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NEW SOUTH WALES STATE CORONER'S COURT

STATE CORONER: J ABERNETHY

WEDNESDAY 15 MARCH 2000

5/98 - EVENT OF THE 1998 SYDNEY TO HOBART YACHT RACE

INQUEST INTO THE DEATHS OF JAMES MICHAEL LAWLER
MICHAEL BANNISTER
BRUCE RAYMOND GUY
PHILLIP RAYMOND CHARLES SKEGGS
JOHN WILLIAM DEAN
GLYNN RODERICK CHARLES

Mr A Hill assisting the Coroner
Mr R Stanley with Mr P Santamaria for the Bureau of
Meteorology
Mr J Harris for The Cruising Yacht Club of Australia

PART HEARD

<KENNETH LESLIE BATT(10.45AM)
RESWORN, EXAMINATION CONTINUED

HILL: Q. Mr Batt, do you have your record of interview
with you?

A. I do, yes.

Q. Do you recall seeing the video of your briefing
yesterday?

A. I do.

Q. At one stage there you said that you were given the
forecasts and you said there would be 20 to 30 knot
southerlies with stronger gusts.

A. That's correct.

Q. Do you recall giving that?

A. Yes.

Q. I want you to just keep that in mind and then I want you
to go to page 34 of your record of interview, and I'm at
question 149. You were asked this question, Ken, would you
like to make a comment on this. I'll just read it to you.
"Three hours later" - and this is from Vanity Fair. No, it
was an article in the magazine called Vanity Fair. Were you
aware of that?

A. Yes.

Q. Did you give a statement to Vanity Fair, or how did they
get the article?

A. I had spoken to someone from Vanity Fair.

Q. This is the statement. "Three hours later as the boats
spent their final hour in Sydney Harbour, Dundar received

his next set of satellite photos and lapse models." Now Dundar was your supervisor on duty at the time?

A. Senior meteorologist, yes.

Q. Senior meteorologist?

A. That's correct.

Q. "What he saw took his breath away. In the year or so since the bureau had begun working with the new detailed computer models, it never encountered anything like that picture that now appeared on his screen. It showed an unusually strong low pressure system forming not safely east of Tasmania, but at the eastern mouth of Bass Strait directly in the fleet's path. The system looked like a boxer's left hook, a forearm of white clouds jutting from the vast empty spaces of the Southern Ocean northeast into the Strait, its northern end a cool fist of thunderheads." This is the important part. "The model predicted winds of 30 to 40 knots in the area by nightfall, rising to 55 knots by Sunday afternoon with gusts as high as 70 knots, more than 80 miles an hour." Then he goes on to talk about the communication with Melbourne. The part that is of interest is this, that when you gave your briefing you were quite happy to point out that there was a southerly that would probably be between 20 and 30 knots with stronger gusts. When we have the model, the model predicted winds of 55 knots with gusts as high as 70 knots. Why on the storm warning could you not put that there would be gusts up to 70 knots?

A. Look, I'm not going to go down this track. This is Peter's dialogue, right. It's - Peter was the shift supervisor.

Q. Peter who?

A. Peter Dundar. He was the shift supervisor at the time. This is - you know, this is his talk, it's got nothing to do with me so I'm not going to go down this line, thank you.

Q. Who actually made up the words for the storm warning that went out?

A. The storm warning that went out would have - it would have - the words would have been made up by the shift supervisor, yes.

Q. Peter Dundar?

A. Peter Dundar.

Q. So if I want to ask questions about why there is no warning on there of gusts as high as 70 knots, I would have to ask him?

A. Yeah well--

Q. Is that what you say?

A. This was written by - this is written by a journalist so you'd be best to talk to the horse's mouth, if I can put it that way, and it's sort of in the - in the literature as to what exactly went out, the way the official forecasts were worded - worded so - and it's all in this document here and

our counsel has all that information so - but any questions relating to - to that would have to be put to - have to be put to Peter.

Q. Did you see the computer model?

A. I saw the computer model, yes.

Q. Did it show gusts up to 70 knots?

A. The computer would - is - the computer will - in its output will be showing us the average speeds. 1

Q. It wouldn't show gusts?

A. No. The gusts you infer 40 per cent more.

Q. So you would look at the average speeds and then you as a meteorologist would infer 40 per cent on top of that to give you the maximum gusts, is that right? 11

A. Well that's - that's the - that's the formula that's used, yes. That's the formula that's used, yeah. 20

Q. Well let's go through it. Do you do these yourself? 20

A. As - as an operational forecaster I - I'm - I only do what I've been told and taught to do and in forecasts we put average speeds. 25

Q. I'm quite happy with that. 25

A. And I'll leave it at that, thank you.

Q. I'm sorry?

A. And I'll leave it at that, thank you. 30

Q. Well I'm going to ask you to assume that you have an average wind of 55 knots on your computer. What would be the gusts from that?

A. I'll add 40 per cent to that. 35

Q. You'd add 40 per cent to that, that's what you would do?

A. That's - that's the figure that we work with, yes.

Q. Were you on duty at all on the 27th? 40

A. No, I was on a rostered day off.

Q. Rostered day off?

A. That's correct.

Q. Who was on duty? 45

A. Well to my knowledge the shift supervisor again was Peter Dundar. I don't know the other forecasters--

Q. You don't know the other--

A. --because I wasn't there, no. 50

Q. I have a letter from the Bureau of Meteorology. I just want to find out about a telephone number. Told that the senior forecaster is on telephone 9296-1639. Does that phone number ring any bells with you or anything like that? 55

A. Yeah.

- Q. It does?
A. Yes, it does.
- Q. What phone number is it?
A. It's - as you said, it's the shift supervisor's phone number. 5
- Q. So if we rang that phone number we would get the senior shift supervisor in the weather bureau?
A. That's correct. 10
- Q. Have you heard of any conversation taking place between Phil Thompson and the senior supervisor of the weather bureau on Sunday 27 December 1998?
A. As I said I wasn't in the office, so I can't comment. 15
- Q. No, I'm not asking you to comment. I'm asking if you've heard--
A. Not to my knowledge. 20
- Q. That's fine. You as a meteorologist, do you see any problems with giving a warning on the weather that not only includes the average wind speeds but the gusts? Do you see any problem with that?
A. As I said, we - I've been taught to - I've been educated to - to work with what I've been told to work with, so average speeds have been in - have been in the warnings. 25
- Q. I'm asking you a very simple question. You are trained as a meteorologist, yes?
A. Yes. 30
- Q. You have a degree, is that correct?
A. Yes.
- Q. And how long have you been a meteorologist?
A. Well I've been in the bureau 25 years. 35
- Q. With your expertise, do you see any problem with giving a warning that says average speeds 50 knots gusting to 70 knots?
A. Well I - let's put it this way. In the special race forecast for this last race, yes, we did mention average speeds as well as gusts once the average wind speeds rose above 25 knots. 40 45
- Q. Where do you mention gusts?
A. Sorry?
- Q. When do you mention gusts?
A. I - in the special race forecasts for the last race, for the-- 50
- Q. For this year?
A. Yeah, for this - you know the-- 55
- Q. So you actually now mention gusts when the average wind speed goes above 25 knots?

A. Yes.

Q. So that's done now?

A. It's done now, yes, for - for - for a special product, yes.

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Q. For a special product?

A. For that special race forecast.

Q. And a special product you mean the forecasts that were being given by the bureau to the CYC for the yacht race?

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A. That's correct, but the warnings are worded with average speeds. That's international practice which we abide by. Mariners at sea are taught that average speeds are in the warnings and high seas forecasts and coastal waters forecasts. They're standard products, they're written according to international practice.

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CORONER: Q. So it's because this was a special weather report in Sydney Hobart 1999 that you mentioned gusts?

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A. That's correct.

Q. But on that basis, an expert weather forecaster, if I accept you as such, you can't see a problem with doing that?

A. I can't see a problem.

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Q. But do you say there may be a problem doing it in a general weather forecast because it's not accepted practice throughout the--

A. That's right. Mariners are taught that - that average speeds go into national weather service derived(?) products around the world. And I know for a fact that mariners, masters in charge of commercial shipping, they do avoid - you know, if a gale warning's current for a particular area, they avoid that area like the plague because they're taught.

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HILL: Q. If I could take you back to the 26th, that's the morning of the race, at about 10 o'clock. Do you recall speaking with Phil Thompson?

A. I cannot recall, bearing in mind I spoke to a lot of people on that day, you know, as part of the - part of the pre-race briefing to participants in the race, but I cannot recall, no.

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Q. Well have you seen Mr Thompson's statement? Have you--

A. I have had a look at that, yes.

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Q. Well do you recall the part where he says - and this is at page 48 of Mr Thompson's statement - and he was asked about he says would have contacted the weather bureau, and he says "because we've got a - we formed a strong personal relationship with the weather bureau over the years, and as I have actually said to Ken back on the morning of the race at 10 o'clock, I said "what's the forecast?" He said "oh well, they're--" and he said "they're going to get a bit of a front down off Eden." I said "how strong?" He said "25 to 35." I said "oh that's pretty standard weather for them, they usually get a blow-up," and I said "what happens after

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that?" He said "it will moderate to go around to the west." And I said "oh well, so it's a pretty standard Hobart race and nothing to worry about," and he said "yeah, nothing to worry about," and I said "okay, I'll speak to you." See that's at 10 o'clock on race day.

A. That's right.

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Q. But that would have been the time that in fact you were getting down there with the gale warning?

A. That's right. I wouldn't - I wouldn't - wouldn't be talking those speeds, the speeds would have been higher, so yeah. But as I said, I cannot recall any conversation with Phil.

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Q. But certainly at 10 o'clock on that morning you were fully appraised of at least a gale warning?

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A. Sure. I'd just come from the bureau armed with all this new information and got stuck into the briefing.

Q. And you've told us that as far as you're concerned, a gale warning lies between I think 34 and 47 is it?

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A. Forty-seven.

Q. Knots, average speed.

A. Average speed, yeah.

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HILL: I've nothing further, thank you.

STANLEY: Q. Mr Batt, just in relation to the last matter that's been put to you, the suggested conversation that you had with Mr Thompson. It was suggested that you said to him that the winds would be 25 to 35, that was pretty standard. It's been indicated that that was at a time when you knew, because you'd been part of a gale warning having been issued.

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A. Mm.

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Q. Could that in any way be consistent with a gale warning having been issued only an hour or so earlier?

A. No.

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Q. It's also suggested that you said to him oh it will moderate and go around to the west. Is that at all consistent with what you understood the weather pattern to be that morning?

A. No.

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Q. Or weather forecast to be that morning?

A. Well if anything sou'west southerly holding southwest, so - on the south coast into Bass Strait and still, you know, gale force - gale force conditions.

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Q. But in lay terms so we can understand it, is it meaningful for you to have said to him it will moderate and go around to the west?

A. No.

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Q. Or is that just a meaningless--

- A. No, to me it's meaningless. I wouldn't - yeah.
- Q. I want to ask you some questions about your own background. As you've told us, you've been with the bureau now for 25 years?
- A. That's correct. 5
- Q. You're now a member of what's called the Severe Weather Team situated in Sydney?
- A. That's true. 10
- Q. You've been in that situation for how long?
- A. Twelve years.
- Q. Apart from your work with the bureau, has your other passion in life been yachting?
- A. That's correct. 15
- Q. You in fact come from a long line of yachtsmen in your family?
- A. That's correct. When I was born, this is the third generation yachting family. 20
- Q. And indeed, some of your forebears are even in the Tasmanian Hall of Fame for their yachting exploits?
- A. That's correct. 25
- Q. So it would be fair to say yachting's very much in your blood?
- A. They didn't say I was an idiot so yeah, that's the way I had to go. 30
- Q. In the yachting community in this city, do you regard yourself as well known?
- A. Yes. 35
- Q. With lots of friends and associates?
- A. Acquaintances and - yes.
- Q. You told the court yesterday that when the storm warning was to be forecast, you were quite upset about it. What was the particular reasons for your being so emotionally involved?
- A. Well looking at those wind speeds and considering the sea conditions that would have arisen from those - from those forecast wind speeds, I - I felt for the - felt for the crews and because of the boats that were heading south, based on my 1993 experience which was rugged, to say the least. I can remember on Wild Oats when I wasn't steering with two hours on, two hours off, a quick turn around, we were going through four steerers at that time. I was lying in a bunk just hoping and praying that, you know, we'd get through the worst of that. 40 45 50
- Q. So you're really scared are you?
- A. I was scared to say the least, and you know, thought of my wife and - and children at home and if I - you know, we've got to get this boat through, you know, because I want 55

to see them again, so yes.

Q. So you felt that you were feeling for your friends and fellow sailors who were out there, likely to experience those sort of conditions or worse?

A. Indeed.

Q. In your assessment?

A. In my assessment, that's correct.

Q. How many Sydney to Hobarts have you sailed? 10

A. I've done seven to date and I hope to do many more.

Q. Have you ever been aware of a storm warning ever being issued before for a Sydney to Hobart race? 15

A. Not to my knowledge.

Q. Is it a rare event in forecasting in general, a fairly rare event for a storm warning to be issued at all?

A. It is - it is a relatively rare event, yes. 20

Q. Apart from actual sailing, have you been involved in the teaching of marine meteorology over the past 15 years or so?

A. That's correct.

Q. Have you taught at universities, TAFE colleges, community colleges and also at yacht clubs and sailing schools? 25

A. That's correct.

Q. And you've had a particular interest in teaching sailing clubs? 30

A. That's right. I - I operate, you know, on behalf of the bureau as part of our public education programme as well as me being helping on educating the yachting fraternity or the boating fraternity at large about weather. 35

Q. Do you also teach with what's called the TAFE's open college?

A. Yeah. Essentially that's - that's a marking teacher role where I mark assignments that have been prepared by people that are undergoing distance learning. 40

Q. Do you sit on the Yachting Association of New South Wales Training Committee? 45

A. That's correct.

Q. And do you go out and give talks to and lectures and courses to various sailing clubs, not only in Sydney but in other States? 50

A. Yeah, I - I move around essentially between Tasmania, Victoria, Queensland and - and New South Wales.

Q. And is this all as part of your job with the weather bureau or are these things you do off your own bat? 55

A. Essentially things I've - I do off my own bat on behalf of the bureau as well. Besides, I miss the part. But also on behalf of the bureau because it's spreading - it's

spreading the weather word.

Q. Have you written a number of papers on severe weather as well as on marine meteorology?

A. Yes, I've written more on - more on the marine weather side of it than say the severe weather particular - severe thunderstorms. But from the marine weather point of view I write regularly, and a lot of the articles are written in conjunction with an ex-colleague.

Q. Any colleague in particular?

A. Bruce Buckley. He writes--

Q. He's also--

A. Sorry?

Q. He's also in the bureau is he?

A. He's - he's unfortunately left the bureau as of a week ago, but we together write for Australian Sailing and I personally write for Offshore Yachting.

Q. Is one of those the official journal of the CYCA?

A. Yeah, the Offshore Yachting magazine, yes. I don't write for every article. As with the Australian Sailing we - we try and sort of do it every - every other month.

Q. I want to just ask you a few questions about the pre-race briefing. We've been told there were about 250-odd people there.

A. Yes.

Q. Do you know who it was that was required to be there from each boat?

A. Well normally it's the skipper and the navigator.

Q. So it would follow that you would expect to be talking to people who have some sailing knowledge?

A. Indeed.

Q. And some knowledge of weather?

A. Indeed.

Q. And tides and currents and winds?

A. Yes.

Q. So that when you're giving your briefing, you're not talking to people perhaps like - well speaking for myself, like me, who know little about sailing or the weather in terms of forecasting?

A. Yeah, I pitch - I pitch briefings in what I call yacht speak, the jargon and terminology that--

Q. They understand?

A. That yachties can understand.

Q. So if, for example, I didn't understand much of what you were saying in your briefing, that really wouldn't matter because the people that you're talking to understand because

they talk yachtie talk?

A. That's correct.

Q. In your talk you mentioned that the southerly change could come on suddenly on Boxing Day and there could be seven to eight or even 10-metre seas? 5

A. Mm.

Q. When you were talking about say 10 metres, did you mean that the 10 metres would be the average wave height or that would be the-- 10

A. No, it's the total wave height.

Q. The total wave height?

A. Yeah. 15

Q. So the average wave height would have been about half of that?

A. That's correct. 20

Q. Is that the situation?

A. Roughly yeah. 25

Q. So you were telling them in effect, and you believe they either would have or should have known, that you were saying waves of perhaps up to five metres on an average basis? 25

A. Yeah, I just wanted to get through to them that - that they would be in for a hell of a time with the seaway that would have been created by the wind opposing current situation. 30

Q. And that was quite apart from what in fact ultimately happened?

A. That's true, yes. 35

CORONER: I'm sorry to interrupt you, but was that in the briefing that he said that? 35

STANLEY: Yes. 40

CORONER: Seven to eight to 10-metre seas? 40

STANLEY: Yes. That was with the southerly.

