

W801 71/00 CG-K1

NEW SOUTH WALES STATE CORONER'S COURT

STATE CORONER: J ABERNETHY

THURSDAY 16 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
 RONALD FRANK MATTHEWS
 GLYN RODERICK CHARLES

Mr A Hill assisting the Coroner
 Mr R Stanley QC with Mr P Santamaria for the Bureau of
 Meteorology
 Mr R J Weber for the Cruising Yacht Club of Australia
 Mr T Elsworth for the Australian Yachting Federation
 Mr T J Morahan for Richard Winning
 Mr O'Halloran for Lawler family

PART HEARD

DISCUSSIONS RE WITNESSES

<BRETT GAGE(10.05AM)
 RESWORN, EXAMINATION CONTINUED

HILL: Q. Mr Gage I think we finished yesterday with, we'd got to the stage where I'd been asking you about the storm warning that was issued and I'd taken you to a document and you had looked at that, do you recall that, about the storm warning?

A. Yes I do.

Q. And I hadn't got to the part about what you did after that and I will take you to that but the document I showed you yesterday which was a storm warning, that was the public one, is that correct, that was released generally to the public?

A. That's correct, that goes to all the Maritime agencies.

Q. Was there a storm warning that was specific to the CYC, that was different from that?

A. No they should receive the same one.

Q. They receive the same one, so there's no other one that I'm looking at?

A. No.

Q. So the one that went to the public was the same as the one that went to the Young Endeavour and to the CYC?

A. Yes.

Q. To your knowledge that is?

A. That's correct.

Q. Who was it that actually faxed it?

A. Faxed to whom?

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Q. Well to the CYC and to the Young Endeavour?

A. Okay to the Young Endeavour it should be automatically faxed through our address list on the computer. I faxed a copy to the Sydney to Hobart media centre and Ken has already spoken about the - what happened with the CYC office, sailing office which was Ken's part.

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Q. Do I take it then there are two faxes that go to the CYC or just the one?

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A. As I said it's automatically faxed to the Young Endeavour and I faxed one to the Sydney to Hobart media centre. The CYCA should obtain it through all the normal channels which have already been listed. There's many channels they can obtain it.

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Q. I'll start again. You faxed one to the CYC media centre?

A. That's correct.

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Q. You did that yourself?

A. I did that myself.

Q. Would there have been another fax that also went to the CYC albeit to--

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A. Not faxed by myself.

Q. Do you know of any other that would have been faxed to the CYC?

A. It may be on the address lists, I'm not sure.

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Q. But as far as you're concerned, the only storm warning that was faxed to the CYC was from you and you faxed it to the media centre?

A. The only - no I'll say that the only fax that was sent by me was to the CYCA media centre. There may have been a fax go directly to the CYCA office, I'm not sure about that but certainly, I certainly know it was on the address list for the Young Endeavour.

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Q. Now did you fax the storm warning to the same fax number where you yourself had received the gale warning from the bureau when you were down at the CYC?

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A. No I faxed it to the number that was given to me by the lady who I spoke to on the phone at the media centre.

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Q. Well let's take it from the point where you have the storm warning and Mr Batt has gone out, what do you do?

A. Well what I did, I - after Ken had come back to me and said that he wasn't happy with the response from the media centre, I then proceeded to call them myself and I tried to have a conversation with the person there, the lady there and I wasn't getting very far with her, I could--

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Q. What did you say to her?

A. I said, the bureau has issued, you know I'm Brett Gage from the Bureau of Meteorology, I introduced myself, we've issued a storm warning, these are the contents of the storm warning. I tried to understand, she sort of quickly said, oh look I don't - I asked could I speak to someone else in your office who would understand or your manager and she sort of - she said there's no-one else there that I can speak to which Ken had already told me that that was the case so I said, all right what I'm going to do, I'm going to fax you a copy of the storm warning and could you please send it out to everyone you know of that should - in your organisation that should get that, pass it on everywhere, I told - I stressed how important it was and she said, yes I'll do that she said, I'll send a fax and I checked on the fax that the transfer was complete so--

Q. Well do I take it then that you faxed to the media centre of the CYC?

A. That's right.

Q. You didn't fax to the sailing office, is it a different place?

A. There was nobody in the sailing office. Ken had called there and as he'd already explained, the phone had rung out.

Q. Now prior to Mr Batts telephone call that he says to you that he had made and prior to your phone call, no faxes had been sent to the CYC, not by you?

A. Not personally by me no.

Q. And the only other method that one could have been sent to the CYC would have been through the automatic dialling system of addressees who are faxed weather reports, is that correct?

A. That is correct.

Q. And you are uncertain as to whether the CYC was on that automatic addressee list?

A. That's correct.

Q. And then you faxed to the media centre your storm warning?

A. Yes.

Q. Now was the media centre situated differently from the office that you've told us about yesterday where you received your fax from the bureau about the gale warning?

A. I don't know where the media centre is located.

Q. But that's where you sent it to the media centre?

A. That was where I sent one copy yeah.

Q. With instructions to fax it or give it to whom it--

A. To everyone, everyone in her organisation.

Q. Everyone in her organisation?

A. Yeah I said, whoever - I said it's important, send it to

everyone you know of that she can.

Q. What organisation did she belong to that made you give her those instructions?

A. She belonged to the media centre. 5

Q. Yes but in what capacity was she in the media centre?

A. I have no idea.

Q. Well you see what I'm trying to find out is that when you gave her instructions to fax or give it and send it out to all the people in her organisation, did you know what her organisation was? 10

A. I knew it was the media centre. 15

Q. But you may have been speaking to a journalist? 15

A. That's correct. If you'd like me to explain my feelings that went on through that period and how I- how I approached the situation, I can expand on that. 20

Q. Yes please do? 20

A. Okay. Ken had tried to contact the office, Ken has much better contacts with the CYCA than I did so I'd left it to him to contact there. The - I knew it was going straight to the Young Endeavour. The - so I was confident that the - either through the Young Endeavour or through the media centre if we couldn't get hold of that the CYCA should receive this warning. Now keep in mind that there was 22 hours lead time on this warning so there was a lot of time before these boats got into the area of storm force winds so I was very confident that during the course of the afternoon that the CYCA - and don't forget it's going through all the radio channels, the internet, the fax lines, I was very confident that the CYCA should at least be listening to one of those lines that they would call back and contact the shift supervisor as per protocol in the agreement, in our contract agreement so I had no reason for sudden concern that the ships were immediately sailing into a storm warning area and they wouldn't, there was 22 hours lead time. Now furthering onto that, the other organisations that I contacted, I did that deliberately because I was well aware that they may not be listening to all these channels that we had - I'd given a substantial list which was in all the weather packs to the yachts of internet addresses, fax addresses, recorded phone messages, all of which could be accessed to get the storm warning. Now these other organisations because they weren't directly involved with the race and we hadn't sent them a weather pack, I felt that they should be notified and in that instance, I notified - I contacted the Australian Maritime Search and Rescue Authority, the Eden Coastal Patrol and the Sydney to Hobart media centre and I had a lengthy discussion with the Australian Maritime Search and Rescue Authority so I was very confident that the CYCA should have contacted the shift supervisor way before any ships would enter the area of the storm warning, any yachts enter the storm warning area. 25 30 35 40 45 50 55

Q. It's just that I've been under the impression from

Mr Batt's evidence that the reason that he telephoned was to ensure that they had got the fax?

