternative.

The decision to cut a hole in the floor was on the raft's crews consensus, the only available means to avoid suffocation.

In our opinion the paragraph is misleading and fails to address the real issue, that is could the raft have been righted and was the equipment for that purpose adequate in the conditions then prevailing.

At paragraph B3 Yacht Safety Equipment at page 156 et seq we note at page 157 headed Compulsory Life Rafts a series of recommendations with which we entirely agree.

The real issue which is not addressed is that all life rafts need, in our opinion, to have the following minimum features.

- ① They must be rightable.
2. There should be clear instructions and equipment for this procedure.

3. In the event of extreme conditions the crew should be able to remain safely inside a capsized raft with access to air.
4. Harnesses need to be supplied with raft so that the crew can secure themselves to avoid injury and also to use such harnesses should it be necessary to exit the raft to attempt a righting manoeuvre.
5. Ingress and egress from the raft for persons wearing buoyancy equipment requires to be facilitated with appropriate handholds, footholds and similar.
6. In large sea waves there is a real risk that crew will be thrown from the raft and appropriate internal harness attachments and harnesses, handholds, footholds and similar should be provided.
7. There are a significant number of features which we feel need to be addressed as to appropriate equipment and modifications for life rafts designed for cruising yachts where they may be deployed in extreme conditions.

We believe this matter needs to be referred to safety engineers and experts and we would be delighted to assist.

At paragraph 9.6 heading Safety Equipment, page 141 at paragraph 9.6.1 heading Life Rafts, it is noted that:

"No Australian Standard for the construction of life rafts for off shore racing or cruising yachts exist."

We are not familiar with the minimum requirement for life rafts referred to in the following paragraph.

Our experience is that if the Pro Saver met those requirements then these requirements need to be urgently reviewed as in our opinion they are grossly inadequate.

In our opinion these are extremely serious and urgent matters.

We have both given lengthy statements to the Detectives assisting the Coroner and addressed these issues in the tapes recorded by them. We have not yet seen a transcript of those tapes.

We are concerned that the CYC fully address the above issues prior to the coronial inquest and make appropriate recommendations.

We would like to be part of this process.

We are of the opinion that it is essential that a very full and frank disclosure of the above matters be made to the Coroner.

We also have concerns that this type of raft is not suitable for cruising yachts and that same may be currently deployed in Australia by racing and cruising yachts. Consideration should be given to discussing the suitability of this type of raft for these purposes with the distributors of the raft in Australia and whether or not it is appropriate to issue warnings to CYC members and other Australian clubs and generally.

The first Winston Churchill raft also experienced capsizes and it may have been through the extreme courage and ingenuity of the skipper, Richard Winning that it was righted in the prevailing conditions.

6. Classification of Vessels shall apply to all Sections of these Uniform Requirements as follows:

6.1 Class 1 Passenger Vessels

Class 1A—Seagoing Passenger Vessel for use in all operational areas up to and including Unlimited Operations.

Class 1B—Seagoing Passenger Vessel for use in all operational areas up to and including Offshore Operations.

Class 1C—Seagoing Passenger Vessel for use in all operational areas up to and including Restricted Offshore Operations.

Class 1D—Sheltered Waters Passenger Vessel for operations in Partially Smooth and Smooth Waters only.

Class 1E—Sheltered Waters Passenger Vessel for use in Smooth Waters only.

Class 1F—‘Hire and Drive’ Vessels.

Notes:

1. Certificates of Survey will not be issued to Class 1A, Class 1B and Class 1C vessels of less than 10 metres in length.

2. Open vessels shall be permitted to carry passengers in sheltered waters only.

6.2 Class 2 Non-Passenger Vessels

Class 2A—Seagoing Non-Passenger Vessel for use in all operational areas up to and including Unlimited Operations.

Class 2B—Seagoing Non-Passenger Vessel for use in all operational areas up to and including Offshore Operations.

Class 2C—Seagoing Non-Passenger Vessel for use in all operational areas up to and including Restricted Offshore Operations.

Class 2D—Sheltered Waters Non-Passenger Vessel for operations in Partially Smooth and Smooth Waters only.