CORONER: Yes, that's right. 45

STANLEY: Q. There were really two aspects to your briefing weren't there in terms of the weather forecast or weather outlook?

A. Yes. 50

Q. There was first the southerly buster that you thought was going to - or you suggested might come on early on Boxing Day or some time on Boxing Day?

A. On the Boxing Day yeah, over the-- 55

Q. The reference to the low was a separate matter, you were just putting that in as a possibility in light of something

that you'd been advised?

A. Yeah, that's right.

Q. My learned junior's note is that the wind versus the current, the east Australian current, if a southerly change comes on earlier you have seven to eight, nine to 10-metre waves, which is not chickenfeed?

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A. That's true.

Q. What would your estimate be of the height of this Court room?

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A. Say 10, 10 metres, eight metres say.

Q. So you were telling them that there could be waves as high as this Court room?

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A. That's correct.

Q. That's with the southerly you were expecting on Boxing Day?

A. That's correct.

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CORONER: There was nine metres from you to the back wall, that's nine metres.

STANLEY: I'm sorry?

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CORONER: From you to there to the back, the wall near the back door, that's nine metres.

STANLEY: That's an awful long nine metres, I'd suggest.

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CORONER: It's nine metres.

STANLEY: Q. Were you involved in discussions with representatives of the CYCA well prior to the race in organising the package that was to be provided by the bureau for the race in terms of forecasting?

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A. That's true, yes.

Q. Who were you dealing with, had discussions with?

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A. The discussions then would have been with Phil Thompson, and there was Bruce Buckley and myself from the bureau, and I'm not sure who else was there.

Q. Was it in the course of those discussions or following some discussions that a letter was sent to Philip Thompson in effect confirming what services would be provided?

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A. That's true.

Q. Would you look please at this letter. Is that the letter that was sent by Bruce Buckley, your colleague?

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A. That's true.

Q. And it refers to the discussions, the recent discussions, and they were the discussions that you and Bruce Buckley had with Philip Thompson?

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A. That's true.

Q. You proposed the services, and this was really a commercial-type document, you were giving a quote for the services that you were to provide?

A. True.

Q. There were specific forecasts to be provided at specific times on specific dates for specific areas?

A. That's true.

Q. Was that all as per the request of Mr Thompson? 1

A. Yes, we - we ran it past the club and if - and if they're happy with what's proposed, that's what's - that's what's entered into, yes.

Q. So, for example, if we just look at that page, in the middle of the page, the paragraph - you say the quote for the following services is as follows, and then there's forecasts provided from Sydney and they include a pre-race briefing at 9 o'clock on the 24 December, that's the briefing that you gave. Do you see that? 1

A. Sorry I'm-- 2

Q. First page.

A. Yeah. Okay, yes. 2

Q. You were to give the pre-race briefing on 24 December at the Cruising Yacht Club? 2

A. That's true.

Q. And then the actual forecast, there were to be - it says two, I think it probably should be three in fact, given on the 26th, and they were all to cover the Sydney to Jervis Bay area? 3

A. That's true.

Q. And then on the 27th there were to be the two forecasts to be given for the Jervis Bay and Gabo Island period. At whose request was it that those forecasts should, for example, on the 26th, should relate to Sydney to Jervis Bay? 3!

A. That's been in place now for quite a number of years in consultation-- 4()

Q. So is what was proposed here essentially either the same or very similar to what had been in operation in preceding years? 45

A. That's true, yeah.

Q. Had you been involved in the arrangements with the yacht club on behalf of the weather bureau over a number of years? 50

A. That's true.

Q. Are you able to tell us how long the bureau had been giving these forecasts, providing this service for the race? 55

A. Sketchy, but I know when I first arrived in Sydney we were involved then, but I can't really provide - as far as I'm aware, at least over the nineties, yeah. I can't comment say before that--

Q. Then the letter gives a cost breakdown and gives the total fee of \$967.60 for what was to be done.

A. That's true.

Q. I take you over the page. In the third paragraph there's reference made to an e-mail address that's been set up for those 20 or so yachts with this facility to enable them to e-mail into the bureau's forecasting offices in Sydney and Hobart their current weather observations. You then give the e-mail address and then you set out the observations and say the observations can be provided in plain language but should include the time and the latitude, longitude, the average wind speed, direction and maximum gust, the seas, the swell and other remarks, weather conditions and other comments, and you ask for them to confirm the suitability of the above arrangements with any suggestions or alterations to the services being most welcome. Can I ask you, what was the purpose behind providing that e-mail address and making the request that observations be provided back to the weather bureau from the sailors?

A. To - it was - the request was there and it was set up in order to obtain much needed observations from out at sea.

Q. When you say much needed observation, what's the--

A. Essentially--

Q. --benefit of the observation as far as the weather bureau is concerned?

A. Well since we don't have any platforms in Bass Strait other than Flinders and King Island, and then coastal Tasmania, New South Wales, it's very difficult to understand what is going on away from the coast, say the western - western Tasman Sea, eastern Bass Strait. There's nothing there to tell us.

Q. In the discussions you'd had with Mr Thompson before this letter was sent, had this matter been raised?

A. Yeah, it had been. It had been verbally raised by Bruce, Bruce Buckley.

Q. Indeed, in your pre-race briefing when you spoke to all the 250-odd participants, you also referred to this and requested that the observations be sent in by those yachts that had the facility?

A. That's correct.

Q. In fact Mr Batt, did the bureau get any response at all?

A. We didn't get any.

Q. Not one?

A. Not one observation.

CORONER: Q. Was that persisted with last year, do you know? Was that persisted with in '99?

A. No, last year we got - observations from a lot of the boats were very scant.

Q. Did you?

A. Yeah, that's correct.

STANLEY: Q. In fact you did have some information, in particular you had some information from Kingfish B didn't you?

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A. There's a Kingfish B platform, yes.

Q. The additional information would have been of obvious assistance to you?

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A. Yeah, but to my knowledge it was not available to us in New South Wales, but that would have to be verified by someone else.

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Q. You mean the Kingfish B?

A. The Kingfish B to D'Ora. It would have to be verified by--

STANLEY: I tender that letter. I suspect it's already in the documents somewhere. 5

CORONER: It is I think.

EXHIBIT #5 ABOVEMENTIONED LETTER TENDERED, ADMITTED WITHOUT OBJECTION 10

STANLEY: Q. In the leadup to the race over the weeks before did you arrange for material to be forwarded from the Bureau to the yacht club? 15

A. Yes.

Q. And would you look, please, at these two documents. Were those documents that were sent to the yacht club? 20

A. That's correct.

Q. Could you identify each of them and tell us approximately when it was sent and why it was sent, what its purpose was? 25

A. Well, the first package here which went through the weather by fax, Polfax service, at the Bureau office and the radio sources of weather information and the HF weather fax schedule was provided some two to three weeks before the race.

Q. So that document was provided two or three weeks before and it was telling the Bureau, what, information about where weather could be obtained? 30

A. Where weather information could be obtained from, yes.

Q. It's a fairly lengthy document, a number of pages? 35

A. Yeah, it's a lengthy document.

Q. What did you expect was to be done with that document? 40

A. Well, it was sent so that it could be included in the navigator's bag so that participants could be looking at the weather well before the race.

Q. What do you call the navigator's bag is this? 45

A. That's correct.

Q. Which is the bag that's already been - another one of them has already been entered in evidence? 50

A. That's correct.

Q. These are known as the "navbag" are they? 55

A. Yeah, they call them, the navbag, yes.

Q. And the other document that you have there that was forwarded to the yacht club? 55

A. The other document is the weather information for the Sydney to Hobart Telstra Cup and Sydney to Coffs yacht races which indicates to the user where weather information can be

got via web sites, the Bureau's website, CSIRO, and the weather by fax and the recorded telephone service that offers websites.

Q. So, again you're giving more specific and detailed advice as to where weather information can be obtained by the yachtsmen? 5

A. That's true.

Q. And again did you expect that would be included in the navbag? 10

A. Yes.

Q. What actually goes in the navbag, does the Bureau have any decision about that or is that up to the yacht club? 15

A. Essentially that's up to the yacht club as to what goes in these bags.

Q. But as far as you're concerned the purpose you send that is in the hope and the expectation that it will be put in the navbag for the benefit of the navigators? 20

A. That's true.

EXHIBIT #6 ABOVEMENTIONED DOCUMENTS TENDERED, ADMITTED WITHOUT OBJECTION 25

Q. Now, I turn to the pre-race briefing, that briefing was given at the yacht club and were there at the time of the briefing, on the day of the briefing, a number of documents or pamphlets that were made available to the yachtsmen and those attending? 30

A. That's true.

Q. Would you look, please, at this folder, are they the documents that were available? 35

A. That's true.

Q. And was this the first time that these documents had been made available to your knowledge at briefings? 40

A. No, they make them available at every briefing and that year they - well, in the leadup to the Hobart race they would have appeared at the Telstra Cup.

Q. As well?

A. As well. 45

Q. And the Telstra Cup was conducted I think on 15 December?

A. The briefing was on 15th, yes.

Q. So only a matter of ten days earlier? 50

A. That's true.

Q. Perhaps I should just ask you this: Apart from the briefing that you gave and give to the Sydney to Hobart did you do briefings for other yacht races? 55

A. Yes.

Q. What, many others?

A. Generally the Sydney/Mooloolaba, the Sydney to Southport, from time to time the Gosford/Lord Howe Island race.

Q. So you were, it would be fair to say, an experienced briefer, pre-race briefer in yachting circles?

A. Sure.

Q. Do you have the documents in front of you?

A. Yes.

1

CORONER: Do you seek to tender those?

STANLEY: Yes, I do, sir and I will identify them. I'll get him to deal with them individually but I do tender them.

1

CORONER: So they were going in the bag too?

STANLEY: No, these were documents that were available and I'll ask the witness.

20

Q. Whereabouts were these documents, where were they?

CORONER: The ones in the second file.

25

WITNESS: Yes, sorry, yeah. Those documents were actually placed on a table beside the navbags which on the pre-race briefing, on the morning of the pre-race briefing as people entered into the large room they collected their navbags and then at the end the pamphlets were made available to them.

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STANLEY: Q. On a table?

A. On a table.

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Q. And, what, piles of each of these--

A. Piles of each, yeah.

Q. I think there's four or five various, separate documents, it would be a pile of each of them?

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A. That's true.

Q. And are they each documents or pamphlets put out by the Weather Bureau for - to advise and assist people with respect to weather?

45

A. That's true.

Q. Mr Batt, I wonder if you could look at those documents, could you hold up the first one, please. Now, that's a brochure entitled "Weather Marine Services". In the preliminary report, it's just been indicated to me by Mr Hill, there is a photocopy of a document entitled "Marine Weather Services" and I strongly suspect that the contents, the words are identical, exactly the same, but there is a different photograph, the boat is a different photo, are you able to explain that?

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A. At the bottom on the reverse it depends on the

publishing.

Q. Can you tell us what's the date that was published?

A. This one was published in 1996.

Q. This one was published in 1998, which one do you think it would have been, are you able to say?

A. It would have been that one.

CORONER: Okay, but it's a very similar document. 10

STANLEY: Q. In terms of the content we accept for the moment that they're the same. What's the next document?

A. It's the weather information for the Telstra Cup, Sydney to Hobart, and the Coffs race. 15

Q. And what's that telling the navigators?

A. It's telling them where they can actually - which Internet sites they can access to obtain the latest weather information, whether it be weather maps, forecasts, et cetera. 20

CORONER: So some of that would be a duplicate of some of the documents, of one of these documents, would it, that were in the bags? 25

A. That's true, yes.

Q. Well, the information would be duplicated?

A. Yes.

STANLEY: Q. The next document? 30

A. The next document's the weather map.

Q. And what's the purpose of that?

A. That's essentially an educational pamphlet teaching people how to interpret the weather map. 35

Q. The next one?

A. Is the Weather by Fax, this the Polfax service operated by the Bureau and it's over 250 products that are available and some of the better known ones are listed in here. So by using a Polfax people can download weather maps, forecasts, et cetera. 40

Q. And were a number of the boats so equipped?

A. I know boats have the ability to download that information via satellite, satellite communications. 45

Q. The next document?

A. Weatherwords and that essentially outlines a lot of the terms that are used in weather forecasts. 50

Q. It assists in an understanding of the language used by the Weather Bureau?

A. That's true, yeah. 55

Q. And is that all?

A. That's all that I have here.

EXHIBIT #7 DOCUMENTS AVAILABLE TO SKIPPERS AND NAVIGATORS AT BRIEFING ON 24 DECEMBER 1998 TENDERED, ADMITTED WITHOUT OBJECTION

Q. So it was giving the participants two days to read them before the race?

A. So before the pre-race briefing to the race start time it's imperative that they look at every piece of information that they can get and even during the race so that they can be updating themselves.

CORONER: Q. What can you say about that anecdotally, you know, on your great knowledge and history with sailing and competitive sailing, do you believe that happens or do you believe that there's an echelon who will say - Oh, no, I don't need that?

A. I think it's a mixed bag. I know that there are people that I've spoken to that do that and there are others that essentially wait for the special race forecast on the day of the event.

Q. Yes, they don't bother to digest this sort of stuff?

A. No.

STANLEY: Q. When you gave your pre-race briefing on 24th, was that in its format essentially the same as it had been in preceding Sydney to Hobart race briefings or was it different?

A. That briefing was in similar format for at least the last few years, yes.

Q. And in turn with the exception of the actual section that dealt with the weather outlook was the rest of it essentially, I mean, not word perfect, but you dealt with exactly the same topics, the same configuration, in your previous Sydney to Hobart briefings?

A. That's true.

Q. And up until after this race had you ever received criticism of your briefings from anybody at the CYCA or anywhere else?

A. Never.

Q. Indeed, what was your experience after the briefings as to the response of those that attended them?

A. It's been my knowledge that people have actually come up and congratulated me on my presentation, people have walked by, and, yeah.

Q. And after the presentation is concluded do you immediately race away or do you wait around and engage in general discussion and talk with those?

A. No, I wait around. I do wait around and the media is always wanting to, you know, in the past get to pull me aside, you know, to chat to me, but I'm always there, you know, I'm always there for a fair time after the event.

Q. And are you available then for anyone who wants to come

up and ask you about what you've said if they want more detail or more understanding?

A. Indeed.

Q. Now, in the document that's just been tendered headed "Marine Weather Services" under the heading of "Definitions and Terminology" there's the definition of wind speed. I says, "Wind speed mentioned in forecasts and coastal observations is measured as an average speed over a ten minute period. Gusts may be 40 per cent stronger than the speed." Now, you've already said that's your understanding too and that's the way you understand weather and that's the way the forecasts as given, as average over a ten minute period?

A. That's true.

Q. Now in this inquest there was some concern that there really could be gusts as strong as 40 per cent more. Apart from this document that was put out by the Bureau are there other books or documents that you're aware of where this very fact is reported upon or noted?

A. Yeah, there are a range of books.

Q. And are these commonly available and ordinary books that might be used by people that are interested in sailing or the weather?

A. Yeah.

Q. Do you have a number of them yourself?

A. Yeah, I do have a number.

Q. You might perhaps just look at the books that are in this bag you've produced. Now, if we just take them one at a time?

A. Okay.

Q. The first one you've got there, what's that?

A. That's entitled "Weather for Sailing" by Ray Sanderson.

Q. What can you tell us about that book?

A. This book covers wind very well, chapter 10, "Winds Variability Coastal Effects Sea and Land Breezes" and Ray Sanderson has - I assume he's retired from the UK Nav Office. "It can be seen that even in steady conditions shown the wind direction frequently swings 15 per cent or so either side of the mean and that the wind speed also varies often by 15 per cent and less frequently by about 40 degrees from the mean."

Q. That should be 40 per cent?

A. That should be 40 per cent, sorry, yeah. That's a typo. "The gusts peaks tend to coincide with short-term veering or backing the southern hemisphere"

Q. So what he's saying there is that the direction of the wind can vary by as much as 30 degrees?

A. Yeah.

Q. 15 each way?

A. Yes.

Q. And the wind speeds can vary from 15 up to 40 per cent?

A. Up to 40 per cent, yes.

Q. And that book, how available is it amongst sailors?

A. That's available from a lot of decent bookshops, you know.

Q. It's called "Weather Sailing" so it's directed towards sailing?

A. Yeah. It was actually put together for the Royal Yachting Association and the Department of Transport certificates.

Q. The next one?

A. "Deepsea Sailing" again by - now again but it's one by Errol Bruce, is a renowned ocean racing person. His son, Peter, actually updated the Admiral Coles Heavy Weather Sailing which is one of the bibles amongst the sailing fraternity and again as far as wind is concerned there's a very general guide, "While we have cyclonic winds above gale force the fiercest gust will be 40 per cent higher than the mean wind force." There's also some inference here to waves, "Nature ridicules averages, and the seaman is concerned with the extreme sea that may endanger his vessel. In practice it is likely the highest wave will be 40 per cent greater than the mean or higher still if such factors as currents affect the movement of the water. With the stronger winds the wave height will be usually limited by the fetch in the open sea, thus a force 8 gale will..." and it goes on. There's a lot of valuable information in that.