A. No he wanted to talk to Phil Thompson.

Q. And that's why I asked him if that's all he needed to do, he could have said to the woman Lorraine, have you got the fax, but you're saying the fax didn't originate from you until after your phone call which was after Mr Batts?

A. That went to the media centre, yes.

Q. Well was there another fax?

A. Well that was the fax to the media centre, yes.

Q. That went afterwards, after your phone call?

A. Yes.

Q. And did you follow that up at the media centre to make sure they'd got it?

A. I checked on the fax that the fax went through complete transmission, yes.

Q. The little document that that comes out of the fax machine that says, transmission okay, is that what you mean?

A. Yes well it just says on the fax, it says complete.

Q. Complete?

A. Yeah through the digital readout.

Q. I'll just show you this document. This is the annexure to the statements of Mr Thompson, it is the - it was exhibit 9 but I think it's--

CORONER: Exhibit part of 4B(19).

HILL: Q. If you could just look at that and ignore the writing on the top which is mine and you wouldn't be able to read it anyway but have you ever seen that document before?

A. No I haven't.

Q. That is a document that gives the various numbers for the people at the CYC, you accept that?

A. That's correct.

Q. Now do you have a noticeboard in your office where you work?

A. We have a few various noticeboards.

Q. Is it a work practice to pin to the noticeboard various letters or anything like that?

CORONER: This type of thing.

WITNESS: Not this type of thing, more internal, to do with internal bureau matters.

HILL: Q. So you would not go to the noticeboard for instance to find the telephone numbers of the CYC?

A. No.

Q. How would you receive a letter like this, how is the norm?

A. Well that should be addressed either to the regional - to my regional director or to the regional forecast centre manager and they would then pass it on either an e-mail or a letter and ensure that everyone knows about this so it should not be - it should be addressed to my regional director.

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CORONER: Q. But you're saying that you didn't see a document like this on your e-mail or coming through your tray or on your desk or put there, this is in the weeks or days prior to the race?

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A. No I haven't seen this.

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HILL: Perhaps if I could have that returned.

CORONER: Quite a handy document isn't it?

HILL: It would be.

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Q. So I take it that on Boxing Day of 1988(as said) you did not have to hand any telephone numbers for the CYC?

A. Well Ken obviously did--

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CORONER: Listen to the question. Put it again.

WITNESS; I myself didn't look for any numbers because Ken took it upon himself to call.

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HILL: Q. What, he dialled the number for you?

A. No he called them, not myself.

Q. But didn't you call the media centre?

A. Yes the media centre, yes.

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Q. You differentiate between the CYC and the media centre do you? It's perfectly all right.

A. Okay there's the CYCA sailing office and then there's the media centre I guess.

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Q. Okay and you presumed I was talking about the CYC?

A. Yes.

Q. Where did the number about the media centre come from, where did you get that?

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A. Ken gave it to me because he previously called them.

CORONER: Q. Didn't you have a ready reference to numbers at the CYCA or the media centre, they were sort of given to you on the day were they when this blew up?

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A. We, I think we may have had numbers in a list there.

Q. No you personally?

A. Me personally no because my involvement should have finished with the briefing with this event. I could have gone straight home from the yacht club and my involvement--

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Q. I'm not worried about that.

A. --so I didn't need to keep a list with me. I was only in the office by chance, yeah.

HILL: Q. The position, when you said your involvement would end with the briefing, you were talking about the shop are you, the display that you had on Boxing Day, is that the briefing you're talking about?

A. That's correct.

Q. So all the numbers that you got were from Ken Batt?

A. No the numbers, well the numbers for AMSA and Eden Coastal Patrol, I had in my filing cabinet. I took it upon myself because I keep these numbers to call them, I said to Peter Dundar, I'll call these guys because I was quite concerned so I was in possession of those.

Q. And you were contracting AMSRA because as you've stated you were worried, you thought that there could possibly be injuries and possibly death out of this storm?

A. Yes I didn't ever say that to AMSA though.

Q. No I understand that.

A. Yeah.

Q. These were your feelings, this is how you felt about the situation?

A. That is correct.

Q. And Mr Batt felt about the same way?

A. Yes he had fairly similar feelings.

Q. And because of that, you took it upon yourselves, both you and Mr Batt to make these phone calls we've heard about?

A. That is correct.

Q. What did Mr Dundar do, your immediate superior?

A. Mr Dundar was very busy doing the forecast. It was a very busy day as you could understand and he was very busy just trying to keep the forecast happening which is why Ken and I decided to make the added phone calls to take a bit of the burden off Peter because he was very intensely thinking about meteorology through the whole day.

Q. But did you inform him of what you were about to do?

A. Yes yes told him I'd ring a few organisations to let them know and Ken and - Peter knew from the protocol that he should expect a phone call from the yacht club and so we - well as Peter put the warning out himself, he was well aware of the gravity of the situation and we discussed it.

Q. And he was expecting a phone call from?

A. Well as per the protocol yes we - I think Ken or myself, I can't remember would have said, you know, they should ring you and Peter knew that anyway, we didn't have to tell him that.

Q. How long was he on duty for that day?

A. He would have been on duty until 7pm and then there'd be a half an hour hand-over until 7.30pm to the next supervising meteorologist.

Q. He would be on duty till 7pm that night? 5

A. Well 7.30pm. His last half an hour is what we call the hand-over period.

Q. Who would he be handing over to?

A. I think it was Ian Robertson that night. 10

Q. And he would be on duty for how long?

A. The same - he would be on until 7.30 the next morning and that includes the half an hour hand-over. 15

Q. And who comes on duty then did you know?

A. I can't remember if it was Peter or someone else, that would be - what day is that, 27th, I wasn't at work on 27th.

Q. So you're not sure if it was Peter Dundar who came back on duty at 7.30am the next morning? 20

A. 7am, 7am, no I can't.

Q. 7am?

A. Yeah can't be sure. 25

Q. Who would know that?

A. Certainly Peter or Ian expressly even though--

Q. Ian? 30

A. Ian Robertson though he's on his way back from Antarctica at the moment so--

Q. Is he?

A. Yeah but we could easily look back through our - just through our journals and find out, not hard to find out. 35

Q. Now after you had finished faxing that storm warning to the CYC what did you do then?

A. After I'd faxed that to the media centre, I called AMSA, sorry, well I can't remember if I called AMSA or Eden first but they were very close together. When, well say I called Eden first, I can't remember which order, I spoke to a lady there, she said, I said, I'm Brett Gage from the Bureau of Meteorology, we've issued a storm warning. She goes, yes we already have that on our desk and we're well on top of the situation and I believe that the fishing fleet down there came in very fast based on Eden's Coastal Patrol's advice to their fishing fleets there and she seemed very on top of the situation so I was quite content that they had full knowledge. 40 45 50