Class 2E—Sheltered Waters Non-Passenger Vessel for use in Smooth Waters only.

6.3 Class 3 Fishing Vessels

Class 3A—Seagoing Fishing Vessel for use in all operational areas up to and including Unlimited Operations.

Class 3B—Seagoing Fishing Vessel for use in all operational areas up to and including Offshore Operations.

Class 3C—Seagoing Fishing Vessel for use in all operational areas up to and including Restricted Offshore Operations.

Class 3D—Sheltered Waters Fishing Vessel for operations in Partially Smooth and Smooth Waters only.

Class 3E—Sheltered Waters Fishing Vessel for use in Smooth Waters only.

7. Vessels Limited by Manning

7.1 A vessel of any class may be subject to a restricted area of operations if the manning or the qualifications of the personnel are insufficient for the area of operations allowed by its certificate of survey.

PART 4—GENERAL

8. Exemptions and Equivalents

8.1 The Authority may, subject to the principles embodied in these Uniform Requirements, exempt a vessel, or vessels included in a specified class of vessel, from the application of any of the provisions of these Uniform Requirements to the extent that the Authority is satisfied that compliance with such provision or provisions is unreasonable or impracticable in relation to that vessel or those vessels.

8.2 Where these Uniform Requirements provide that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made, the Authority may allow any other fitting, material, appliance or apparatus, or

Tons—In relation to the grading of vessels means gross tonnage.

Unclassed Vessel—A vessel that is not a 'Classed Vessel'.

Unmanned Machinery Space—A decked propulsion machinery space which under normal operating conditions is not occupied or is intermittently occupied.

Vessel—Any ship or boat or any other description of vessel used in navigation.

PART 3—OPERATIONAL AREAS AND CLASSIFICATION OF VESSELS

5. Operational Areas shall apply to appropriate Sections of these Uniform Requirements as follows:

5.1 Seagoing

5.1.1 *Unlimited Operations*, in relation to the limits of a vessel's area of operation, means: all overseas, ocean going and Australian coastal operations without limitation as to geographical range.

5.1.2 *Australian Coastal and Middle-water Operations*, in relation to the limits of a vessel's area of operations, means:

operations within such range as may be specified by the Authority, laterally along the coast and within a limit of 600 nautical miles to seaward; or
operations within such lesser limits as may be specified by the Authority.

5.1.3 *Offshore Operations*, in relation to the limits of a vessel's area of operations, means: operations within such range as may be specified by the Authority, laterally along the coast and within a limit of 200 nautical miles to seaward; or
operations within such lesser limits as may be specified by the Authority.

5.1.4 *Restricted Offshore Operations*, in relation to the limits of a vessel's area of operations, means:

operations within a range of 30 nautical miles from the seaward limit of a designated smooth or partially smooth water area or of a safe haven; or
operations within such lesser limits as may be specified by the Authority.

5.1.5 *Inshore Operations*, in relation to the limits of a vessel's area of operations, means: operations within such range, as may be specified by the Authority, laterally along the coast from the base or regular port of departure, and within a limit of 15 nautical miles to seaward of the coast or of designated sheltered water limits; or
operations within such lesser seaward limits as may be specified by the Authority in relation to a specific base or port.

5.2 Sheltered Waters

5.2.1 *Partially Smooth Water Operations*, in relation to the limits of a vessel's area of operations, means:

operations within specified geographical limits in waters designated by the Authority as 'partially smooth'.

5.2.2 *Smooth Water Operations*, in relation to the limits of a vessel's area of operations, means:

operations within specified geographical limits in waters designated by the Authority as 'smooth'.

Notes:

1. The Guidelines for determining Sheltered Water Areas are—

- (i) Partially Smooth Waters—where the wave height, under normal conditions, does not exceed 1.5 metres from trough to crest.
- (ii) Smooth Waters—where the wave height, under normal conditions, does not exceed 0.5 metres from trough to crest.

2. The relevant State or Territory Authorities should be contacted regarding areas nominated as Smooth and Partially Smooth Waters in their respective States or Territories.