Q. You say that's one of the bibles?

A. That's one of the bibles, yes.

CORNER: But there's an interesting point in that. The seaman is not so much concerned with the average, he's concerned with the high waves, the point you just read out there.

STANLEY: Yes, and the point that nature ridicules averages.

WITNESS: That's true.

STANLEY: Q. What does that tell you, the saying "nature ridicules averages"?

A. Well, I've always said that the weather's never average so, you know, when you go to sea you expect conditions, you know, you can expect the conditions could be worse than that.

CORNER: Q. You put a loading on the average in other words?

A. Yeah, that's true.

STANLEY: Q. And when you're teaching at yachting clubs or sailing clubs and wherever do you teach these matters?

A. I preach it and students leave at the end of the course knowing the wind warning system, the gust factors, et cetera, et cetera.

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Q. Now, the first book that you looked at, could you just clarify again who put that together?

A. Ray Sanderson, he's a shipping forecaster at the meteorological office headquarters at Bracknell, has had a long experience of weather over the UK/Europe. He's skippered yachts for the last 15 years here and in the Mediterranean and the Far East borders. He's also a Raw Yachting Association yachtmaster, instructor, and principal of the Weatherwise Sailing School in which he runs his Nichols and 38 ketch.

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CORONER: Q. I thought you mentioned that it was put out for a yachting club, was it?

A. For the Royal Yachting Association and the Department of Transport certificates, say the equivalent to our Australian Yachting Federation certification system that we have here.

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STANLEY: Q. Can we go to the next piece you've got?

A. There are inferences right the way through this book, the bible of heavy weather sailing. It's title "Heavy Weather Sailing" 4th Edition by K Hadley-Coles, revised by Peter Bruce, who is the son of Errol and all the way through here you get the flavour that wind can gust to 40 per cent more than the mean and wave heights can be much greater than average under certain conditions.

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Q. And again is that a book that's commonly available?

A. Yes.

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Q. And known as one of the bibles?

A. Yes, indeed. People could come up with Boat Books which is a popular bookshop, Whitworths, which is a nautical chandlery, and, you know, the list goes on.

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Q. All right, any more?

A. There's Greg Lachlan's book, "The User's Guide to the Australian Coast" and Greg does talk about in terms that people get a good feeling that the wind gusts, you know, gusts - he sort of talks - one gets the flavour that wind gusts are a regular feature of the wind. It doesn't actually talk about 40 per cent more but, yeah, like, you can gain that wind can gust 10, 20 knots more than the average, for example, and talks about estimating wave heights on any particular day, goes into the significant wave height, et cetera, general factors controlling wave height, talks about rogue, freak or king waves, wave heights in the open water and one would have to read this book to appreciate just how much information is of value in there and that's available freely.

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CORONER: Q. And are these the sort of books that you would expect a person, navigators or skippers in the Sydney to

Hobart race to have read, not everyone of them perhaps but certainly some of them?

A. Well, I preach that people should be getting their heads into as many books as they possibly can because, you know, some books treat the wind better than say sea, others treat sea better. So, they've got to be reading a lot, you know, to increase their knowledge and that's what I preach.

Q. Have you got any more there?

A. Frank Bethwaite's book, "High Performance Sailing". Frank does refer to "The gust lull sequence of these breezes normally sweeps a range of about 35 to 40 per cent of the average wind speed. This is the difference between the average speed of the gust and the average speed of the lull" and it goes on and one-again gets a flavour from this book concerning wave--

STANLEY: Q. Again, is that a book that's available?

A. Freely available, yes.

Q. To yachting people?

A. Indeed. "The Weather at Sea" or the manual of The Weather at Sea, the Royal Ocean Racing Club by Dag Pike talks about factors that should be added to the wind, to the average speed in order to get your wind gust and it goes on in similar lines to our 40 per cent more than the 10 minute average and also goes into waves very well, talks about significant wave height and then goes into very large waves. So one very quickly gets a flavour for that.

Q. And when you say these books talk about significant wave height what are they meaning and what are they talking about?

A. The average height of the - the highest one third of the wave train which is essentially when an experienced mariner looks at the sea state that's what their observing, the height of that wave essentially equates to the significant wave height which is the wave height that appears in Bureau forecasts.

Q. So, it's the top third or the highest third?

A. The average height of the highest third, yes, of the wave train. The second-last book I have in this bag, or the third-last, is "Oceanography and Seamanship".

Q. Which one's that?

A. "Oceanography and Seamanship" by William G Van Doorn.

Q. I don't think you need go into the detail of it but again it's available?

A. It's freely available.

Q. And is it a book that again emphasises the gusts?

A. The gusts and sea conditions, yes. In the 1997 offshore yachting magazine which is the official programme for the Sydney to Hobart yacht race I did write an article which--

Q. So this was the, what, the--

A. For the year before.

Q. --year before this?

A. For the year before the '98 race.

Q. And it contained an article that you've written?

A. Yes. The article was entitled "To Be or Not to Be: A Guide to Weather Prediction at Sea" with a Hobart race bias.

Q. So, it's an article written with, as you say, a Sydney or Hobart race bias?

A. That's true.

Q. And did you mention anything in that relevant?

A. I mention here that "Gusty winds will occur in the area around a cold front but some evidence suggests that when we have tight pressure gradient isobars close together on a weather map the wind arranges itself in corridors of stronger wind interspersed with areas of lighter winds and these stronger winds can be 20 knots or more higher in speed than the average wind speed".

Q. And when you say 20 knots, how does that correlate with the 40 per cent?

A. Yeah, that's pretty well, pretty much the case.

Q. So that's telling anyone who read it that if you've got high wind speeds forecast you've got to perhaps add another 20 knots on for the gusts?

A. Indeed, that's not a bad rule of thumb, yes, and then the last one I have is part of the Bureau of Meteorology Boating Weather Series, wind waves weather, New South Wales, and for most of the States now these are available and essentially from a wave point of view, for example, the higher - for example, under "Wind Waves Local Seas", "Wind waves are produced by the local prevailing winds. The height of the wind waves depends on the strength of the wind, the time the wind has been blowing, the fetch, the higher the wind speed and the longer the duration of the fetch the higher the wave and the longer the period. Wind waves are steeper than swirl waves with shorter periods in wave lengths. The sea appears more confused than for swell waves alone." So there are tables here at the right show the significant wave height for various wind speeds, durations and fetches. Fetch is the area of water that the wind blows over. For example, with a fetch of 40 nautical miles a wind of 25 knots and duration of about 6 hours a significant wave height of 1.9 metres is expected. For longer fetches, say a 40 knot wind blowing for 6 hours with big waves averaging 3.8 metres" and it's going on--

Q. I think that's probably sufficient, it gives the picture?

A. Yeah. So essentially all these books are freely available.

STANLEY: I don't propose to tender those, your Worship, but they're available if anyone wants to look at them.

WITNESS: And, of-course, there are many others out there as well. These are just a small sample.

STANLEY: Q. In terms of estimating or forecasting of wind speed is it simply a matter of the forecaster pressing a button on his computer and a figure comes up and he simply adopts it or is there more to it than that?

A. No, there's a lot more. It's very complex. So there's a model output as well as live observations and I did say earlier that the Kingfish B data is available to us and it does appear on our three-hourly surface, synoptic surface analyses, but all these observations, what's going on there now, computer weather models, satellite imagery, every - there's a lot of data that has to come together and then the forecaster has to assess, you know, digest that information, assess it.

Q. And you mentioned before the senior weather forecaster, in practice what's his position in the office, how does it work before a forecast goes out?

A. The senior forecaster, the ship supervisor, sets a forecasting policy for - essentially for the day and, of-course, that's adjusted twice a day.

Q. That's a term that you understand, a policy, but what does it mean in practice?

A. A forecast policy essentially governs the way forecasts are written.

Q. For that day when he's on?

A. For that day, yes.

Q. So is it just the senior forecaster that determines the forecast or does he have input from other forecasters?

A. No. Yeah, we have a chart discussion, say, twice a day, could be more times where forecasters on duty get together and talk about the weather.

Q. And then ultimately it's the senior forecaster that has to, as it were, put his name or take responsibility for the forecast that's put out?

A. That's true, yes.

Q. Now, the forecast that you described in the course of your pre-briefing, was that your own estimate of the weather or was it the official - the Bureau's forecast at that time?

A. No, that forecast was essentially set by forecasting policy so the shift supervisor.

Q. So you weren't just going off on your own giving your own views about it?

A. No.

Q. It was policy?

A. Yes.

Q. And so far as forecasting wave heights is concerned is that again a matter that involves considerable judgment and

looking at a large number of factors?

A. That's true.

Q. In terms of making an accurate prediction is it easier or harder with waves or winds? 5

A. I suppose waves, waves from my point of view.

Q. Why is that?

A. The observations - the observation network, you know, again is and when you get out over the open water there aren't any observations. 10

Q. There aren't any observations?

A. There aren't any observations coming in from the open oceans, it's where we have wave recorders along the coast and we have observers that observe sea state. 15

Q. Is it also because the waves are affected by so many different factors?

A. Sure, there's the distance the wind blows over the speed of the wind, the distance the wind blows over the, you know, when we - sheltering effects, whether the wind's blowing off the land, on the land, whether it's opposing current, all this sort of stuff, yeah, very complex. 20

Q. Well now, after your pre-race briefing did you receive any criticism or hear any comments, this is before the disaster occurred in the race? 25

A. No.

Q. Indeed, was there any positive response to you after the briefing? 30

A. Yes, there was, yes.

Q. From what sort of people? 35

A. It varied, you know, from yachting types that past by, after I came back and was just standing around waiting for anyone to come up to me to ask me questions, people passed by and said, you know, "It was great, Ken, thank you". 40

Q. And what would you say to a criticism that the briefing in terms of the forecast was too inconclusive?

A. Well, we saw that video yesterday and the models were wholly diversion and, yeah, it was quite a complex pattern, it was a hard one. 45

Q. Are you saying it had to be inconclusive because no one knew?

A. That's right, yeah. It was one that you'd have to let run down the wire, so as to speak. 50

Q. Is it truly a forecast that you're giving on that day for events that are going to occur two, three, four, five days in the future? 55

A. No.

Q. Or is that what's properly termed an outlook?

A. It's called an outlook; because so many things can

happen between, say, a pre-race briefing and the actual start of the race the Bureau uses the term "outlook". Timing and intensity of weather systems can change so much so it's sort of worded, the outlook's worded in more general terms whereas the forecast is worded in more specific terms. 5

SHORT ADJOURNMENT

Q. Mr Batt, just before I go to the events on the day of the race you mentioned when you were talking about the difficulties in forecasting waves in particular the fact that the timing and intensity of weather systems can change so much, in the area that we're concerned with in this inquest what do you say as to the changeability of the weather systems? 10 15

A. Say in Bass Strait and the western Tasman Sea, yeah.

Q. And what does all that mean, that the weather can change very dramatically and very suddenly and unexpectedly?

A. Yes, indeed. 20

Q. Is it an area that's prone to that particularly?

CORONER: Q. And is that a year-round thing or is it more likely to be in that December/January period? 25

A. No, it's actually a year-round thing and there was an article that Bruce Buckley and myself wrote on the - a brief meteorology of the Bass Strait area and that sort of goes into that and winter time can be a particularly bad time with lows sort of moving up close to southern Tasmania and the frequency of cold fronts moving through southern Australia increases but during the summer time with the high pressure systems generally through there things tend to be a little bit more moderate compared to winter but nevertheless some intense systems can form there. 30 35

STANLEY: Q. Can I take you to the race day. You told us that you were at the Bureau early that day?

A. Yes. 40

Q. And was that for the purpose of preparing material to hand out to the yachtsmen from the yacht club?

A. Indeed, we tend to get there round about 6 am. There's a lot of preparation to do before going down to the yacht club. 45

Q. And were you on duty that day?

A. No, I was on a rostered day off and volunteered to go down to the club along with the other two. 50

Q. So the three of you that were involved, that's yourself, Brett Gage and--

A. Geoff Smith.

Q. --Geoff Smith, you were all volunteers? 5

A. We all volunteered, yes.

Q. Not paid?

A. We either had day - we generally took days off in lieu or - yeah. 10

Q. It wasn't a formal bureau--

A. No.

Q. --performance. It-wasn't part of the contract or the agreement that-- 15

A. No, it was--

Q. --was being paid for by the yacht club?

A. --something that we do in - from the public relations to assist, to assist the yachting fraternity. 20

Q. What time was it approximately that you got to the yacht club?

A. I got there roughly at 10am. 25

Q. And that was after the gale warning had been put out?

A. That's correct.

Q. Did you have any part in that forecast being determined and that morning being put out? 30

A. Yeah. The other two had gone down to the club earlier and I stayed on to actually try and get some more information photocopied. I'd been out with Professor Leslie who was actually running his model on PC out in another area, and the area information from that model was suggesting gale force winds on the south coast. So it was - so with that information that Lance had written down, I went out to the shift supervisor and suggested that he look at it, suggested that he look at this information and - and assess it and-- 35 40

Q. So you had some--

A. I had something to do with it, yes. 45

Q. --input, but the decision was again made by the shift supervisor?

A. That's correct.

Q. On the basis of the material he got that came principally from Professor Leslie's model? 50

A. That's true.

Q. What did a gale warning mean to you in terms of the conditions that the boats were going to experience? 55

A. Well from my personal experience isn't very nice, even on the south coast of New South Wales with gale force - a southerly--

Q. Telling us it isn't very nice doesn't perhaps help very much. What would a--

A. I know I've used this term--

Q. What would an experienced yachtsman expect if he understands and having received a gale warning for these waters?

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A. That person would expect to have very, very trying conditions on hand, like 10 minute average wind speeds of 34 to 47 knots with stronger gusts of course, and sea conditions that would make it not very nice to be at sea.

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Q. When you got to the yacht club, was there a package that again was made available with the assistance of the yacht club for the yachtsmen?

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A. That's true.

Q. Did that package that went to the them include the updated weather forecast indicating the gale warning?

A. That's true.

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Q. And that gale warning was current south from Broken Bay?

A. That's true.

Q. Did that mean that was an area that the yachts were going to be likely to be entering on that day or the next day?

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A. Essentially--

Q. North of Sydney is it?

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A. Broken Bay is north of Sydney so it's--

Q. The whole area?

A. --the area say at least south of Sydney.

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CORONER: Local knowledge. It's off Palm Beach.

STANLEY: Q. The material that you told the court yesterday was being photocopied with the assistance of the yacht club, that was weather bureau information. What was its purpose, how was it intending to assist the yachtsmen?

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A. It was offering information to - to the yachtsmen to assist them in their yacht racing strategies, telling them what they could expect in the case with the special race forecast, but there were surface analyses, there were the GASP(?) extended prognostic run, there were products out of our wave model, et cetera. There was even information on the tides in Hobart as well as Sydney.

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Q. So was it in essence the material that would enable the yachtsmen to fine tune, as you advised them to do two days earlier?

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A. Indeed.

Q. It was the most up to date material that the weather bureau had relevant to the weather conditions and other relevant factors that would involve the contestants in the race?

55

A. That's correct.

Q. And also the updated weather forecast?

A. Yes.

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Q. Would you look please at this. Are they the documents that were provided at the yacht club for the contestants?

A. Yes.

Q. How was it that the contestants received those documents?

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A. They were made available on - on the table outside the sailing office, like a bureau stand.

Q. So there was a stand put up as it were by the bureau and there was a table there?

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A. Yes, we had - we had a laptop computer on the table accessing the latest weather observations from down the New South Wales coast. We had the latest weather charts

flipping up on that, and we also had a display set up alongside of the table with all this - with this handout,

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all the pages here hanging up as well as other general weather information, so as people - as people were presenting themselves from the various yachts, their boat's name was being ticked off and - ticked off, like checked off on a list, and the package was handed to them and then if they needed elaboration on anything, that facility was available.

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CORONER: Q. What time would that have been available for on the morning of the race, from?

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A. Well I know when I arrived it was--

Q. It was there?

A. It was fully set up, yes.

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Q. So the others--

A. They'd gone down earlier.

Q. They'd taken it down?

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A. Yes.