Q. Who told you about the fishing fleet coming in very fast after the storm warning issued?

A. Right that's just by hearsay through colleagues in the bureau and you know I can't substantiate that. 55

Q. I think you've also made reference to a tanker?

A. Yes in my - I was - in my statement that wasn't quite correct. I asked for confirmation when I went down to my head office last week on that. What it actually was was a boat called the Sea Cap which was coming down the coast and a hove-to into the storm force winds and stayed hove-to throughout the storm. 5

Q. What was the name?

A. Sea Cap. 10

Q. Sea Cap?

A. Yeah. 15

Q. And what sort of vessel was it, have you any idea?

A. It's a large commercial vessel. I can't remember, my head office has the details of that. 20

Q. Any idea where she was hove-to?

A. I know - I remember that I was told that it was coming down the New South Wales coast going in towards Bass Strait I think so somewhere off the point, off Gabo Island somewhere, somewhere down there. 25

Q. You have what's called on your website the weather bureau website weather words, are you aware of this?

A. Yes that's something that Bruce Buckley, our regional forecast centre manager compiled, not myself. 30

Q. That seems to differentiate between a storm from 48 to 55 knots and a storm from 55 knots plus, are you aware of this?

A. In what way, could I see the-- 35

Q. Yes most certainly and it's on page 8. 40

CORONER: What volume is that Mr Hill? 45

HILL: There's no volume, it comes straight off the website. This will have to become an exhibit and perhaps if I tender it now. 50

A. This is off the Sydney race? 55

Q. No this is off the Bureau of Meteorology's website. 60

EXHIBIT #10 WEBSITE TENDERED, ADMITTED WITHOUT OBJECTION 65

A. Just to clarify, we have a lot of websites in the bureau because we have internal websites as well. I'd just like to know exactly the reference. 70

Q. It's always the same, when you want a policeman they're never there. Yes the address. 75

CORONER: Down the bottom of the first page. 80

WITNESS: Yes right. 85

HILL: Q. I presume it's something that anyone can have 90

access to?

A. Okay. I can't be sure. That must be something perhaps done by head office, maybe not by Bruce Buckley.

Q. Well if you go to page 8 you'll see there under the heading, storm, and there appears to be two types of storm, one from 48 to 55 knots, see that? 5

A. Yes.

Q. Very high waves with long overhanging crests, the resulting foam in great patches is blown in dense white peaks, the surface of the sea takes on a white appearance. The tumbling of the sea becomes heavy with visibility affected. You'd agree with that? 10

A. That's referring to the Beaufort scale. 15

Q. Yes it appears to be referring to the Beaufort scale?

A. That's right.

Q. You agree with that yes or not? 20

A. Yes the Beaufort scale, coming from there.

Q. And you as a meteorologist, wouldn't say that that's wrong or disagree with it?

A. No there's nothing wrong with the Beaufort scale. 25

Q. It says it's derived from the beaufort scale of wind?

A. Yes.

Q. Then you have - it seems to go up in intensity, we have a storm from 56 knots plus so we've got two forms of storms according to this document? 30

A. No it's the Beaufort scale.

CORONER: Q. so you reckon this is a restatement of the Beaufort scale? 35

A. Yes.

Q. No more than that?

A. No. 40

HILL: Q. Now it says, very rarely experienced, and this is 56 knots plus, widespread damage, exceptionably high waves, small and medium size ships occasionally lost from view behind the waves. The sea is completely covered with long white patches of foam, the edges of the wave crests are blown into froth. You don't disagree with that description? 45

A. According to the Beaufort scale, no I don't disagree with the Beaufort scale.

Q. Who was responsible for the wording of the storm warning that went to the Young Endeavour? 50

A. That's Peter Dundar of course, the shift supervisor and as I said it follows international convention and the Beaufort scale is not part of the-- 55

CORONER: Try to listen to the question. It's a pretty simple one.

HILL: Q. I understand perfectly there's international conventions. I understand that you have policies. I'm asking you a very simple question. It's Peter Dundar I take it who's responsible for the storm warning that went to the Young Endeavour, is that right or wrong?

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A. That's correct.

Q. so if I want to ask questions about the contents of the storm warning that went to the Young Endeavour, I must ask him?

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A. Yeah I'd say so.

HILL: I have nothing further.

CORONER: We propose to suspend this witness because there is one or two that we really have to hear today which means that you're going to have to hang around I'm sorry. Their gentlemen might have a crack at you in due course so take a seat and try to relax.

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WITNESS: Okay.

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<WITNESS STOOD DOWN

<ANDREW PAUL MURRAY
SWORN AND EXAMINED

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HILL: This witness' statement is contained in volume 2 document 16.

Q. Do you have a copy of your statement sir?

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A. I do.

Q. Sir would you give the inquest your full name?

A. Andrew Paul Murray.

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Q. And your address?

A. Formerly in Australia 28 Albion Street in Launceston.

Q. I think your parents still live there do they?

A. No that's a friend.

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Q. You can be contacted at that address?

A. I can be - well that's now moved to 4 Lantana Avenue but I haven't visited that site yet.

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Q. Well where may we contact you if we require?

A. 4 Lantana Avenue Launceston.

Q. What is your occupation?

A. I am a professional seaman, sea captain.

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Q. And I think that at the moment you are the master of a vessel that's in the Caribbean, is that right?

A. That's correct the vessel is actually in Fort Lauderdale in Florida undergoing refit situation.

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Q. Now you are a master class 4 mariner and you also have

the Australian Yachting Federation's, I think it's what, yacht master as well?

A. That's correct.

Q. And I think you grew up in Tasmania?

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A. Correct.

Q. And you've been around and on vessels most of your working life, is that right or all of it?

A. I've been a commercially endorsed mariner since 1976.

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Q. I think that you were in fact master of ocean going racing yachts at one stage?

A. Former racing yachts, yes that is correct.

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Q. And you have indeed taken part in races?

A. I certainly have.

Q. And I think you've also been in the Sydney to Hobart races?

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A. No I have not done the Sydney to Hobart race.

Q. You haven't done one of those?

A. No. The Melbourne to Hobart I've done.

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Q. You no longer take part in ocean yacht racing, is that right?

A. That is correct.

Q. Now I want to take you to 27 December of 1998. You were aboard a vessel?

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A. I was, my own vessel.

Q. And what sort of vessel was that?

A. It's 50 foot, steel, round build, ketch rig, Joe Adams design sailing yacht which I personally own.

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Q. Where was that yacht at that time?