Q. Would they have taken the gale warning down, they knew that then?

A. I faxed - I faxed the gale warning down. I made sure that it got to them before leaving our office--

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Q. Have you any records of what time they'd have got there?

A. I don't know from--

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Q. But between?

STANLEY: Q. Can you tell from the time the gale warning was issued? Does that assist you?

A. No, I think nineish or--

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CORONER: Q. Now what about boats which may not have called in? I think Mr Murray said that he didn't call into

the club didn't he? There must be a lot of - some competitors, or are there some competitors to your knowledge who don't go to the club on the morning of the race from the other yacht club? Was it the Royal Sydney?

A. At - at the other - there are boats that are kept away from the Cruising Yacht Club at Rushcutters Bay, but I know that the club faxes the information to them and I know on boats that I've sailed with being kept away from the CYCA. We've actually despatched someone to go around and pick that information up. To my knowledge that's what generally happens.

STANLEY: Q. Were there in fact some photographs taken of the stand and what was happening at it on that day?

A. Yes.

Q. Would you look please at these photographs. Just the first two, just deal with those first. They show who?

A. Do you want me to hold them up?

Q. Yes, if you would, just so--

A. That's Brett Gage.

Q. And he's sitting at a desk with a laptop computer?

A. Indeed.

Q. And the next photo?

A. And that's Geoff Smith.

Q. Also sitting at a laptop?

A. Also sitting at the laptop.

Q. What was the purpose of having the laptop there?

A. The purpose of having a laptop was there was to actually update the observations from around the Harbour and down the New South Wales coast.

Q. So you were in a position to give really last minute advice on the immediate coastal conditions--

A. That's true.

Q. --right up until the time the competitors left to go on their boats?

A. Indeed.

Q. The other photos you have there?

A. The other photos is actually members of a yacht crew. I'm not sure - I forgot the name of the yacht, but they're being briefed on just some of the - they're homing in on part of the display panel.

Q. The photographs, the subsequent photographs show the various display panels that were set up?

A. That's true.

Q. How big was the stand altogether?

A. I think - I'll just have a look. There's one, two, three, four, four panels across.

- Q. And what does that mean in terms of size? As big as this desk?
- A. As long as this desk--
- Q. And whereabouts was it positioned? 5
- A. It was positioned outside and just to - on the roadside of - of the old sailing office.
- Q. So was it in an obvious position for the yacht contestants? 10
- A. Yes.
- Q. Was it compulsory for contestants to come and obtain the information? 15
- A. No but--
- Q. Was a record kept do you know of--
- A. Yes.
- Q. --those contestants that did come or which boats came? 20
- A. That's true, yes.
- Q. Who kept that record?
- A. Generally Brett did. 25
- Q. So it was the weather bureau?
- A. Yeah, well Brett was--
- Q. Your team kept the record?
- A. It was our team that - the club had provided us with the latest listing of the yachts entered in the race, and as people rolled up they were just ticked off. 30
- CORONER: Q. What did you do with the ones at the end of the day hadn't been ticked off, if anything? 35
- A. Well there's no way that we could actually go around and round--
- Q. Look, I'm not criticising you, but I need to know if you did anything, whether there was any arrangement with the CYCA that they - well these ones didn't turn up, well we'll get them to you and it was in their hands then? I appreciate it's not your fault. 40
- A. Yeah. Like we - we waited there until roughly midday and the yachts start to leave the Cruising Yacht Club marina from around about 11. 45
- Q. You know of no arrangement with this late data being given to the yachts that didn't call in and pick it up, is that fair to say? 50
- A. Well yeah, to my knowledge, yes.
- STANLEY: Q. Are you able to tell us, do you know what percentage or how many of the yachts did receive the package from you from the bureau's stand? 55
- A. It was around about 70, 75 per cent, in that range.
- Q. Again, on that morning there was the three of you there.

Did you talk with yachtsmen as they came up to get their material?

A. Indeed, yes.

Q. Did you have discussions about the weather and the possible conditions? 5

A. Yes, yes and - and some of the - some of the discussions centred around possible scenarios, and one of them was the scenario where if a low formed southeast of Gabo we could have another 1993 race on our hands. But knowing that - a lot of the yachtsmen that spoke to me with the knowledge of the gale warning, they knew that they had the proverbial shitfight on their hands. 10

CORONER: Q. That was enough? 15

A. That was enough. The - like a gale warning's, as I say, is nothing to be sneezed at, especially heading south.

STANLEY: Your Worship, I seek to tender the photographs and the documents that were provided to the contestants on the 26th. 20

CORONER: On the morning of the race.

WITNESS: I think that's less the special race forecast though. 25

STANLEY: I think it includes--

EXHIBIT #8 PHOTOGRAPHS AND DOCUMENTS TENDERED, ADMITTED WITHOUT OBJECTION 30

Q. In the documents that were provided included the updated gale forecast, gale warning forecast, that was you understand stapled onto the - at the back of the other documents? 35

A. Yeah, it was stapled, stapled up - up on the front of the document because they were held back until that updated information had arrived at the club. 40

Q. When you went back to the bureau offices you were, as you've told us, present when the decision was made by the senior forecaster ultimately to put out the storm warning?

A. That's true. 45

Q. You indicated that the storm warning was in fact the most extreme warning that could be given?

A. That's true.

Q. What was the point of you trying to ring the media centre after you attempted to ring the yacht club? 50

A. Well I wanted to get - I wanted to get someone there to actually let Phil Thompson know that the storm warning had been issued.

Q. So was your concern to make sure that the people running the race simply knew that a storm warning had been given? 55

A. That's correct.

Q. As far as you were concerned, was that enough for them to know?

A. Yes.

Q. In making the phone call that you made and that Brett Gage made, was that acting within your normal policy or normal protocol? 5

A. No, it was over and above normal protocol.

Q. Perhaps you've already answered it, but just to clear it up, why did you go outside that normal protocol? 10

A. Well we thought it was imperative that they actually had heads up, so as to speak, that they knew that that information was - was available. 15

Q. There's been some evidence given that on the boat the radios are not kept on all the time. What do you teach the people that you instruct sailing with respect to weather? 20

A. I - I preach that they try and interrogate every single piece of weather information that they can possibly get or source of weather information that they can get. 25

Q. In the Sydney to Hobart race, if someone had - a navigator had particularly wanted to find out what the weather conditions were to be or what the forecast was, say if he wanted to find that out on the afternoon of the start of the race, where could he have gone? What was available? 30

A. Well there are a number of sources. The Penta Comstat comes to mind first us, Sydney Radio EIS. 35

Q. What's that? 40

A. Penta Comstat, which is a privately - privately run marine radio station based up at Firefly which is up on the mid-north coast of New South Wales. 45

Q. Would it have had the storm warning-- 50

A. It would have, yeah. Derek obtains routinely all the bureau forecasts and warnings.

Q. Is that available to all of the yachts? 55

A. Yes, that's made available at sched times. We also have Telstra coastal stations such as Sydney and Melbourne radios. They routinely obtain bureau forecasts and warnings and broadcast those according to their schedules. The coastal - coast patrols and Royal Volunteer - sorry, coastguards and coastal patrols, we'll leave it at that, they also obtain bureau forecasts and warnings and broadcast those according to their schedules. 60

Q. But how are these accessed by the individual yachts? 65

A. They're actually accessed by either HF - high frequency - radios and/or VHF, the very high frequency.

Q. So it's a matter of having the radio on? 70

A. That's right. 75

Q. And tuning it into whichever of these stations you want to listen? 80

A. That's right.

Q. And those details of stations and so on are all set out in the documentation that the bureau had provided?

A. Yeah, yes. We - it's through that--

Q. The material we've looked at earlier?

A. That's right, yes.

STANLEY: Thank you.

HARRIS: Q. Mr Batt, I won't detain you too long, much of it's common ground between the CYC and the weather bureau and a lot of it we've been through already. But you're a qualified meteorologist, you've told the court 25 years with BOM, 12 years as a severe weather forecaster, and you've told the court that in addition to that you're an experienced yachtsman. So it would be fair for the CYC in your opinion to accept you as a proper and competent person to give their race briefings?

A. Yes.

Q. In your yachting experience, you have made the acquaintance of quite a number of competitive and regular yachtsmen I understand?

A. That's true.

Q. You'd know people like Sid Fisher, for example?

A. Yes.

Q. You've sailed with him?

A. Yes.

Q. Roger Hickman?

A. Yes.

Q. You've sailed with him?

A. Yes.

Q. He's a qualified master mariner?

A. Indeed.

Q. And Stephen Culmar, sailed with him or know of his reputation?

A. No, I haven't sailed with Stephen.

Q. You understand, and we've had our attention drawn to the fact that the relationship with the Bureau of Meteorology and the Cruising Yacht Club was governed by a contract?

A. That's correct.

Q. And that contract in effect was submitted to the Cruising Yacht Club on about 25 November 1988?

A. That's correct.

Q. And you're aware that in response to that contract, the Cruising Yacht Club, amongst other things, but about mid-December supplied the Bureau of Meteorology with a list of

contact numbers?

A. I'm not - yeah, it would have come into the office.

HARRIS: Could I show the witness--

5

A. Yeah, I'm not aware of having seen this at that - prior to the 1998 race.

Q. Do you see the numbers it provides for you, the phone number of the Cruising Yacht Club?

10

A. Indeed, yes.

Q. And the facsimile number of the Cruising Yacht Club?

A. Sure.

15

Q. It provides the telephone number and facsimile number for Phil Thompson?

A. Yes.

Q. His mobile number and home number?

20

A. Indeed.

Q. For Mark Robinson we have a mobile number and an e-mail, and further down the page, down near the bottom, we have a phone number for the radio relay vessel?

25

A. True.

Q. And below that the phone number, the mobile number for Michael Brown, who was on board the radio relay vessel?

30

A. True.

Q. You say that that list was never drawn to your attention?

A. No.

35

HARRIS: Could I tender that list, your Worship?

CORONER: My word.

HARRIS: I'd like Mr Batt to retain a copy.

40

STANLEY: Could I just ask my learned friend to clarify the date on which it's tendered it was sent?

CORONER: That's reasonable. Is it a facsimile document?

45

HARRIS: It is a facsimile document. Sorry your Worship, the copy I have is a facsimile but it was not, as I'm instructed, sent by fax so there is no relevant date on the top of it.

50

CORONER: Well can you assist us there? I'll allow it in but it is relevant to know when this was sent to the bureau.

HARRIS: My instructions are that the facsimile was sent under a covering letter to the bureau about mid-December 1998.

55

CORONER: Who's the author of the letter?

HARRIS: The author of the letter I understand is Mr Philip Thompson.

STANLEY: I call on my learned friend to produce the letter or a copy of the letter. 5

CORONER: That would be a help.

HARRIS: I'm unable to produce that covering letter, your Worship. 10

STANLEY: Or a copy of it?

HARRIS: I don't have a copy of it. 15

CORONER: You don't have a copy in court?

HARRIS: I don't have a copy in court at present. 20

CORONER: That's all right. Is there a copy that can be produced?

HARRIS: The club believes so and it's attempting to do that. 25

CORONER: Believes so? I mean it's a pretty important letter on the evidence I have before me now.

HARRIS: I appreciate that. 30

CORONER: Would you like - perhaps my investigator should go out and try and help get hold of it. Why can't it be produced? You give me that from the bar table. 35

HARRIS: I think the real reason is your Worship that the records of the club are in some disarray due to a massive reconstruction and due to police requirements and police raids. 40

CORONER: I reject the term raids. My investigators sought data in the hope of being able to get to the bottom of the issues at this inquest. 45

HARRIS: Sorry your Worship, I don't make any point of that, simply--

CORONER: No, all right. So could it be with documents that are being obtained for my investigator under a notice to produce for this inquest? Could it be one of those documents? 50

HARRIS: Your Worship, Mr Thompson tells me that in his belief the police would not have the document, but we will make a further search for it. 55

CORONER: Well I'll allow it in of course Mr Harris, but as

with all inquisitions just about everything can go in. The weight of the document, as you well know, as Mr Stanley will point out in due course, is another matter.

HILL: May I make a suggestion, that you make it an exhibit but it be added to the statements of Mr Thompson. 5

CORONER: Yes, I can do that.

HILL: It's quite clear he appears to be the author of the document. 10

CORONER: Any objection to that?

HARRIS: No objection.- 15

CORONER: It will be exhibit 9. There are no statements from Mr Thompson, he's declined to talk to us.

HARRIS: The police have a statement. 20

HILL: Just so we don't lose track of it and we can put it onto--

CORONER: There's very little from Mr Thompson and we dearly want to talk to him, we have for some time. 25

HARRIS: Yes your Worship, there's a misunderstanding.

HILL: Yes, there are two statements from Mr Thompson. When further questions were required it was then that he refused. 30

CORONER: I know that and that's what I'm saying. We'd still like to talk to Mr Thompson out of court, but that's of course I hope Mr Thompson - if we must we'll talk to him in court, and in the public eye I might add. They will be exhibit 9 if that's suitable. No, can you give me - the existing statements are - that's where you want them? 35

HILL: That's where I'd - yes. 40

CORONER: If you can give me that. Exhibit 1, part, volume what? I know it's difficult.

HILL: Thompson is contained in volume 4B, document 19. 45

CORONER: So it's 4B, 19, and I'll mark that on here.

EXHIBIT #9 PART OF EXHIBIT 4B, DOCUMENT 19 TENDERED,
ADMITTED WITHOUT OBJECTION 50

CORONER: Is that suitable, Mr Harris?

HARRIS: Certainly, your Worship. 55

CORONER: That can be replaced with 4B, 19 in due course.
Not yet.

HARRIS: Q. In any event Mr Batt, I put it to you that you had Mr Phil Thompson's mobile phone number.

A. Well personally, no, I did not see it.

Q. You didn't see it but you knew it?

A. No, I didn't.

Q. Did you have the mobile phone number of Mr Campbell?

A. No.

Q. Could we go now to the pre-race briefing. We've seen the video of that, but at the pre-race briefing you read the weather?

A. At the - yeah I did, yes.

Q. And that's the forecast you read out?
(No verbal reply)

Q. You'd better check me on that, that may not be the correct one.

A. No. No, that was the outlook issued on the Christmas Day.

Q. You might like to retain that for a moment in any event. At the briefing, in the weather briefing you referred to a southerly change of around 25 to 30 knots?

A. That's correct.

Q. And that was the maximum wind speed referred to?

A. That was the average wind speed range, yeah.

Q. Moving now to 25 December, around midday I think or 2pm the bureau faxed to the Cruising Yacht Club the forecast you now have with you?

A. The one in front, yeah, I know there were two pages.

Q. And that forecast I think shows 10 to 15 knots freshening 15 to 20 knots with 15 to 25 knots behind the change, and on Sunday 15 to 20 knots, and on Monday the 28th we had north northeast 10 to 15 knots, nor'nor'west or north nor'west 15 to 20 in Bass Strait? That's correct?

A. That's what I'm - yeah, that's what I'm reading, yes.

Q. After receipt of that fax, Mr Thompson phoned the Bureau of Meteorology and sought an assurance that nothing had changed from that facsimile forecast? Are you aware of that?

A. No.

CORONER: That's the 25th.

HARRIS: Q. The 25th at 2pm.

A. Christmas Day, yes. I was - I was at work, I was working day shift on my severe weather - in my severe weather function, thunderstorm, fire weather forecaster, so any call would have come in to the shift supervisor.

Q. So you are not aware of a telephone call from

Mr Thompson but you don't deny it occurred?

A. Well I'm not aware of it.

Q. I put it to you that Mr Thompson did ring the bureau and spoke to the senior forecaster and was assured that nothing had changed in respect of that forecast. Do you accept that?

A. Well--

CORONER: If you can't say, say so. 1

A. Well I can't yeah, because - because I wasn't across it, yeah.

Q. You weren't the shift supervisor on the 25th were you? 1

A. That's true, I wasn't, no.

Q. Mr Dundar was?

A. On that particular day it was - you find the second page to that, there's another page, and you'll find at the bottom that Philip King actually put that and he quotes a phone number. 2

Q. And he was the shift supervisor?

A. He was the shift supervisor on that day, yes. 2

HARRIS: Q. Do you have an understanding that the Cruising Yacht Club, and Mr Thompson as race director in particular, would have two areas of particular interest in the race weather forecast, firstly from a safety point of view, and secondly, because of the requirements of the international measurement system rule modelling? 30

A. Yes.

Q. And I put it to you because of the requirements of the IMS system, Mr Thompson would be particularly interested to get continual updates of the weather prior to the start of the yacht race. 35

A. Yeah.

Q. And he would have to pay particular attention to the weather? 40

A. I know that these outlooks, apart from say the Christmas Eve outlook which is read out to the people attending the yacht race briefing, the outlooks - any outlooks before that are essentially aimed at the media to give them some idea of whether spinnakers were going to be used out of the Harbour. But the - it's been my belief that the Christmas Day - Christmas Day outlook was for handicapping purposes only. 45

Q. And to your knowledge, was the handicap looked at consistently up to the start of the race in respect of weather and the effect on the handicap? 50

A. Well to my knowledge outlooks went out, yes.

Q. On 26 December at 6am, Mr Thompson rang the senior supervisor didn't he? 55

A. I'm not aware of that.

CORONER: What time?