A. On 27th I had taken shelter for the evening in Bedangabi Creek some miles, 12 or so I believe south of Eden.

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Q. Before that the day before that, where was your vessel?

A. I'd been anchored in Disaster Bay for two days prior to that. I was in transit from North Queensland to Tasmania.

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Q. Who was aboard with you?

A. Just my partner, Mary.

Q. And did you receive a storm warning?

A. Did I receive a storm warning. I received a personal storm warning.

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Q. What happened, what did you see?

A. The weather was noticeably extremely inclement. I had decided to return possibly only to Bedangabi Creek but I ended up going back to Eden because there was a very strong north-easterly stream coming down the New South Wales coast at that time and there was a very - what appeared to me to

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be some very inclement weather about to enter Bass Strait coming from the west to the south-west. I had heard various weather reports which indicated to me that I would not go into Bass Strait.

Q. Why? What was it about the weather reports that made you decide not to go into Bass Strait?

A. I believed that there was going to be some very heavy weather in Bass Strait.

Q. Do you recall anything in particular that indicated that to you?

A. There was a deepening low pressure cell moving across Bass Strait and there was this strong high in the Tasman and in turn there was a very strong, as I said, a strong northerly stream of - winds were 30, 30 plus from the north-east. The night I put it into Bedangabi Creek in fact it was - I possibly would have gone all the way to Eden that night but I decided to put it in there because I was having trouble making solid way against the strong northerly and saw no point at that time. There was a very nasty thunderstorm in the early part of that evening as well so it indicated to me without having to even hear the forecast and so on from the Department of Meteorology or other sources that - other sources of course being the oil rigs forecasts and so on, I just knew that Bass Strait was not the place that I wanted to be over the next 24 hours.

Q. That was on the Boxing Day, is it, you're talking about now?

A. No, this was - I was still in a decision-making mode on the Boxing Day as to whether to go through to Tasmania. It was the 27th that I had made the decision not to.

Q. What did you do on the 27th?

A. On the 27th I went back to Eden.

Q. You tied up there, did you?

A. Yes, I tied up in Eden and there were a number of reasons for that but primarily I suppose the reason was that I expected a number of the yachts to come into Eden. It just seemed logical to me that boats would be pulling into Eden and I suppose being the festive time of the year I considered it would be fun to be part of that.

Q. Why did you expect them to be pulling into Eden?

A. Because it was becoming increasingly obvious to me that there were going to be a lot of retirements in the Sydney to Hobart Race that year due to weather.

Q. You were in Eden and what did you do?

A. I tied up alongside in Eden at the Fishermans Wharf and spent the day, I suppose the best way to put it would be killing time and setting myself up in there, line-wise and so on. I knew there was a very - the strong southerly flow was going to come and Eden, albeit a good, safe port, you can still have extremely strong weather at the wharf in Eden and so to protect your vessel of course a good fendering arrangement and so on takes a little time to set up.

Q. Were you monitoring the transmissions of the Young Endeavour?

A. I was monitoring the - yeah, I was monitoring the

transmissions from the Young Endeavour from later in that afternoon. I had monitored the sked prior to purely as a matter of interest because I knew certain people in the race and, as I say, just as a matter of interest at that time.

Q. You had particular interest I think about the vessel Business Post Naiad?

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A. That's correct.

Q. There were some people on board that you knew?

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A. There were. My brother-in-law, Robert Matthews, my brother-in-law is Tony Guy. Robert Matthews, Stephen Walker and the captain Bruce Guy, Phil Skeggs, who I'd met, and Peter Keats, who was the navigator.

Q. Tony Guy is your brother-in-law?

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A. That's correct.

Q. He's married to your sister?

A. That's correct.

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Q. Tell us what happened in regards to that transmission. What did you hear that--

A. Which transmission?

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Q. The transmission that took your interest about the Business Post Naiad?

A. I was listening to the afternoon sked conducted by the Young Endeavour and I had listened to the forecasts of the weather but once again not having taken particular note albeit I have the interest I hadn't taken any particular note because of course I'd personally fulfilled my obligation which was to ensure my vessel was safe and the crew on my boat. In the afternoon, evening sked I was listening and jotting down some positions and it all becomes - it all happened rather quickly. There were - there was an initial mayday that I heard and I can't quite remember what the vessel was, and that was somewhat, if I recall, fairly quickly within some minutes, I'm not quite sure how many. There was the mayday that I heard on the HF frequency 4483, being the one that we were of course being the official race frequency, as I understood it, that involved Business Post Naiad.

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Q. You have been trained as a Master in order to get your certificates to understand what the system is when a mayday is broadcast?

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A. Certainly.

Q. What is the system? Perhaps you can tell us.

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A. With the mayday or the three--

Q. What sort of call would come out?

A. By way of a mayday the vessel would issue a mayday by repeating three times mayday, mayday, mayday. This is the vessel, for example X, Y, Z if you like. This is the vessel X, Y, Z, this is the vessel X, Y, Z. My position is and in turn look for someone to respond.

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Q. What is the response normally to that? If we have in this case, we have a control vessel.

A. I would assume, given the situation where you had a trained operator and to do with this officially coordinating, if you will, the Sydney to Hobart Yacht Race schedules that would be - that that operator would take control by way of basically using these words, silence mayday silence mayday silence mayday. That would inform everybody else that we have a mayday situation. I am taking control of this situation as I am the official body here at the time and in turn that would suspend in this instance the sked - reporting sked broadcast, if you like, and in turn allow for that situation to be dealt with.

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Q. Basically the control vessel uses the words silence mayday but they use the french silence mayday silence mayday?

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A. Certainly. That didn't happen but that's what I would have considered would have happened, I suppose.

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CORONER: Q. The effect of that I suppose is to clear the air to enable the controller and the mayday, which really means help me, as I take it, in French--

A. Correct. It's - the mayday stance means that there is an immediate threat to life at sea. That is the official international--

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Q. And no controller to deal with the person calling the mayday?

A. Correct. I would possibly like to add that this is not something that would be considered unusual in ocean racing and some people may consider that it would be but there was an instance in the Australian Three Peaks Race only four years ago where there was a boat that was in a mayday situation on the east coast of Tasmania. The radio operator was coordinating that section of the race from - in the region of the lighthouse at Cape Tourville on the Freycinet Peninsula and that's exactly how it was handled at that time.

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Q. He called for silence?

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A. He called for silence and then in turn coordinated the rescue by way of involving who he wished to involve or saw fit to involve I suppose by way of the radio - by way of the coordination of that rescue.

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HILL: Q. The silence required is a listening silence, they remain on listening watch to see what part they may be required to play--

A. All other vessels in the area, you mean?

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Q. Yes.

A. I would take it as being that way, yeah.

Q. That starts at page 4 of your statement and if we go on through you say there at page 6, "That over the next hour, they, Telstra control, were handling a number of events including major problems such as man overboard on Tangara."