STANLEY: Q. Six am on 26 December.

A. I'm not aware of that call.

Q. I put it to you that at 6am Mr Thompson did ring the senior supervisor.

CORONER: Well you've put it. He doesn't know was his answer.

STANLEY: One other matter if I may. If it is to be alleged that Mr Thompson spoke to this witness on Christmas Day, that matter should be put to him, he had the opportunity--

CORONER: Yes. I take it it will be.

HARRIS: There is no allegation that Mr Thompson spoke to this witness on Christmas Day.

CORONER: So what you're putting is that he spoke to someone else at the weather bureau or, more specifically, the shift supervisor, the senior forecaster.

HARRIS: Correct - sorry, the senior supervisor.

STANLEY: We'll call him.

HILL: Whoever he spoke to, it's very important.

CORONER: Well what we'll do is, you can talk to counsel over the lunch hour and see what can be sorted out to keep it brief.

HARRIS: Q. At about 7.30am or thereabouts on the 26th you were in the bureau, intending to go down to the Cruising Yacht Club?

A. Yeah, I was in the bureau at that time, yes.

Q. And you had problems with the photocopying machine?

A. That's correct.

Q. And you rang Miss Holt at the Cruising Yacht Club to arrange the use of their photocopying machine?

A. That's correct, yes.

Q. You were aware of course that the race started at 1pm on that day?

A. That's correct.

Q. After ringing Andrea Holt, did you ring Mr Thompson at the Cruising Yacht Club at about 8 or 8.30am?

A. I'm unaware of that call.

Q. You don't recall speaking to Mr Thompson at about 8.30am and him requesting your latest view on the weather?

A. No.

Q. But you don't deny that call?

A. I'm saying I don't - I'm not aware of that call. I didn't talk to him

Q. You didn't talk to him?

A. No.

Q. Could I take you to Mr Gage's statement?

A. I don't have it.

Q. No, could the witness be given Mr Gage's statement. If I could you to page 7?

A. Yes.

Q. Question 27. You see the answer to question 27, "No, they didn't actually"?

CORONER: Well, what's the question? Could you read that on to the record for us? I don't have it in front of me.

HARRIS: Yes, it's not terribly helpful, the question, but the question is "That you can recall?" In fact, I should go back I think, your Worship.

CORONER: Yes, the one before.

HARRIS: Q. Question 26, "Did anybody from the Cruising Yacht Club race committee contact you in relation to that storm warning? A. Oh." Question 27, "That you can recall? A. No, they didn't actually. In fact, during that morning we were running late getting down there cause we were photocopying a whole lot of charts in here. Ken Batt gave a briefing to the race management over the phone. I was the first one to arrive down there at the club but in the meantime cause we were running late Ken gave a briefing over the phone"?

A. Yeah, well Brett would have been essentially talking around the information that I had given him and the course of events were that I did ring the sailing office to actually request the use of the photocopier and also spoke to Andrea saying that the updated race forecast is on its way because we'd upgraded from strong top gale warning.

CORONER: Q. I don't think it's of great moment but is that correct, at 8.30 you had--

A. I'm not aware of the times, no. I'd spoken to the officer on at least two occasions, the first to say our photocopier had gone, could we use yours, yes, not a problem.

Q. And that was prior to the upgrade to gale?

A. Yeah, and then it was in that intervening time that the need arose to upgrade from strong wind to gale and the amended special race forecast went out and at that time it was made known to Andrea that the amended special race forecast would be on its way. I did ring on the mobile to Brett to say that - Stop everything, pull off the old, earlier issued special race forecast because an amended one

was on its way with the gale warning - and that's what they did, they ceased photocopying until that arrived, until it was faxed.

HARRIS: Q. Thank you and then you went down to the Cruising Yacht Club?

A. And then, yeah, I got down to the Cruising Yacht Club as fast as I possibly could.

Q. You didn't see anything particularly alarming about the gale warning?

A. Well, a gale warning to me is a very alarming warning, yeah, because when you look at average wind speeds, 34 to 47 knots, in that range there, as I was saying earlier, as far as yachtsmen are concerned that's, you know, it's nothing to be sneezed at, if I can recall the quote that I used.

Q. No, you've used terms like "nothing to be sneezed at" before, you've said this morning that it's not very nice in a gale?

A. That's right. So, you know, boats, people making decisions on the boats have to adjust their strategy to take that upgraded wind warning into account, you know, be on the lookout for the change and even, you know, try to sort of get in early to reduce sail area, set the crew up, ready for et cetera, et cetera.

Q. Yes, so it was a matter that required an adjustment of race strategy for a yacht, not withdrawal?

A. No, well, it would have required, yeah, a change of yacht race strategy with the sea conditions that were possible with a wind opposing current. Well, we know that, you know, in the past gear breakers that have - boats have suffered damage et cetera, et cetera, so.

Q. Yes, and you've told the Court that that activity down at the Cruising Yacht Club assisting the yachtsmen finished at about 12 o'clock?

A. About 12 o'clock, yes.

Q. And do you recall at about that time having a brief conversation with Mr Thompson?

A. No, I can't. As I said earlier, I spoke to a lot of people on that day and I cannot recall. I'm not saying that during the course of the day that I would have passed the time of day with him but I just don't know.

Q. You don't recall having a--

A. No, I cannot recall.

Q. I'm just wondering if what I'm to put to you might assist your memory. You don't recall a discussion about the weather in the race office of the Cruising Yacht Club shortly after you'd concluded your briefing, present being Mr Thompson and Ms Holt?

A. No.

Q. In that briefing I refer, of-course, to the briefing I

gave on 26th.

CORONER: Noon on the day of the race, is that what you're putting?

HARRIS: That's what I'm putting, yes.

CORONER: In the race office.

HARRIS: Q. In the race office of the Cruising Yacht Club, having finished your hand-out, your face to face briefing with the race crews? 10

A. No doubt there would have been some sort of a social inter-action there but, as I say, I can't recall talking about - as I said, that day I spoke to many people about the weather and it's hazy. 15

Q. You certainly don't recall mentioning anything about this race being equivalent to the '93 race at that stage?

A. Well, I'm saying I can't recall the conversation but I had been saying to - or we had been saying to competitors that if this certain scenario came off, yeah, it could turn out to be similar to the 1993 race but I can't remember saying that to Phil or Andrea. 20

Q. And what did you do after you left the CYC? 25

A. We went straight back to the Bureau of Meteorology.

Q. Did you watch the start of the race on television or otherwise? 30

A. Yeah, our prime concern was to go back to watch the start and look at the latest PC, the model - sorry, I'll start again - to go back to look at the start on television and to look at the latest PCWM, PCMWF model run and whilst we were there the latest metre lapse model output took place too. 35

Q. And it's then you saw that an upgrade for storm warning was appropriate?

A. It was then that, yeah, we-- 40

Q. You contacted the--?

A. The shift super, yes. So, it was upgraded to a storm warning, yeah, from gale.

LUNCHEON ADJOURNMENT 45

Q. Mr Batt, I think conveniently we had reached the situation where you had returned to the BOM, and I believe we had reached the stage where the storm warning, the information which led to the storm warning was before you and that was about 1.30? 50

A. About 1 o'clock.

Q. About 1 o'clock and then, as you've told us before, there was a consultation within your office and then a consultation with the Victorian Weather Bureau? 55

A. That's correct.

Q. And as a result of that it was agreed that the storm warning would issue and at about 1.58 pm it issued from the Victorian Weather Bureau?

A. That's true.

Q. At approximately 2.15 from the Sydney Bureau?

A. Yes.

Q. It's at this stage that I need your help, Mr Batt. You've told us that as a result of seeing that storm warning you were severely upset?

A. That's true, yes.

Q. You felt ill, indeed, you were tearful?

A. Yes.

Q. And you retired to a separate room. Can I put it to you that the reason you reacted in that manner was because that you thought that the storm warning had serious ramifications for the fleet?

A. As I've said earlier, yeah, it conjured up - the wind speeds, the forecast wind speeds and eventual sea conditions brought back thoughts of the '93 race which as far as I was concerned was very hard mentally to say the least, mentally and physically, racing as boat under those conditions, so I felt for friends and acquaintances, colleagues, fellow yachts persons that were racing south.

Q. And I put to you, Mr Batt, that the thought of your fellow yachtsmen being physically and mentally uncomfortable, even extremely uncomfortable would not lead to the emotional reaction you had?

A. As I said, the thought of having re-lived those conditions in my mind, yeah, made me quite emotional, yes.

Q. You thought it could lead to destruction of some of the yachts?

A. Well, I believe under those conditions that definitely damage could be sustained by sailing yachts, yes.

Q. You thought there was a serious probability of death?

A. There was private discussion that I vaguely remember between Brett Gage and myself that went along those lines, saying there's a chance that someone could die in this race.

Q. You only vaguely remember the discussion about a death in the race?

A. That's true.

Q. When that facsimile containing the storm warning issued you've told us already I believe that it went to Young Endeavour automatically?

A. Yes.

Q. And that was pre-planned and usual?

A. Yes, that's correct.

Q. It went to the CYC by facsimile?

A. Yes. The CYC do normally get our special race forecast by facsimile.

Q. It went to the Eden Volunteer Coastal Patrol?

A. That's correct.

5

Q. To Sydney radio?

A. Yes, they would get - well, the warning itself, I'm not too sure about the special race forecast, that would have to be qualified.

10

Q. And to AMSA?

A. AMSA were rung, yes.

Q. A facsimile went to AMSA?

A. Yeah, it would have, yes.

15

Q. And in addition to the facsimile going to at least those named entities some phone calls were made?

A. Yes.

20

Q. And who were they made to?

A. Well, tried the Cruising Yacht Club, spoke to AMSA, and Eden Coast Patrol and we did contact the or made some contact with the Sydney to Hobart media centre.

25

Q. Could I just go briefly to Eden Coastal Patrol. Why did you consider it necessary that they be contacted?

A. Well, earlier I said that Eden broadcasts on VHF and it was perceived that yachts would be within listening range of Eden Coastal. They have a broadcast schedule that would have meant a routine forecast including the storm warning being read out. So essentially, yeah, by having contacted Eden they would have received the storm warning subsequently and I know when they were rung they had the storm warning essentially sitting on their fax, it had arrived.

30

35

Q. And in respect of Eden you have said it was on channel 16 VHF?

A. Yeah, that's correct.

40

Q. Approximately line of sight communication?

A. Yes.

Q. How long before the fleet in your mind would arrive within communication with Eden Volunteer Coastal Patrol?

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A. Well, they would have - as it was, that first night out a lot of the leading boats were essentially in the area from memory so would have been in receipt of that information, been able to receive that information.

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Q. But this is at 2.15 in the afternoon?

A. Well, no, definitely not at that stage. It would have been - it was sort of late evening going into the early morning of the next day but at 2.15 Eden would have broadcast that on a routine basis so that other boats would have got it as well as the race fleet once they got into radio range.

55

Q. Yes, but there was no possibility of any Sydney to Hobart yacht hearing that weather for at least--

A. Not at that stage.

Q. --12 hours?

A. Yeah, I'd have to agree with that.

5

Q. Nonetheless you thought it was worth a telephone call, a special call?

A. Yeah, well, there's also the thinking that if boats retired they do generally pull into Eden and it was to prepare, say, Eden generally for the arrival or the possible arrival of, you know, of a fleet of yachts.

10

Q. And you spoke to AMSA?

A. AMSA was spoken to, yes.

15

Q. Are you aware of the content of that conversation?

A. No, the call was actually made by Brett Gage of the Bureau. He also spoke to Eden Coast Patrols.

20

Q. And you made approximately contemporaneously efforts to telephone or make contact with the Cruising Yacht Club of Australia?

A. That's correct.

25

Q. I think you've told us that you attempted to ring Phil Thompson in the sailing office?

A. I rang the sailing office. There was a strong possibility that he would have been out on a staff boat at the time. I rang the sailing office to tell them that the storm warning had been issued and to pass it on to Phil since we didn't have his mobile phone listed on our check sheet and I then made a second call to the general office and managed to get a woman by the name of Lorraine from memory to see whether she had it and she couldn't supply me with that number.

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35

CORONER: Q. Who did you make contact with in the sailing office?

A. There was no one in the sailing office, it rang out.

40

HARRIS: Q. Yes, I think you told us yesterday that the phone in the sailing office rang out?

A. That's correct.

45

Q. But you made that call?

A. Yes.

Q. And you knew perfectly well though at that time that Mr Thompson, as race director, would be out on the harbour, didn't you?

50

A. Yeah, on the off chance that someone was in the office, they could have handed us or given us his mobile number.

Q. I'm sorry to be particular about this but in fact your attempt was made in an effort to obtain Mr Thompson's mobile number and not to speak to him direct?

55

- A. So that we could speak to him directly, yes.
- Q. And then you phoned the general office?
- A. Yes and that person there could not help me. 5
- Q. No. You've told us yesterday and you've repeated it a few moments ago that you recollect that you spoke to a woman named Lorraine?
- A. Mm. 10
- Q. You're comfortable with that?
- A. Well, that's what I can remember, yeah.
- Q. And her response?
- A. Was that she couldn't help us. 15
- Q. You asked for Mr Thompson's mobile number?
- A. That's correct.
- Q. And she couldn't give it to you?
- A. That's correct. 20
- Q. Could I put it to you that in fact you did not speak to anyone at the Cruising Yacht Club named Lorraine?
- A. Well, I did speak to a woman at the Cruising Yacht Club and the name of Lorraine came into my mind. 25
- Q. Then you say that you telephoned the media centre?
- A. That's correct. 30
- Q. You told Mr Stanley this morning in respect to ringing the media centre that you wanted to let Phil Thompson know that a storm warning had been given?
- A. Yes, we wanted - we attempted then to get Phil's mobile number and since the woman in the media centre couldn't help us we discussed that we were issuing a storm warning and the gravity of the event wasn't evident. 35
- Q. Well, I'm not trying to trick you here but yesterday you told us that you spoke to - that you sought to speak to not Mr Thompson but Mr Peter Campbell?
- A. Well, yeah, initially, knowing that Peter would have his number. 40
- Q. Yes, thank you. You knew also at that time that Mr Peter Campbell, being a freelance journalist associated with the club, would be on the water for the start of the yacht race?
- A. There was a good chance of that. 45
- Q. You knew that any official warning to the fleet would be made through the Young Endeavour?
- A. Yes. 50
- Q. But at that time it was your belief that the storm warning was of such gravity that it should be embroidered, as it were, something more was needed to be conveyed to the CYC? 55

A. Well, yes, essentially it was a heads up to make sure that they'd received that storm warning.

Q. You've used the "heads up" a number of times, what does that mean?

A. So people are aware that the storm warning was on its way, to expect it, you know, it could have been sitting in their fax by then or--

Q. You wanted to do no more than to draw to the recipient's attention the fact that a facsimile was there?

A. That's correct.

Q. You didn't want to convey any further concerns in respect of that storm warning?

A. I think subsequently upon discussion with Phil or had that been the case no doubt some further discussion would have resulted from a, you know, a direct talk to Phil, had he warranted that but, yeah, the intent was to make the Cruising Yacht Club aware that the storm warning was either sitting in their fax or on its way.

Q. You said this morning in response to a question from Mr Stanley you wanted to let Mr Phil Thompson know that a storm warning had been given. Your response was - sorry, the question went on, "That was enough for them to know, that a storm warning had been given?" and your response was "Yes"?

A. Yes. It was a weather forecast too, yeah, it was felt that, you know, we had to let them know and then any subsequent action resulting from the reading of that was up to the race director or the club.

Q. You wouldn't have given your professional opinion to the effect that this was a potentially dangerous situation?

A. Well, any - had there been any discussion with Phil the situation could have been spoken about in more detail but it was sufficient to see the storm warning and the amended special race forecast.

Q. Can you help me with this: Did you believe that it was necessary to have a further discussion on the content of the forecast or did you only believe that you needed to alert the recipient that the facsimile was there?

A. At that time it was an alerting mechanism. See, there has been in place to my understanding the protocol that the Cruising Yacht Club contact the Bureau if they seem it necessary.