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That's at page 6 of your statement about point 4?

A. Yep. Page 6 you're asking me to look at?

Q. Yes, I'm just taking you through so that you can have that as an aide memoire, as it is, and then you say at about point 5, "Over the next few hours I heard nothing else from at 19:00 hours. Another position was given by Naiad and they asked for some crew members to be evacuated. A position was given however at 19:00 hours." That's what you heard?

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A. That's correct.

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Q. Do you recall what it was that they wanted the crew evacuated for?

A. No, I don't. It's my belief at that time that this communication with Naiad was by way of a radio relay by another vessel in the area. They were relaying through another vessel back to Telstra Control?

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A. Correct.

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Q. What could you hear? Which ones could you hear?

A. I could hear Telstra Control on the Young Endeavour and I could hear the vessel relaying.

Q. You couldn't actually hear Naiad?

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A. I believe not at that time. I did hear Naiad's initial mayday but I - and I did hear one communication from them later but I'm not quite sure when that was. It was in the proceeding hour or so and that was by way of what had happened to them, they had then turned, they were giving position. What I'm saying is Naiad had given its position, its course and speed and then they turned and they again gave their course and speed in a given direction northbound. They were trying to sail in a north-westerly direction but in actual fact their course made good was more north to north-east.

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Q. At page 7 at about point 6 on that page you'll see that you said, "It would seem very clear to me that anybody monitoring them in a mayday situation as they reported at R20:30 that they were low on fuel, they were requesting crew members to be evacuated from the vessel, that was questioned and the outcome of the question was that they were told they were not going to be able to be helped at that moment. They were put on hold.

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A. That is correct.

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Q. You say that, "Each time the radio relay vessel made an attempt for another boat to try and aid them in some way. This would seem fairly ridiculous to me because one vessel they talked to was Midnight Express." What is it about that?

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A. Midnight Express. I've got it here but I'm not quite sure--

Q. Moving on from there and you say at about point 5, page 8, "The last communication I heard from Business Post Naiad was via relay vessel from a vessel known as Midnight Special

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and as I say Naiad at that time reported to be low on fuel. Telstra Control, as I understand it, was mindful of the situation however I find it amazing that they did not try and make contact with Naiad." What exactly is it there that--

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A. There was some communication with the Naiad in that early stage. When I say that early stage, within the first hour or so, albeit by relay from another vessel that Naiad was asked by the operator on the Young Endeavour via a radio relay if they wanted to down grade their mayday situation.

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Q. What happened from that, do you know?

A. I - to my mind there was never a downgrade to that. I've not heard - I've heard speculation that they were asked to downgrade. I heard them being asked to downgrade but I did not ever hear anything come across the radio that downgraded their situation.

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Q. They were still on a mayday as far as you were concerned?

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A. Absolutely.

Q. You then say, "The Young Endeavour made no further contact with the vessel Business Post Naiad or try or attempted to make no further contact. I stressed no further contact until prompted to do so via the coastal patrol or coastal patrol Eden." Is that as you recall it?

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A. That's correct.

Q. How do you know that?

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A. Because I went to the police station in Eden, being somewhat concerned that there had been - there didn't appear to me to be any follow up and I went to the police station in Eden and asked at around about 10 o'clock in the evening I imagine it was and I asked if they had any information and the police sergeant I spoke to said to me that he believed that the Business Post Naiad was making its way back to Eden. I questioned that and I said that I didn't believe it was and as he said to me, look I'm extremely busy and he went on to another matter. There was another officer, police officer, I referred to that was there who had picked up I guess on what I'd said, asked me to explain why I thought there was a problem. I had the chart, the maritime chart of the area with Business Post Naiad's plotted position on the chart from the time of the mayday to the time it turned and started to head and was trying to head in a north-westerly direction but it was clearly making a north-easterly progress or making north-easterly progress and because I'd heard no communication with them and knowing the guys on the Business Post Naiad as I had known them for many years and sailed with a number of them for quite a number of thousands of miles the - I knew that they hadn't issued this mayday in any panic situation or any situation that - they needed help, they meant they were in a mayday situation.

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Q. What I take it you're saying is you knew them and you knew them as men who would not issue a mayday at the first

or the slightest need to do. It would have been a genuine one that they would have given?

A. Absolutely. They - I believe they were of the belief because of the nature of these people that they were in imminent threat of losing life or their lives. That's correct. When I spoke to the second police officer at the police station he turned to the sergeant after I showed him what I was - what I considered to be the situation and I remember his exact words were, "You might want to listen to this guy, he seems to know what he's talking about." It was at that point of time that the sergeant put a call in to the Eden Coastal Patrol office and in turn the operator at Eden Coastal Patrol contacted the Young Endeavour and asked what was the latest on Business Post Naiad. The reply was slow in coming forward, if I say, but I could I suppose understand that but it took some time and there was some look, we haven't heard, we don't know, we believe but it wasn't anything that I deemed to be very solid.

Q. At page 9 you say, and I'm at about point 2, "Telstra and so forth on board acting as radio communicators were doing nothing to aid Naiad even though they'd given their position as being in the area. They concentrated their efforts solely on a vessel called or known as Team Jaguar. Team Jaguar's position was slightly north to the north by a distance of seven to eight miles at their last given position of Naiad. Some seven to eight miles north they really still paid no - I find this remarkable - because the Young Endeavour in no way made any attempt as I say it via communication with Naiad and they concentrated their efforts solely on what appears to be on Team Jaguar." Did you hear any maydays from Team Jaguar?

A. There were none. No, I did not.

Q. What was the communications that you could hear with Team Jaguar that you recall?

A. It initially didn't even come to my - I didn't prioritise. Team Jaguar, if I recall, initially said that she'd rolled over or the operator said that she had rolled over, they'd lost the mast. Once again I didn't consider it to be anything that would captivate my attention initially. They said that they were okay and they - albeit there were a number of communications back and forward between Team Jaguar and the Young Endeavour they said that they were okay and they were wondering if a commercial tow could be organised to bring them back to the coast.

CORONER: Q. Did you hear a mayday involving Stand Aside?

A. I beg your pardon?

Q. Did you hear a mayday involving Stand Aside?

A. I heard a number of maydays. I believe that was one. I heard the other one as well so I'm somewhat confused where the American chap off Dubois' boat, Peter Dubois' boat went over the side and so on. I remember hearing Peter on the radio.

HILL: Q. I think his name was Cameron and the vessel was

Kingara?

A. Kingara, that's correct.

Q. What you say is that there was a lot of time taken up with this tow for the vessel Team Jaguar and I think a tugboat was eventually used or the trawler. Do you--

A. I believe it was a fishing trawler. The - in my own words now when I think about it, I mean it's almost farcical, if I could use that word.

CORONER: Q. Why do you say that?

A. The reason I say that is you have active maydays where experienced sailors albeit amateurs conducting their situation in a professional manner, if I could put it that way, where they're saying there is imminent threat to life at sea out here and we need help, things need to be organised and the Team Jaguar situation for many - for a number of hours, many hours in fact, seemed to monopolise and take priority as far as the Young Endeavour was concerned.

HILL: Q. What should have happened, in your opinion?

CORONER: Q. What could have or should have happened, in your opinion?

A. Well, in my opinion the situation with Team Jaguar should have been handed over to some other body.

Q. Another frequency presumably?

A. Another frequency. Many of course are available. It could have been handled by Coast Patrol Eden for example in my opinion and they could have - Team Jaguar of course was always in a position where she - the operator, the Master could have called back in and stated his situation as being life threatening albeit securite pan(?) or mayday. They didn't every choose to do that that I heard and they continued to work on the race frequency, if you will, the 4483.

HILL: Q. That's the HF frequency, is it?

A. That's the HF single side band.

Q. There is of course the VHF frequency?

A. Absolutely.

Q. What, they could have switched to that, do you say, or what?

A. Well, I would have assumed that - I think we're probably jumping ahead here a little but I would have assumed for example when we got to the stage of at 3 o'clock in the morning if I believe - if my memory serves me correctly the radio operator on the Young Endeavour invited Team Jaguar to jump in, cut in on the schedule at any time that they felt necessary to coordinate even down to what turned out to be the rope, the tow rope if you will that was being passed from the Moira Elizabeth down to the Team Jaguar. I mean, there's many other ways to do that without using a 4 megahertz HF frequency, so VHF.

Q. And certainly not one that would have mayday still active on it?

A. Well, again, the inconsistencies as I see this are that at the start of the 3am sked the operator on the Young Endeavour stated that there were - that AMSA had asked that - for him to communicate or them to communicate. There were seven active EIPRBs, the emergency indication position radio beacon, active in the area of Bass Strait where the problems were happening and anybody who was not considering that they were still in a - or needed a lot of help could they switch those off to help with the coordination of what they were trying to deal with and immediately preceding this or within a few minutes we had the vessel Team Jaguar invited to jump in on the sked at any time they wanted to and to coordinate their own commercial tow. There was another situation that happened prior to that where they were having trouble establishing their position on the Team Jaguar. They were trying to activate I believe a hand-held GPS unit, were unable to do it and they were assisted by, if my memory serves me correctly, the Young Endeavour again to organise a phone hook up with someone who would tell them how to operate this piece of equipment.

CORONER: Q. Are you implying or does it seem to you that these maydays that were earlier were just forgotten?

A. Well, that's why I went to the police station. I'm not implying that, I'm saying it. I just--

Q. You're saying the Young Endeavour, in your opinion, ignored the mayday after the initial response and particularly in respect to the Naiad? It just didn't go on with it?

A. No, it wasn't followed up by them. I was - you see what I thought they must have done, I thought they must have handed over these situations but of course at the - to somebody else, but at 3am in the morning they were, you know, and when they were asked what's the position of the Naiad for example they weren't sure.

HILL: Q. Basically what you're saying is that because of everything that was going on on this particular frequency, those maydays were not looked after as one would expect them to be looked after under the rules of the sea, as it were, mayday situations?

A. Well, absolutely. That's exactly what I am saying. I don't believe that they were.

Q. When do you next hear about the Business Post Naiad? You've told us about 3 o'clock you went to the police station to find out. What's the next thing you hear?

A. It was about 10 o'clock at night.

Q. Whatever it was.

A. The Naiad was called in order as the race fleet was called on that 3am sked. The Naiad was called once I believe at that time but by now it was evident to me and evident to I suppose most others that the race was in absolute turmoil. There were vessels that - I had on my own

boat at that time, I had seven or eight sailboats, racing boats tied up abreast of my own boat out into the bay, if you will, at Eden to the point that I went and doubled my lines again. I had, you know, it was somewhat amazing. There were people - on that sked, if I recall correctly and I was trying to take some notes but it was now, as I say, 3 o'clock in the morning, there were some 50 vessels that had not reported in and there were boats tied up in - alongside me that were - that just had not reported in and they'd gone to have a beer let's say.

Q. In other words once they'd tied up they didn't get in touch with Young Endeavour--

A. Well, some did.

Q. But others didn't?

A. Some did, I assume, but there were boats that were continuing to race. There were boats that were gone for shelter and proposed to go on to Hobart some days later so they were anchored in Twofold Bay over on the southern shore. There were boats that clearly had abandoned the race. There were boats I heard that were bound back for Sydney.

Q. When is then after that you hear again about the Business Post Naiad?

A. I next hear about Business Post Naiad the next morning at the police station at about 6 o'clock in the morning.

Q. You were then given the news that in fact it had rolled over, that's right?

A. Well, I knew that it had rolled once. I didn't - that was when they issued their initial mayday. It was the next morning and I was told that two people had died on the boat. They didn't know who.

Q. Did you know that it rolled a second time?

A. I was not aware of that. I don't believe I was aware of that.

Q. Are you aware of that now?

A. I'm certainly aware of that now, yes.

Q. The initial mayday was when they'd rolled their broken mast and they'd turned around and they're motoring back. That's the last you hear on the radio about them?

A. That's correct, other than them being called, yes, but the last communication from them came through a secondary body or a radio relay if you like that said they were making a course back towards the Australian coast when in actual fact they were heading north - more to the north east.

Q. If you could go to page 27 of your statement. You'll see there an answer to question 63. Just have a look at that but you basically discuss the radio relay vessel and how--

A. You're talking question 63?

Q. Yes, question 63 and then you give an answer there about the radio relay vessel and what you see as its role. You talk about it being for medical emergencies and a very capable vessel in the middle of the fleet. Its intention is always to stay in the middle of the fleet, close to the middle of the fleet as possible, to act or to be able to act in the event of an emergency.

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A. Sure.

Q. That's how you see its role. Is that the role that you consider it performed in this case?

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A. Myself personally I don't believe that it did perform that role terribly well, but again, I'm not there, I'm not on board and of course there has been things I've heard since that probably they weren't equipped quite as well as they should have been. I don't really understand the structure that was on board that vessel. I can only suppose what I would have imagined it would have been but clearly it wasn't what I would have supposed it would have been.

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Q. I think you actually say that, "In fact to refer to it as a mother ship or anything like that may well mislead because it doesn't seem to have performed that." Is that right?

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A. Yeah, my understanding of a mother ship or a radio relay ship or whatever it is that positions itself in the middle of the fleet for the reasons of safety that it would be able to assist in an emergency as was the case for example with the Wyuna some years before where that gentleman was swept over the side, the Wyuna being the Australian Maritime College training ship based out of Launceston in Tasmania, but of course she was able to pick up someone, you know, they were clearly better equipped, if I can put it that way in those days.