Q. That is the protocol as you understand it?

A. Yes.

Q. You don't contact them, this was an unusual move for you?

A. Yes.

Q. You'd been very emotional?

A. I had been, yes.

Q. And you phoned them to tell them that there was a fax in their fax tray?

A. That's correct.

Q. Could I take you now to the actual weather report as communicated by the radio relay vessel. I think it should have been made available to you. That's one of the ones I suggested be made available, it's page 24 of tape 1. You've read that?

A. Yes.

Q. Can I take you to the last sentence which says, "And here is a further update of the storm warning for the south-east area of New South Wales coastal waters south of Merimbula. The expected south to south-west change of 30 to 40 knots late tonight changing to west north-west 40 to 55 knots late Sunday and expected to last until Monday night" and that ends the weather?

A. Yes.

Q. Is it your belief that that forecast accurately reflects the tenor of the forecast that was issued at 2.15?

A. Sorry, I'm a bit lost here. I have in front of me here a schedule of special race weather forecast issued, there was a 12.09 issue and then the 14.50. So this is the 14.50 issue that was - that included the storm warning. This is the amended special race forecast that went out with the storm warning.

Q. What I'm suggesting to you, Mr Batt, is that that forecast which was read out by the radio relay vessel accurately reflects the tenor of the storm warning put out by the Bureau?

A. Yes, to my knowledge, yeah.

Q. And you've told us in the past on numerous occasions that a storm warning is the highest warning for cold water latitudes?

A. Yeah, for areas outside of the tropics that is the ultimate.

Q. And you've told us repeatedly that a storm warning is open-ended?

A. Yes, 48 knots plus, average speed is 48 knots.

Q. 48 knots plus?

A. Yes.

Q. But in fact this storm warning is circumscribed, as it were?

A. I'm sorry?

Q. This storm warning talks of winds of 40 to 55 knots?

A. Yes. So, it has an upper bound you say?

Q. It has an upper bound--

A. Average wind speed.

Q. Yes, it's not open-ended?

A. Well, no, forecasters will try and pin down an average wind speed range.

Q. Yes, I accept that, I'm just wanting to understand it?

A. Sure.

Q. But someone reading this, hearing this, even the well educated listener, would understand that there was an upper limit of 40 to 55 knots subject perhaps to your qualification about adding a percentage?

A. Yes, it's been written according to international convention where the average wind speeds, determined average wind speeds are forecast, and it's assumed that the user would then apply the 40 per cent factor for wind gusts.

Q. And in your opinion, given your knowledge of the fleet or certain people in the fleet, would that have caused them to stop racing?

A. I'm not - from a seamanship point of view--

Q. From your knowledge of these people as sailors?

A. Personally speaking?

Q. Yes?

A. As a yachtsman it would certainly make people sit back and think about, you know, their future and hopefully there would have been a lot of thinking going on board racing yachts as to what their strategy would be. Now, whether they elected to keep going or turn back, wait, it was up to the people on board the yachts.

Q. That was up to the individual skippers to make that decision?

A. Well, it was up to - essentially, yes, the skippers.

Q. And in fact after this sched at 20.000 hours on 26th the fleet did in fact keep racing?

A. Yeah, to my knowledge they did, you know, the yacht race kept going. No doubt there would have been prudent seamanship decisions being made by boats but I'm not at liberty to, you know, I wasn't on the boats so I don't know.

Q. No, but the fleet in fact was sailing into danger?

A. Well, you know, there was - we know that the fleet pushed on.

Q. And you knew at that time that they were sailing into danger?

A. Well, I knew that the storm warning current.

Q. Yes, you'd seen the warning and - sorry, withdraw that. In fact, you never did convey to the Cruising Yacht Club any oral warning in respect of this storm warning or your opinion on it?

A. Well, again the protocol in place was for the CYCA to be talking to the shift supervisor at the Bureau. As far as - my job has been basically to present the pre-race briefings

and my knowledge has been sought from time to time from colleagues but, you know, it stops essentially with the pre-race briefing Boxing Day. It essentially - the decisions then are placed on the shoulders of the shift supervisor.

CORONER: Q. I just want to get something straight. Is what you're saying, I think what you both agree is that the norm is that you put out the reports, including storm warning and gale warnings?

A. Yes.

Q. And it's up to the CYCA to get in touch with the senior officer at the Bureau to discuss that issue?

A. That's correct.

Q. That's the protocol?

A. That's the protocol that's been in place.

Q. So you were prepared to break that, you say, on your evidence?

A. On that, yes.

Q. Because you were alarmed about it?

A. Yes.

Q. But nevertheless ultimately the responsibility is for the CYCA to get back to the BOM if they want to talk about anything in the reports?

A. Indeed.

HARRIS: Q. You had the Cruising Yacht Club's fax number?

A. The fax number is programmed into our forecasting system.

Q. But on 26th beyond sending the forecast you made no contact by facsimile?

A. It's - we believe that it was sent, that facsimile left the Bureau.

Q. Yes, but apart from the facsimile which contained the storm warning you forwarded no further facsimile to the CYCA on 26th?

A. I didn't personally, no.

Q. Are you aware of anyone from BOM doing that?

A. No, I just don't know.

Q. Did you ring Phil Thompson and leave a message with his home number?

A. No, I didn't have - we didn't have access to his home number.

Q. E-mail or CYC on the day?

A. Not to my knowledge, no.

Q. And your concern was not sufficient to cause you to get in a cab and go down to the CYC?

A. Well, the belief was essentially that the facsimile

would reach the club and upon return to the sailing office later that day that they'd see the storm warning. By this stage the Young Endeavour would have had the storm warning and the upgraded, the amended special race forecast.

Q. Yes, and nothing more?

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A. Sorry?

Q. And nothing more?

A. Only the information that is normally sent as a matter of routine.

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Q. Yes, and you were content with that?

A. Well, yeah. I had to leave the office later that day to present another race briefing.

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Q. Could I take you now, please, Mr Batt, to your own statement. Do you have that?

A. Yes, I do.

Q. That's a statement made on 15 October 1999?

A. Yes.

Q. Can I take you to page 14. Can you see up the top there question 41?

A. Yes.

5

Q. "Ken, did you travel to Hobart after the commencement of the race?" Answer "no". "Okay, was there any contact; did you make any contact with race organisers during the race" and then you give a lengthy answer which I won't read in full. If I could take you down near the bottom to that sentence which starts "so, no, I didn't, I didn't have any".

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A. Consultation?

Q. Yes.

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A. Yes.

Q. "So, no, I didn't, I didn't have any, any consultation apart from the on the Boxing Day after coming back from the Cruising Yacht Club with my two colleagues when things were evolving, yeah. We - we or I didn't personally but suggested that AMSA and of course the CYC were contacted and the Eden Coast Patrol amongst others were rung and I didn't physically do that."

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A. Yes.

25

Q. What do those words "and I didn't physically do that" mean?

A. We know on the Boxing Day that I did ring the CYCA, attempted to, and the Eden Coast Patrol and AMSA for example were rung by a colleague of mine.

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Q. So despite what you say there, you persist with the proposition that you personally did ring the CYCA?

A. Yeah, I have told you that on this occasion, yes.

35

Q. Could I take you then to page 20 of your statement. You see that, where Detective Senior Constable Gray comes in?

A. Yes.

40

Q. He says "yeah, just a couple of questions. In relation to the phone calls that were made to the CYCA, was that on the day of the 26th?" "Yes." "And was that after the warnings had been issued?" "Yeah and as soon as - and as soon as the storm warning - as soon as the button had been pushed, yes." "Okay, now was that part of a checklist?" "Yes." We're now up to question 71.

45

A. Okay.

Q. "Okay" is the question. "Okay, so it's protocol for you to contact the CYCA if a storm warning is issued" and you answer "well, let's put it this way, we thought it was prudent to do that". "Okay, and are you aware of who made that phone call" and what is your answer to that?

50

A. I've told you that I--

55

Q. Yes but would you read out that answer please?

A. Sorry, it says "okay. It would have been Brett Gage, yes".

Q. But you still persist in the proposition that you made the phone call?

A. Sorry. Yeah, on the - on the 26th I made the initial call and then Brett made a call afterwards.

Q. I see. You didn't tell the police that?

A. Well, the thing was that I hung up, this is from after talking to the person in the media centre and I was quite upset, so Brett took it upon himself then to ring to try and get some sense, so--

Q. I see. This was after your call to the media centre--

A. That's correct.

Q. --that you hung up?

A. Yes. I'd rung the sailing office and got no answer, then I'd rung the general club number and managed to talk to someone there who couldn't help me, then I rang the media centre and essentially they couldn't help me. So I hung up after that, I was very frustrated and Brett then rung the CYCA again.

Q. I think you said you were very upset when you hung up?

A. I was upset that I couldn't talk to anyone, get the number - the mobile number.

Q. You see, what I'm trying to put to you Mr Batt is that your concern went way beyond trying to determine whether the CYCA had received the storm warning or telling Phil Thompson that the storm warning was there. What I'm putting to you is that you at that time wanted to alert the CYCA that in your opinion lives were in danger. Do you accept that?

A. Essentially we - the intent was to make the Cruising Yacht Club aware that the storm warning was in place.

Q. Thank you. Do you see question 66 on page 20? "Do you feel that you may have had some sort of moral obligation to contact the CYCA and the race officials in regard to the low depression forming" and what's your answer to that?

A. The answer is, as I said earlier, that the bureau is engaged by the Cruising Yacht Club, it is the shift supervisor that sets the policy in any discussions between essentially the shift supervisor and the CYC.

Q. So you didn't tell the police then about your numerous attempts to contact the CYC on the 26th?

A. Doesn't appear to be there.

STANLEY: What about ..(not transcribable)..

HARRIS: We've dealt with those, I believe.

CORONER: Sorry?

STANLEY: Your Worship, ..(not transcribable).. making a

criticism of my friend. In the answer to that question the witness did not make any discussion about the previous phone calls, or having made phone calls, it's fair to look at the next couple of questions because they deal in fact with that very fact.

HARRIS: But I had put that--

STANLEY: Yes but it's not in consequence of that answer.

HARRIS: Very well.

CORONER: I agree.

HARRIS: Q. Mr Batt, to your knowledge was any forecast issued by the Weather Bureau during the period we're concerned with, 26 and 27 December in particular, which indicated to the fleet anything other than or anything more than, if I can put it that way, a storm warning up to 55 knots?

A. Sorry, was anything issued other than the storm warning?

Q. Yes, was there any forecast issued by the bureau to the Young Endeavour to be relayed to the fleet which said - which gave any indication of a wind higher than 55 knots?

A. The forecasts that were issued to the Young Endeavour were as per what we have in the documents before us, so--

HARRIS: Your Worship, I'm conscious of wasting time in this. The forecasts are in evidence. Do you want me to take Mr Batt through them all?

CORONER: No.

HARRIS: Q. To the best of your knowledge Mr Batt, the bureau never even in a forecast stated what the actual wind speeds were?

A. What appears in the forecasts is essentially our forecast wind speeds and the gust factor's assumed from that.

Q. Finally Mr Batt, you've already told us in relation to my questions dealing with the purpose of sending or contacting Eden Volunteer Coastal Patrol there were some 12 hours before the fleet would reach Eden and reach the storm from the 2.15 report. Apart from the phone calls you've referred us to, you made no further attempt to contact anyone from the CYC in that period?

A. As I said, I was - I left the office on the 26th around about 4 o'clock to attend to a briefing of the Pittwater Coffs Harbour race that was scheduled at 6pm that evening and then the next day I was on a rostered day off. I left - I left the bureau knowing that everything was in good hands with the forecasting teams that were rostered to work the various shifts.

Q. Everything was in good hands?

A. Well, you know, the shift supervisors were, you know,

rostered on and you know from that point of view--

Q. And the concern you'd expressed on the 26th was not sufficient to cause you to leave a message with any of your colleagues to contact the CYC--

A. Well, my colleagues at the time were well aware of what was going on so I'm not aware what they did after that.

Q. No and you did nothing further?

A. No.

HARRIS: Thank you.

HILL: I've got one or two questions that may well be new and then my learned friend may very well--

CORONER: Have you got anything else at this stage?

STANLEY: Just two very minor matters arising out of that question in relation to--

CORONER: Maybe if you go last.

HILL: Q. Sir, I want to ask you a question about the packets that you made up for the morning of the 26th. Have you any idea how many packets there were, that were made up?

A. Packages?

Q. Yes, packets. The nav packets that you were handing out?

A. Yeah, there would have been sufficient for the number of yachts in the race fleet and some spares.

Q. I'm trying to find out you see, I'm trying to assess how many yachtsmen would have actually picked them up. There were 115 yachts in the race. How many--

A. Seventy - roughly 75 per cent attended and they picked up the package from our tally.

Q. Okay, so 75 per cent of the yachtsmen attended and picked up the packets?

A. Yes.

Q. Can we take it that that means it's 75 per cent of the vessels, or are we talking about 75 per cent of your packets were picked up and therefore there could have been two or three on board the one vessel?

A. Sorry, it was 75 per cent of the vessels in the race fleet picked up a package, so we kept a checklist so that there wouldn't be any more than one going to each boat, because of the number of - the paper limitations, you're looking at about 30 pages from memory of material.

Q. You had a list of the vessels--

A. Yes.

Q. --did you and you were ticking them off as they came and got a package?

A. Yes.

SANTAMARIA: If it assists my learned friend I was going to ask Mr Gage, the next witness, who was the person ticking off and I'm perfectly happy to give my friend that list now--

CORONER: Thanks Mr Santamaria.

SANTAMARIA: --if that would assist. 10

HILL: It's only to get those numbers, I'm quite happy if they go in through Mr Gage.

Q. There's one other point that I want to sort out. It's that conversation with the woman who you think may be named Lorraine? 15

A. Yes.

Q. Now, what seems to have been coming out was that your purpose for contacting the CYC was to ensure that they'd got the fax, is that right? 20

A. That's correct.

Q. And nothing more? 25

A. That's correct.

Q. Did you ask Lorraine if she had the fax?

A. No, well at that stage I was just after the mobile number, so-- 30

Q. She was in the office where presumably the fax machine would have been?

A. I assume so.

Q. What did you say to her? 35

A. I'm sorry?

Q. What did you say to her?

A. Well, the original intent of the phone call was to obtain Phillip Thompson's mobile number. 40

Q. To ask him if he'd got the fax about the storm warning?

A. To ask him - well, depending where he was, whether, you know, he got the facsimile and was aware of the - aware of the content. 45

Q. Yesterday I think you said something about when you spoke to Lorraine she didn't seem to understand--

A. Like I told her then that we'd issued a facsimile of a storm warning but didn't - she didn't understand the gravity of what we were talking about. So there's probably no further use of pursuing it with her. 50

Q. But she didn't have to understand the gravity because wasn't your purpose simply to ensure that the facsimile had been received by the CYC? 55

A. Yeah but it was - I suppose the thinking was that it

would have been nice for the race director to have seen that.

Q. Did you ask her if she'd--

A. No.

Q. Wouldn't it have shortcircuited a long of things by simply saying have you got the fax, would you make sure that Mr Thompson gets it when he comes off--

A. Yeah, I think - I think I was put off because she was really not across what I was talking to her about, so--

Q. You don't recall how the conversation went or anything like that?

A. No I don't.

HILL: Yes, I have nothing further, thank you.

STANLEY: Q. Mr Batt, in the letter sent by the bureau to Mr Thompson setting out as it were the contract or the services that were to be provided by the bureau, do you have a copy of that with you?

A. I do, yes.

Q. You'll see there on the first page where the services are set out the first one is forecast provided from Sydney, then the line below that in brackets is contact a senior forecaster and a phone number is given, do you see that?

A. Yes.

Q. Was that number given so that in the event that the yacht club required any advice or any assistance with respect to forecasts that was the contact person, the senior forecaster on that number?

A. That's correct, in line with the protocol.

Q. It was put to you just a short time ago by Mr Harris that the bureau did not mention in any of the forecasts it did in fact put out what the actual speeds of the wind were. How would the bureau know what the actual speeds were if the yachtsmen weren't advising them?

A. That's true, yes, so true.

Q. You've already said you received no response whatever, no answer whatever from those 20 or so yachts that did have the facility to do so--

A. That's correct.

Q. --on your e-mail?

A. Indeed, that's true.

<WITNESS RETIRED

<BRETT GAGE(3.04PM)
SWORN AND EXAMINED

HILL: Q. Mr Gage, would you give the inquest your full name please?