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Q. At page 33 you again say, and you are talking once again about the monopolisation with regards to Team Jaguar, at point 5, and you talk about when the vessel that was going to pick up Team Jaguar, and I think that was the Moira Elizabeth?

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A. That's correct.

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Q. Trying to get a line across them, that's the line you're talking about and you've given evidence about that?

A. The towing line?

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Q. Yes, the towing line. That's on the main frequency?

A. That's on 4483, the race frequency, yeah.

Q. You say, "They could have used any number of other communication means, for example the VHF radios, the radios another channel on on HF radio and openly invited them, and this is something I found absolutely amazing, invited them to use channel 4483 and interrupt the full race schedule at any time so they could assist in passing a tow rope from one boat to another." You see that as being what?

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A. Ridiculous. It's just sad.

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CORONER: Q. You make similar comments I think on page 11, if I go to the second half of that page. I know I'm going backwards. You stand by those comments, looking at about point 7 down the page.

A. On page 11?

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Q. Yes, "When talking to the other vessels." You say that goes towards a lack of professionalism in your view?

A. Yeah. That again - that is a point that I'd forgotten. On the 3am sked--

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Q. This is in the middle of it, the middle of the trouble?

A. Yes.

Q. 3am on the 28th?

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A. Well, yeah, the initial mayday was--

Q. I know, well before, but things are still bad then?

A. Absolutely. They didn't - albeit that they had had Naiad's situation relayed to them by a radio - by another yacht in the fleet, at 3am they called them a couple of times, as they did many others, some of which I've said were tied up in Eden and so forth, but with for example Naiad they didn't say has anybody got a copy on Naiad, that I recall. I was somewhat amazed by that as well.

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HILL: Q. You were amazed because of what?

A. Well, I was amazed because they had previously asked anybody - can anybody, at the initial mayday situation some hours earlier, has anybody a copy - can someone relay for Naiad and they did at that time but at 3 o'clock in the morning they called, they had no response and in turn they just went on to the next one. Again I find that somewhat surprising if they are still considering that this vessel is in trouble. I don't know what to say. The follow up is what I'm trying to get to.

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CORONER: Q. But also you seem to be commenting on the way they were carrying out their transmissions at that stage on page 11, is that--

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A. Which part of the page?

Q. First names, down at about point 7, first names, chatting, joking. Things like that.

A. Yeah, well, there was plenty of that which on a number of occasions, yes, we talked about food with the - what was the food like with the Navy, on the Navy boat and so on and I could understand that under normal circumstances. I could, you know, the racing camaraderie and so on, I could well understand it, but when you've got boats that are - when there's people that are--

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Q. In peril.

A. In peril, they've classed their situation as being immediately in threat of their lives, that I would think we'd get a little more serious at that time but, yep.

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SHORT ADJOURNMENT

RESUMPTION

HILL: Q. Sir I think that you have some weather warnings with you, is that right?

A. I do yes. 5

Q. And I think the 8pm weather sheet that came through over the radio, that's the race radio at 8pm on 26 December of 1998, is that right?

A. That's correct. 10

Q. Now have you read that?

A. I have.

Q. In your opinion, there's a few questions out of that, if you had received that, that storm warning, with those winds on it, what would you have done? 15

A. It certainly would have got my attention. bear in mind that I don't go ocean racing any more, I would have done probably three things. One I would have instructed if I had a navigator on board and I was assuming a different responsibility on the boat other than the navigation, I would have had him collate as much information as he could possibly have collated from such places as the Melbourne radio, the coast guard station at Loch Sport along at Lakes Entrance, the oil rigs. I would have been looking to find out exactly what the wind strengths were, what they were recording and I personally would have gone to cover. 20 25

Q. Gone for cover? 30

A. Yeah well yes I would have either retired from the race or I would have put into shelter wherever I could until the severity of what was going to happen or until the severity of the front which was obviously going to be somewhat severe albeit that it doesn't clearly reflect the severity that was incurred, even with the wind speeds that were indicated that the fleet could expect or had I been on a boat, I would have taken what I considered to be evasive action or appropriate action so in answer to your question I would have done one of two things, I either would have sheltered in the lee of the Australian coast or I would have gone far to sea. 35 40

Q. But out of that answer has also come this, when you say you would then instruct your navigator to obtain information from the Melbourne radio, the coast guard I think you said near the Lakes Entrance is it? 45

A. Coastal Patrol, Coast Guard Loch Sport it's called.

Q. Loch Sport? 50

A. Yes.

Q. And the oil rigs, is that because there's not enough information on that for you or is that simply because that is the initial warning you therefore would then go out and gather further information? 55

A. I would have been looking to gather factual information. There is factual information available for example from Melbourne radio. They recorded and I didn't personally hear

it at the time because I didn't need to, I wasn't going to be in that position but I later had seen on news reports and so on that in actual fact Wilsons Promontory had incurred 78 knots I believe was the number, gusting 92 earlier in that morning and some people would say you could discount Wilsons Promontory by 20 per cent but I personally don't discount Wilsons Promontory.

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Q. You've also seemed to differentiate there between forecasting and what you called factual information?

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A. Factual yeah.

Q. So I take it that that forecast is a warning and then you go to actually check up on what is really happening at particular places, is that--

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A. That is correct.

Q. So from that forecast, you would then be finding out what is really happening at those places?

A. Sure.

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Q. The other thing is this, with those wind speeds that you see on that, we're told that you add that that's just a mean wind and that you add onto that mean wind 40 per cent of that average number for gusts. Now do you do that?

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A. Well I personally have never heard that before but I have to ask a question here, is this a new thing to Australia, to our - because I personally, to answer your question, I have never been informed, nor have I ever heard that.

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Q. We're also told that you are to add as much as 86 per cent to the wave heights, to take into account rogue waves?

A. To take into account rogue waves?

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Q. Yes?

A. Rogue waves are a phenomena that will occur and will occur in Bass Strait and other parts of the world but Bass Strait is somewhere where they do occur but again, again I've never heard of and nor have I ever been advised of, up to 80 per cent, that there can be an 80 per cent greater wave by wave size that is possibly coming with that, no I've never heard that.

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Q. When you get a forecast that says wind speed, for argument's sake between 45 and 55, what is your understanding of that?

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A. 45 to 50 knots is what I'm expecting that I'm going to encounter. I may get gusts of another 10 miles an hour or knots, maybe 20 but really you know there's - it's not the time to be there either. That is what I would think and understand but I certainly wouldn't be looking at 40 per cent or numbers of that order.

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Q. when you're out at sea and you're in heavy weather and you've got the waves, do you expect to get rogue waves every now and again, bigger ones than what you get most of the time?

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A. In the sea, in normal sea conditions, ocean conditions or the Bass Strait?

Q. Bass Strait we might as well stick with?

A. Bass Strait you'll get regularly waves that will at times corner from different angles and will be larger.

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Q. And that's something that you just know of in Bass Strait?