A. Brett Maskell(?) Gage.

- Q. And your address?
A. 6/34 Melrose Parade Clovelly.
- Q. Your qualifications?
A. Meteorologist. 5
- Q. I think that you are also a meteorologist that's employed by the bureau, the Weather Bureau?
A. That's correct. 10
- Q. I think that you are now though marine weather manager for the New South Wales region?
A. That's correct. 10
- Q. When did you first occupy that position?
A. I can't remember exactly, it'd be about 18 months ago. 15
- Q. Before or after this inquest's race date that we're concerned with?
A. I think it may have been beforehand but I - I'm not sure, it may have been beforehand but I can't be sure. It's only when I say manager, basically it's co-ordinating a portfolio, a portfolio of people who work on marine weather. The overall responsibility is still with the regional forecasting centre manager. 20 25
- Q. Alright, I think I understand it. Could I put it to you this way. On the day in question and we're talking about - the days in question, you've heard the evidence being given by Mr Batt. Were you his superior, his equal or his inferior with regards the Weather Bureau's rank structure?
A. I'd call myself his equal. 30
- Q. His equal, alright. So you're both equal and you reported to who?
A. My immediate boss would be the regional forecast centre manager. 35
- Q. When did you first become involved in the Weather Bureau's tasks for the 1998 Sydney to Hobart Race?
A. I was involved right throughout the procedure. 40
- Q. Right throughout the proceedings, okay. Were you present at the briefing that took place by Mr Batt on 24 December 1998?
A. No I wasn't. 45
- Q. Where would you have been on that day?
A. I can't - actually, on the night shift, I was doing a night shift on the 23rd which ran into the morning of the 24th. 50
- Q. So you would have been off duty?
A. I would have been - I would have been asleep after doing night shift. 55
- Q. Yes and I presume that means you would have been off duty or am I wrong about that?

(No verbal reply)

Q. I take it you had gone home and you were asleep?

A. That's correct.

5

Q. When did you next come on duty?

A. The only thing I did since then was the briefing, the Boxing Day briefing.

Q. So everything else you were involved in?

A. No, I was involved in parts of it, not everything. I wasn't responsible for everything. My role is basically the meteorological side behind what we do, I'm responsible for that and I volunteered my responsibility to get the weather packs organised, which involves quite a lot of work.

10

15

Q. When did you begin work on those?

A. I would say probably about a month beforehand but I really stepped up the work when I had some project shifts at work, I spent three consecutive days solely dedicated to the weather packs.

20

Q. These are the weather packs that were to be handed out at the CYC on Boxing Day?

A. That's correct, yes.

25

Q. What time did you come on duty on Boxing Day?

A. Okay, I'll just make it clear, we're not on duty, we do it voluntarily, this briefing and I arrived at the office at 4am.

30

Q. Had you been working the Christmas Day?

A. No.

Q. So do I take it you went off duty from the night shift on the Christmas Eve, so you would have gone off duty some time in the morning of the 24th. What time would that have been?

35

A. 7.30am.

40

Q. The next time you would have actually done anything physically as it were with regards this race was when you came in to the bureau at about 4am on Boxing Day, the 26th?

A. That's correct.

45

Q. Did you speak with anyone in between that time in regards to the yacht race?

A. I can't recall but I would say it was most likely I made a phone call and just had a look at the weather, or I at least looked at the forecast on the television that night. I certainly had kept myself briefed on the current weather situation.

50

Q. How would you have done that?

A. I just explained, I can't recall exactly but either I would have watched the television or else I would have made a call to my office.

55

Q. Rung up and they would have said it's doing X, Y or Z?
A. That's correct.

Q. So you come in to the bureau at about 4am on the 26th and who is in there with you? 5

A. Basically just the overnight shift staff, they had already commenced printing off sections of the pack which were already obtainable, ie the - for example the meso(?) lapse products we refer to, they would have come in at about 1.30 or 2am in the morning and I asked for the observers in the office to start printing them off in preparation. 10

Q. Then I take it you and Mr Smith, was it?
A. Yes, he was-- 15

Q. And Mr Batt?
A. That's correct.

Q. Were you all there at 4am?

A. No. I got there first, I think Geoff arrived, I can't remember but it was between Ken arriving and Ken arrived about 6 I think. 20

Q. Okay, so somewhere between 4 and 6 Geoff Smith arrives?
A. That's correct. 25

Q. And about 6 Ken Batt arrives?
A. That's correct.

Q. What happens next? 30

A. Okay, we had some charts printed off though not all were printed off. I remember some troubles with some of the models, they had some computer problems in our head office in Melbourne and I had to work quite furiously, making a lot of phone calls to head office to get them to get these products available, which they did but it did delay myself a little bit, because of that. 35

Q. Let's just understand what that is. What models are you talking about and what products were they to produce? 40

A. I can't recollect exactly, I think we had troubles with our meso WAM(?) products which are--

Q. Your?

A. Meso WAM, it's the wave model output from the - which is embedded inside the meso lapse forecast. 45

Q. So it wouldn't have been a complete forecast unless it had that aspect to it, the wave heights?

A. We still could have performed the forecast without them, though for what I wanted to be in the weather packs, which I'd already organised previously, I really did want these products to be in there because I think they best - a very high resolution output and definitely the best products that we can provide visually for competitors and everybody else who's concerned. 50 55

Q. Eventually I presume the figures come through?

A. Yes.

Q. The models would--

A. From memory I don't think we got the plus 36 hour of the meso WAM perhaps before then but it was - we did obtain it at some time. But I got most of it, nearly the complete set of the meso WAM output by that time.

Q. What do you do then?

A. Basically we were furiously trying to photocopy roughly about 130 weather packs and there's - you've got the contents yourself there to - I'm trying to say, it's quite a lot of photocopying between the three of us. As Ken said, the photocopier was malfunctioning, we were running behind time where we wanted to be and then we made the decision that I'd better go down there, because we knew that people would be waiting for us and I took Geoff with me and Ken remained behind and along with other staff who were assisting him who weren't there for that purpose, they were just doing their normal jobs in the office, they were assisting him. Ken remained behind.

Q. Would you like a drink of water, you seem a bit dry?

CORONER: Q. What time was that, again, you went down?

A. I left - we left at about 8.30, I had known that we would be upgrading to a gale warning. I'd spoken to Professor Leslie and I'd seen output from his model.

HILL: Q. Before it gets--

CORONER: Q. ..(not transcribable).. to Rushcutters Bay, is that right? The route through into Rushcutters Bay, it's a short journey?

A. Yes, that's correct.

HILL: Q. Just before we get on to Professor Leslie, I want to understand this. You would have left at about 8.30 or arrived at the CYC at 8.30?

A. I think we would have left at about 8.30.

Q. You have been down to the CYC before and handed out these packages on Boxing Day?

A. Yes, I performed the briefing on the previous year as well.

Q. What time does the Weather Bureau to your knowledge get there on a Boxing Day to man its stand?

A. We would like to get there between 7.30 and 8 o'clock. The stand won't be open at that time, the stand's generally unopen till 9 o'clock. The previous year I gave a briefing to the race management on the conditions and they told me that they were doing their handicaps based on that, so--

Q. That was the previous year?

A. That was the previous year, yes.

Q. So do I take it that what happens is although you like

to get down there early, you don't actually open the stand until about 9 o'clock?

A. That's correct.

Q. That's right?

A. Yes.

Q. Now what about people who come knocking early, 8 o'clock or something like that?

A. We tell them it's too early.

Q. Okay, you just turn them away?

A. Basically, yes.

Q. So they can't get a package, they can't--

A. No.

Q. --come to you and say look, I'm over at Kirribilli and can I have my packet, I have to get over there, I'm only dropping in here to do this at the CYC?

A. The reason we don't do that is because we keep a checklist there of each yacht which collects them and we only hand out one per yacht. As you can see, it's a lot of work photocopying, we can only have time to run off one per yacht.

Q. I can understand that but supposing I'm--

CORONER: Use the example of Mr Moray.

HILL: Q. Yes, I mean Mr Moray came, vessel Siena, he says he got there at 8 o'clock, there was no-one there?

A. Possible.

Q. But if he'd got there and you were there and he knocked on the door and said look, I'm from the Siena, I'm the skipper, I've got to get back over to Kirribilli, can I have my packet now. If you'd had the packets would you have given them to him and ticked him off?

A. I guess if he told me it was urgent and he couldn't get back here and I had my checklist I would say yes but in doing that, that skipper wouldn't be seeing the board that we put up which is a very good display and it allows us to provide further briefing off that board. So I would prefer that people wait until we are properly set up.

Q. I can understand that perfectly but what I'm trying to find out is that you wouldn't turn someone away, half a loaf of bread is better than none at all, do you follow my--

A. Sure.

Q. --concepts?

A. Yes, sure.

Q. I notice here that I've been handed this document. Would you look at that? That appears to be the checklists, is that correct?

A. That's correct.

Q. It's from - well, it's attached to a letter from the Cruising Yacht Club of Australia "dear sir or madam"?

A. Uh hmm.

Q. It's signed by Phil Thompson but it's not addressed to anyone?

A. That's correct.

Q. But these are your lists, you've got no problems about that?

A. Yes, this is the list that we used to mark off boats, yes.

Q. I notice that the vessel Siena, number 99, is not crossed off?

A. Yes, that's correct, yes.

Q. That would tend to corroborate what Mr Moray has said in evidence that he got that at 8 o'clock and no-one was there?

A. I have no idea where Mr Moray was. I--

CORONER: Q. No, but he's told me on oath that he got there at 8 o'clock and there was no-one there.

A. No, that's correct. I wasn't there. As I said, I left the bureau at 8.30.

HILL: Q. I think on the front there that it's got on the letter 86 out of 117 entrants collected weather packs?

A. That's correct.

Q. Is that your writing, the 86 out of 117?

A. That's right. That's correct.

Q. That is yours?

A. And I only wrote that the other day--

Q. That's fine.

A. --when I was going through my notes.

EXHIBIT #10 CHECKLIST OF YACHTS RECEIVING WEATHER PACKS TENDERED, ADMITTED WITHOUT OBJECTION

Q. Where did you obtain the list from?

A. That was faxed to the office, probably about a week or two before the race, I'm not sure but I rang the CYCA and asked for a list for this very reason and it was provided.

Q. How did the first letter, or rather the letter that's attached to the list, how did that come into your possession? How does that come about? The letter - it's a covering letter, it's simply addressed "dear sir or madam", no-one else.

A. That came - well that came with the list in the fax I think.

Q. If you could look at that document, it seems to have a facsimile number on it, even though it's dated the 20th, the letter, it's dated 20 November 1998, the facsimile appears

to be 14/12/98, Monday, 1509. No comment on that?

A. As I said, I know I obtained it a week or two before the race.

Q. You arrived there at about - you left at about 8.30, arriving presumably some time between 8.30 and 9 o'clock, is that right? 5

A. Yes.

Q. Did you open up the stand at 9 o'clock do you recall? 10

A. Basically I asked Geoff to start doing that, there were a few other things.

Q. But was that at 9 o'clock? 15

A. Pardon?

Q. Was that at 9 o'clock? I'm just trying to get a timeframe of things, you see?

A. Yeah at about - probably maybe just before 9 or around 9 o'clock. Geoff asked - I asked him to start arranging things and I went into the office. 20

Q. You've said about Professor Leslie that his model showed something, perhaps if you could explain what you meant by that? 25

A. Professor Leslie just came out to me with a sheet of paper, he was running his model out in an office out the back.

Q. About what time of the day is this? 30

A. I can't recall. I think roughly it might have been about 8am, yeah, it wasn't - it wasn't too long before I went where Professor Leslie came out to me with a sheet of paper with some wind - with some outputs, some wind strengths and directions from his model and showed me those and the shift supervisor. 35

Q. You saw the figures that Professor Leslie had from his model that showed it up into the gale force?

A. Yes, I can't recall exactly but I'm pretty sure it was in the gale force region. 40

Q. Now what did it give? What sort of - does it just give an average wind speed?

A. Yes, the same as the bureau's models, 10 minute average wind speeds. 45

Q. Is it correct that say for convenience sake it showed a wind speed of say 35, that would be an average speed?

A. That's correct, a 10 minute average. 50

Q. Yes, for more than 10 minutes or more, is that how you--

A. No, a 10 minute average. You would have to ask Lance about this, it's his model, he-- 55

Q. So he produces those final figures and the rule of thumb is that you then add the 40 per cent onto that for gusts?

A. That's only for gusts but as Ken's already mentioned we

forecast generally the mean wind speeds which is the international convention.

Q. Yes I know, I don't want to get into the international convention again, I want to know what you did?

5

A. Yeah.

Q. But basically you have an average wind and then from the average wind you say 40 per cent of that added on will take care of any gusts, is that the approach that you have?

10

A. That's what we expect the marine community to understand. I don't add anything onto the forecast.

Q. There's no trick in this.

A. No, no, I'm not--

15

Q. I'm simply--

A. If the model says 35 knots and I believe the model, what goes into the forecast is 35 knots. That's--

20

Q. I understand. And on top of that we have 40 per cent and I don't care who adds it which takes care of gusts, is that how it works?

A. That's correct, that's the rule of thumb, yes.

25

Q. That's all I'm asking, it's fairly easy.

A. Yes.

Q. Now that we've done that and that had taken us up into presumably the gale force because things had to be altered, is that right?

30

A. Yes.

Q. The weather forecasts had to be altered but you wanted to open up the stand at 9 o'clock?

35

A. As soon as possible, we were running behind time, yes.

Q. So Ken Batt remained behind?

A. That's correct.

40

Q. And you went down to the CYC?

A. That's correct.

Q. Now, did you speak with any of the CYC employees, directors or anyone at all?

45

A. I spoke to the secretary in the club.

Q. When you say the secretary, are you talking about a secretary who types and writes things, or are you talking about--

50

A. The lady Ken's referring to.

Q. Don't look at Ken.

A. I've forgotten her name, sorry.

55

Q. You've forgotten her name?

A. Yes.

Q. Can you describe her to us?

A. Yes, she has blonde hair, middle aged. I have met her before in a previous year. Most times that I'm at the club she's there. I have forgotten her name. I don't have that close contacts with the CYCA that Ken has.

5

Q. What did you say to her?

A. Well, my expectations were--

Q. Just what did you say--

10

CORONER: Q. Just listen carefully. No magic in this, no trick either. What did you say to her?

A. I said my name is Brett Gage, I'm from the Bureau of Meteorology, could I please see the race committee so that I can brief them.

15

HILL: Q. What did she say?

A. She said they're not here, they know the situation, they're on top of it and I said well I was expecting to talk to them and she said it's okay, they know the weather and I was quite surprised by that.

20

Q. When she said to you they know the weather, did she explain what she meant by they know the weather?

25

A. I can't remember her exact words, they're probably the best words I can come up with so I'm not quoting her exactly. She just gave me the impression that they were off to do other things, they knew the weather. I thought that I was going to be speaking to them, well I did certainly on the previous year, I spent maybe a good 20 minutes in the office on the previous year with the race committee but they weren't around. So I - having been late, I didn't dwell on it, I tried to assist Geoff in getting the stand ready and I knew that a new copy of the forecast would be coming out. At that time I was starting to get requests from yachtsmen about the packages. My--

30

35

Q. Sorry, go on.

A. My response to that was we're upgrading the forecast, the current package forecast - the forecast in the current package isn't adequate, it's being upgraded, as soon as we get that forecast through and have the stand set up we'll be handing out the packages.

40

45

Q. I want to take you back to your conversation with the secretary. You said she said they know the weather and you were left with an impression, surprised as you were, that they knew the weather. What about the weather that they knew? What was your impression?

50

A. Well, I - yeah, I was surprised. I'm not sure if they contacted the office while I was away and had a briefing, I wasn't sure about that at all.

Q. What impression did you have that they knew what about the weather?

55

A. Basically I had no impression at all, simply they weren't - they weren't there and I really - I was just

surprised that they weren't there.

Q. Mr Gage, just a very short time ago you told us that you were surprised they knew about the weather and you had an impression that they knew about the weather?

5

A. Gained from the secretary.

Q. Yes, I realise that but what impression did you have that they knew about the weather? What did they know about the weather?

10

A. I had none at all, I was simply surprised that - well, I don't know how to answer that. Having not known how they'd obtained the weather or the briefing, I couldn't hold an impression. My impression was I was surprised that they weren't there.

15

Q. Did you have the impression they knew that you had upgraded the weather to a gale warning, is that what you're saying?

A. No, I have no idea about that.

20

Q. No idea at all?

A. No.

Q. So let's get this absolutely straight, that you went there, she said to you they know about the weather, you were surprised and that was it?

25

A. Yes. I did request for her for them to come and see me when they were available.

30

Q. Did you?

A. Yes. Did I see them?

CORONER: Q. You made that request?

A. Yes, I said I would like to see them, they're available.

35

HILL: Q. Was this a scheduled meeting with this committee, the race committee?

A. No, it wasn't.

40

CORONER: Q. I'm a bit mystified too. You've gone to - why did you ask, I'd like to see them when they're available? Why did you suggest that?

A. Because - well, because I thought it was important to have a discussion with them.

45

Q. Why?

A. Why?

Q. If you had no feelings about whether they knew the situation, why was it so important to have a discussion?

50

A. Because I felt that they should - I wanted to be sure that they did know the weather.

Q. Right, so didn't you have an impression - didn't you get an impression that they must know about the weather, or you didn't? They must know about the change in the forecast?

55

A. Well, yeah, according to the secretary, yes, but I still

had wished to confirm that.

Q. I know but that's what we've been asking you. The conversation with the secretary, did it or did it not leave you with an impression that they knew about the changed forecast, or as you said earlier no impression at all? 5

A. Really no I didn't think about - I didn't assume anything, that they did or they didn't know about the changed forecast. 10

CORONER: Done that to death. 10

HILL: Q. What made you go in and speak to the secretary and ask to see the race committee?

A. As I said, it wasn't a scheduled meeting but because the previous year the committee did actually ask me in to give them a briefing, I thought that that would be the same procedure this year in '98. 15

Q. Then why the surprise when the secretary told you that they weren't there, elsewhere? 20

A. I was surprised because I thought that it would be the same procedure as the previous year.

Q. And you wanted to discuss the weather with them and you left a message that you would like to see them? 25

A. Yes.

Q. Then you went to the?

A. I stayed in the area of the office. I asked the secretary to start - help with the photocopying which she did very well, they were very helpful. At the same time as that, I was assisting Ken in assembling the laptop and the stand as well as standing by for the forecast coming through on the fax, which I received very promptly. 30 35

Q. You received on the fax, what fax was that?

A. Probably would have been the yacht club's fax, we didn't have a fax. 40

Q. The yacht club's fax?

A. Yes.

Q. So what office were you in?

A. It's the office - I'm not exactly sure what it's called, it's the office where the secretary and I know there's a little room where the previous year I briefed the race committee. It's right next to where we put the stand and the computer where we do our briefing. 45 50

Q. You've mentioned the secretary, were there any other staff of the CYC in that office or around that office?

A. There were a couple of people in and out, yes.

Q. Was there any telephones in that room?

A. Yes. 55

Q. Is that where the switchboard is, or the main number of

the CYC?

A. I believe so, I couldn't be sure of that.

Q. What happened next, with you?

A. Okay. The forecasts came through. I can't remember distinctly but I would most likely have made a call to the office, just to get an upgraded briefing from the shift supervisor, so that I was conversant with everything going on, even though I'd seen the runs of the models before I'd left the office, so I did have a fair expectation of what was coming. Then--

Q. Could I stop you there. That's the gale warning?

A. That's correct.

Q. When you say it came through, it came through on the fax in the room where you were, where you think the main switchboard is for the CYC, or the main number?

A. It came through there, yes.

Q. And you began photocopying it?

A. I asked the secretary to get - yeah, run off lots of copies.

Q. So that I'm completely and absolutely clear on this, your bureau, the Weather Bureau, faxed through the report and it came up in the office where you were on that fax machine?

A. Yes, from memory.

Q. Okay, good. Please go on.

A. From there we - well, a lot of things were going on at once. We had the photocopying going and at the same time they were going still more weather packs are being copied. We erected the stand and started hanging up all the charts that were on the weather pack. The rest of the stand, the bureau logos, the pictures that are on the stand I'd assembled all in the office that morning so we only had to pin up the sheets in the weather pack and we did that. Geoff was mainly responsible for maintaining the laptop computer so he was setting that up. Once we'd had about 30 or 40 weather packs assembled with the new forecast, we opened the stand. There were quite a few yachtsmen waiting at that time, maybe about 20 or 30.

Q. What time would this have been about?

A. That would have been at about 9.30.

Q. Okay, so you started distributing the packs at about 9.30?

A. That's correct.

Q. What's the next thing that occurs?

A. For the next small period there wasn't - I didn't do any briefing up at the board because I was still trying to get the weather packs coming through and getting those assembled so we concentrated on that. We were handing out the packs but I'd said to the yachtsmen if you would like further

briefing or assistance on - with the weather pack, can you just wait until we run some more off and just make sure that everybody gets a copy first. So that was basically what happened in the next half an hour. And Ken - Ken arrived somewhere, 9, quarter to 10, 10 o'clock or somewhere around there I think.

5

Q. Did you speak with any directors or staff of the CYCA from that time until the time you returned to the bureau, the Weather Bureau?

10

A. Personally, no, I didn't.

Q. Were you privy to any conversations between anyone and any staff or directors of the CYCA during that period? In other words, were you next to someone and you heard a conversation?

15

A. No, I can't recall that.

BENCH: Q. Did you see any - either Ken or the other officer from the BOM speak to anyone from the CYCA?

20

A. Not that I can distinctly recall, though Ken--

Q. They may have?

A. Ken speaks to a lot of people there, yes, so it's quite possible that he did.

25

HILL: Q. Did you go inside, back to that office that you've told us about where the CYC secretary was placed after you began handing out the packages?

A. Yes, I was in and out getting more packs and she was also bringing them out, so I was running in and out of the office quite a bit. I could possibly have made another call to the bureau, it's an important function when I'm briefing to keep up with any latest developments and know the thoughts of the shift supervisor, so it's possible I went in to make another call.

30

35

Q. Did you receive any telephone calls from the Weather Bureau whilst you were there?

A. As again I can't recall distinctly. I would say it's - I'm fairly sure I did receive a call about the gale warning has been completed, it's on its way.

40

Q. When you received the call, was it whilst you were in the office where the secretary was?

45

A. I couldn't say. I could have been outside.

Q. Was it on a mobile or was it on a fixed landline?

A. I can't remember that either. I think from memory Geoff Smith did bring a mobile phone with him. I can't remember whether the shift supervisor contacted me on the mobile or on the landline.

50

Q. Eventually you returned to the bureau?

A. Yes.

55

Q. Something causes you a great deal of concern. Can you tell us what happened?

A. Okay, we left the yacht club about 12, went back to the bureau and we wanted to see the start of the race on the television. I knew I wouldn't have time to get home to watch the start so I decided to stay at the bureau. At that stage roughly about 1 o'clock or shortly thereafter Peter Dundar asked me to come over and have a look at the meso lapse model on his computer. 5

Q. That's the Australian model, is it?

A. That's the Australian meso scale model, yes, it is an Australian model. 10

Q. You went over and had a look?

A. Yes. 15

Q. And what did it reveal to you?

A. Well, it revealed quite a scary picture, storm force winds south of Merimbula in the area where the warning was put out, a deepening of the central - you can't see the central pressure on the wind output but you could see the low was intensifying quite markedly compared to the previous run of the model. And yes, it really gave me a nasty shock. I was put back by it. 20

Q. You were what, I'm sorry?

A. Well, I was - yeah, I was alarmed. 25

Q. There's nothing wrong with that. What was done about this?

A. Well, first we had a good look at it which means we stepped through the timeframes. This model comes in at - well, it has three hourly time steps, so we step through and see how the winds are behaving around the low, how fast the low's moving, a whole lot of parameters you would expect a forecaster to look at, had quite a good look and yeah, was quite alarmed. We were discussing it. 30 35

Q. Who's the we altogether?

A. It would be Peter Dundar, Ken, myself and a couple of other forecasters who would have been on shift would have also been interested. 40

Q. Do I take it the reason for that was to make sure that what you were seeing was really true and therefore verified by your contemporaries as it were, is that it?

A. Yes. At that stage Ken and I officially weren't on shift. We weren't even required in - we didn't even have to be in the office and under normal circumstances Peter would have perhaps talked to a couple of the other meteorologists in the office and then he should have contacted the Victorian office which was done. Certainly Ken and I didn't have to be involved in that process but because we were concerned we involved ourselves. 45 50

BENCH: Q. But not only that Mr Dundar wanted your opinion about it didn't he and presumably some of the other - the opinions of the others? 55

A. Certainly, he was happy to have our--

Q. Your input?

A. Yes.

HILL: Q. So the situation was that everyone had input into what the computer model was showing, in the sense of their opinions as to what it meant, is that right? 5

A. Yes, we discussed our opinions, yes.

Q. You were alarmed by this?

A. Yes, I was alarmed by-- 10

Q. Now, you have done some sailing yourself?

A. That's correct.

Q. Perhaps if you could just tell us about that, what sort of sailing have you done? 15

A. My sailing experience, I started sailing from when I was about 10 or 11, my father's sailed since he was a teenager. I only have experience sailing dinghies. I have raced them. I've been in about four or five national championships. 20

BENCH: Q. What class?

HILL: Q. Are we talking offshore or inland waters or what? 25

A. Dinghy racing.

Q. Miras(?) and things?

A. No, Fuller 20s and Australian Sharpies(?).

HILL: Q. Do they go offshore or is it inland waters? 30

A. Coastal, inshore coastal waters, most of my - yes.

Q. So these seas or this storm warning, this meant something to you obviously?

A. Yes. 35

Q. What did it mean to you?

A. Well, to me my first impressions, after I'd gone through all the steps of the model and also a lot of other meteorological knowledge I pulled upon, satellite interpretation, the sea surface temperature gradient, the upper wind analyses and prognosis, there's a whole multitude of factors that I look at to deciding whether I believe the output from the model. In this case all those factors came together and I said yes, it is - it is possible. I believed for various reasons that the output is likely and I wouldn't like to bet against it and I said to Peter I believe - my opinion is I believe we should really put this out as corresponding to the model as a storm warning. I also said if the model's right and we go against it, it's going to look very bad for us as well, though I will still always forecast for how I think's correct, what the situation is, but that was also a concern, that if we went off on a tangent on our own way and the model was correct and we were wrong, that it's quite a serious misjudgment. 40 45 50 55

Q. When you say it's quite a serious misjudgment, there were certain ramifications from the model that you could see

for the racing fleet, is that right?

A. Yeah, that's correct.

Q. What were those ramifications to you?

A. Those ramifications were I guess very, very strong winds, very large waves, sailing conditions that I would never personally like to experience. Personally I would not like to sail in an area where there were storm force winds, I'd never hope that to happen. And it conjured up all sorts of problems perhaps happening, boats starting to break up, perhaps crewmen overboard and as Ken mentioned in a private conversation with him and only to him did I mention that there could be possible deaths with this - the strength of this low.

Q. In fact you thought it was life threatening?

A. Yes, potentially life threatening, yes.

Q. I think you even went a step further, you've actually said that to your mind there was a possibility that deaths would result and you would not be surprised if that were the case out of this event?

A. Are they my exact words? I'm not sure.

Q. I can actually take you to them. Do you have a copy of your--

A. Yes.

Q. --statement? If you'd just bear with me a minute, I'll find that for you. On page 15 of your statement. Without qualification I'm reading from about the first paragraph there. You say "I felt okay, I'd done as much as I could, whatever happens from here is sort of out of my hands but I went home feeling that I'd done as much as I could. I was watching the news. I knew it would not be until the next day when trouble would start but I knew there'd be trouble and my feelings were that I would be very surprised that if the race went through without at least one person having died through the event, so I did have a strong feeling that there would be death". That was your feeling?

A. I thought - a strong feeling would be possible, yes, absolutely.

Q. What was the effect upon Mr Batt?

A. Ken Batt, he was, yes, very upset as he's mentioned.

Q. But what did you see? What did you see?

A. I actually didn't see Ken physically - well, I say very - I didn't see him very emotionally upset. He - I didn't see him during the period when he went out the back and was crying. In fact I didn't know about that until--

Q. He broke down and cried?

A. Yes, I don't - I didn't actually know about that until quite a few months later, it wasn't revealed to me.

Q. Who told you about that?

A. I can't remember. In fact I think it could have been a

media article where I first found out about it.

Q. You yourself, how did you feel?

A. Yeah, I was - as I said, I was very upset. I guess I don't have as close ties to the club and a lot of the people racing as Ken does because I've done most of my sailing in Adelaide, with people from Adelaide, but yeah, I was upset but I knew I had to keep it together because there was more work to be done. So basically I tried to be as unemotional as I could about it at the time, even though I did have, you know, a nasty little feeling in my stomach. 5 10

Q. Perfectly understandable. What did you do?

A. Okay. I did sit down with Peter as I said and we talked about it and I suggested that it - like he ring the Victorian office immediately, we have to get some consensus with the area being across the border, we have to be consistent in any forecasting we do across the border. So he rang them, spoke to Terry Ryan, had a conversation. About five minutes later Terry returned the call and basically said to Peter yes, we'll go ahead with the warning, I agree with your concerns. 15 20

Q. When you say with the warning, with the storm warning?

A. With the storm warning. 25

Q. So what happens then?

A. Okay. Peter sat down to type out the warning. I actually sat beside him and I had some input into what went into it, even though it wasn't my responsibility. Certainly Peter overrides me when he's the shift supervisor. I was just going through the charts and saying at this time the winds are such a strength, at this time the winds are-- 30

Q. Now, the warning itself is issued at about 2.14pm on 26 December, is that right? 35

A. That's correct.

Q. So it's just over an hour after the race has begun?

A. That's correct. 40

Q. In Victoria I think it was issued at about 1.58?

A. Correct.

Q. I want you to listen very carefully to my questions and I want you to think about them, because what I'm going to suggest to you, that - and I want your opinion on this, right, as a meteorologist. It's 1414 and it's the priority storm warning. Is it the one that's issued - do you have a copy of that? There's about a dozen of them in here. Is it the one that's headed priority storm warning coastal waters south of Merimbula, gale warning coastal waters south of Broken Bay? 45 50

A. I'll just check through my things here. 55

Q. Issued at 1414 on Saturday 26 December 1998. I just want to make sure--

A. Yes, that's correct.

Q. That's the one, is it? I'm going to the warning paragraph and it says "warning, north-northeast wind reaching 20 to 25 knots between Broken Bay and Ulladulla, 25 to 30 knots south from Ulladulla ahead of a gusty west-southwest change, 30 to 40 knots expected south coast tonight, then west-southwest 25 to 35 knots Illawarra and Sydney coast early Sunday morning and west-southwest 25 to 30 knots Hunter coast later Sunday morning. West wind increasing to 45 to 55 knots offshore south of Merimbula late Sunday afternoon". Now it's that last one, west wind increasing to 45 to 55 knots offshore south of Merimbula late Sunday afternoon, that's actually the storm warning is it?

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A. Yes.

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Q. I know the whole thing is headed storm warning but that's - it's that little - it's that last line if you like?

A. Yes and that correlates with the header of the warning too.

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Q. The head of the warning?

A. You can see how it's split into priority storm gale and strong wind?

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Q. Yes.

A. Well they're - yes, that bit you referred to correlates to the priority storm warning.

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Q. Right, so basically the way I should read this is priority storm warning coastal waters south of Merimbula, west wind increasing to 45 to 55 knots offshore south of Merimbula late Sunday afternoon?

A. Yes, that's right.

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Q. Would there be any reason why the storm warning itself could get rid of all this other weather forecast and simply say priority storm warning coastal waters south of Merimbula west wind increasing to 45 to 55 knots offshore south of Merimbula late Sunday afternoon?

A. Yes, that is possible though I give a reason why in this instance we - it's all on the one page. Much easier - the boats were not down to that area at that stage, in fact they were still well north. The gale warning's very significant in itself. Much easier to have it all on the one page for any faxes or for any broadcasts it correlates with everything that's coming down the coast. Not only for the yacht race but for anybody else also.

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Q. I understand what you've just said but apart from that convenience, is there anything that would prevent the bureau, the Weather Bureau, from issuing a simple bald statement priority storm warning coastal waters south of Merimbula and then going straight into the west wind is increasing to 45 to 55 knots offshore south of Merimbula late Sunday afternoon?

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A. If my policy makers - I don't make the policies--

Q. I'm not suggesting for one moment that you bind us to

conventions.

A. No.

BENCH: Q. Can you see any reason why not though, that's what he's asking you? As a meteorologist.

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A. I don't see any reason why not. I still think in this form it's a better product for the reasons--

Q. But there's no reason that you know of that that couldn't be done other than the fact that you may have a personal opinion against it and it's not the policy?

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A. Yeah well they're two good reasons not to.

Q. Right, of course, you must obey orders, I agree with you entirely.

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<WITNESS STOOD DOWN

ADJOURNED TO THURSDAY 16 MARCH 2000 PART HEARD

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CERTIFICATION OF TRANSCRIPT

I, We the undersigned being (a) Sound Reporter(s) do hereby certify that the within transcript is a correct transcript of the depositions sound recorded at the State Coroner's Court, Glebe in the matter of Inquest into the deaths in the 1998 Sydney to Hobart Yacht Race on Wednesday 15 March 2000

Part Heard

Dated at Sydney
this seventeenth day of March 2000

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