A. Well that's just a local knowledge thing to me. Depends on where in Bass Strait and it depends with - it's a very complex question because it depends with - on for example the strength of the southbound current, if we're talking and we're going to isolate a region such as within 30 miles for example of Gabo Island, you've got a very strong current as I - well as I knew there was at that time of that year in 1998 the current was strong and so that adds to what of course can eventuate.

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Q. What about - bearing in mind that you've said that if had received that weather forecast, you would have immediately sought factual information as well but you say that you would have either retired or gone out to sea to avoid it?

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A. Sure.

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Q. Well bear in mind that a lot of these skippers, a lot of these crew were quite experienced, they seem to have sailed into it, I mean right decision, wrong decision, what?

A. Not a decision I would have made but what is is what is, what they did was what they did.

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Q. But you wouldn't have done that?

A. Certainly not.

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Q. This 40 per cent in addition to the wind that's given, have you spoken to anyone about this, have you asked around to see whether anyone else knows of this?

A. Since I arrived back in Australia just two days ago and because I'm outside the country a lot, I thought that there may be notification out there somewhere by way of formal advice or otherwise as to the way things today or nowadays work when we start talking about forecasts, Bureau of Meteorology forecast and so on and so I found this somewhat unusual and I consulted a friend and I suppose a somewhat of a mentor to myself and his name is Ross Fletcher, Ross Fletcher's credentials are and he has given me permission to quote him here today, he's a master class 1 mariner, 37 years experience, he's been actively in command of large ships on the Australian coast for 18 years and other parts of the world, he is the former captain of the Bass Strait ferry, vehicular ferry, the Spirit of Tasmania, worked on her as skipper for - as captain for quite a number of years and he is at present the captain of the Australian National line ship the Australian Endeavour. I mentioned this to him two nights ago that I was concerned that I may have missed something and I will quote him by saying, I have never heard of it nor have i ever been officially advised of this that

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there can be 40 per cent difference for example or we could expect up to a 40 per cent higher wind speed or an 80 per cent higher wave or sea condition.

Q. I've also been asked to ask you this question on behalf of Mrs Dean, her husband perished, he was on the vessel Winston Churchill, whether you heard any maydays from the Winston Churchill?

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A. No I did not that I can recall, no I did not.

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Q. And did you hear anything at all about that vessel that you can recall during the days?

A. The days after?

CORONER: No during this storm.

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HILL: Q. During the crisis?

A. During the storm, I don't recall, I have no recollection of Winston Churchill.

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Q. I have finished asking you the questions that I want. Is there anything in particular that I may have missed that you want to bring out for this inquest?

A. No not really. I suppose there was just one thing. I could never quite understand why there was - where we accept that there are three levels of weather warnings, strong wind warning, gale warning and storm warning. Often when things have snuck up on the weather bureau as I understand it and this is purely my understanding, we transmit what we term a priority to that status quo, a priority strong wind warning, a priority gale warning or a priority storm warning and albeit that that is not - I personally believe that that was an official way that this is handled but I'm told it's not but - or it may not be but it's more a preamble if I could put it that way to a weather forecast that will be put out there as an attention getter.

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Q. Where does this occur?

A. If for example there was to be - if a storm for example had snuck into the area let's say or intensified, a low had intensified as for example this one did, that it would not be given out as a priority storm warning, a preamble being you know by way of just a serious attention getter.

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CORONER: Q. You thought it would be given out as a priority warning--

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A. Well I've always understood it as being this way but I did not ever hear mention of priority storm warning.

HILL: Q. Have you ever received those?

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A. Sure.

Q. I'm not just talking about Australia, I mean I'm talking about throughout the world?

A. Throughout the world, well you'll get priority tropical storm warning advice and so on obviously in the tropics but I've heard priority storm warnings issued for Bass Strait if my recollection serves me correctly, I've heard priority

55

strong wind warnings for the New South Wales coastal waters, yeah.

Q. What it emphasises it does it to the seamen?

A. Well as I say to me I've always considered it as an attention getter, it's a preamble if you like to when the weather was being - or about to be given out so it would follow in this fashion for example securite securite all ships this is Melbourne radio for weather advice and so on and so on and then they would switch channels of course ordinarily and then they would go to, we have a - or the probably would not, they would say, on the initial - I'm sorry I'll stand corrected, they'll say - they will say for example, I'll give you what I believe to be a solid example of this, securite securite securite all ships Melbourne radio for priority strong wind warning switch to frequencies you know we'll give out the weather on say for example 2201(?) a 4 meg and a 6 meg frequency on HF and they'll also do it on the VHF. I didn't hear any priority attachment to any forecasting.

Q. So you say that there's this sort of like a first initial attention getter?

A. Sure.

Q. That there's something going on, you listen in you lot?

A. Sure. Well I probably need to point out in fairness to everyone that I was only listening to, once I got to Eden, I was only listening to the race skeds and so the race skeds obviously started with the weather. Once I was alongside my vessel was secure, I didn't deem it necessary to listen to anything. I was interested in the sydney to Hobart yacht race.

STANLEY: Q. Mr Murray did you ever see the forecast put out by the Bureau of Meteorology with respect to the storm warning?

A. Did I see?

Q. Yes?

A. By way of a fax do you mean or--

Q. Yes.

A. No.

Q. But your view is that a good forecast should emphasise that this is a priority because it draws attention to the fact that it's going to be a storm warning?

A. No I just say what I'm used to hearing.

Q. So you're saying it would be a good thing if the bureau were to emphasise that this is a priority forecast because it's a storm warning which is important?

A. No I didn't say I think it was a good thing, what I said was that I am used to hearing that terminology.

Q. And you regard that as a good thing because it draws attention to the person that's receiving it?

A. I personally regard it as a good thing yes I do.

Q. You haven't seen the forecasts given out by the bureau but I'd ask you to look at them if you would please. I'm handing the witness your Honour the two forecasts put out to the first two storm warnings put out, they appear in the preliminary report the bureau. Mr Murray the one on the left hand page was the storm warning issued at 13.58 on Saturday 26 December, it's the very first storm warning put out?

A. Sure.

Q. Do you see the very first word at the top of the warning, what does it say?

A. Priority storm warning.

Q. That's the very sort of thing you were saying you've seen overseas and it's a very good thing?

A. Well - and I've seen it more often than not in Australia but yeah.

Q. And would you look at the one on the right hand page which was the forecast issued from the New South Wales regional office at 14.14 on Saturday 26th, what does it start off with?

A. Priority storm warning coastal waters south of Merimbula.

Q. So first of all it's drawing attention by saying it's priority and then it's giving the position of the storm warning?

A. Sure.

Q. And then the next line is gale warning?

A. Yes.

Q. And giving the area for that gale warning?

A. Correct.

Q. And then below that, strong wind warning between a different area?

A. Correct.

Q. So there's the three gradations?

A. Sure.

Q. And the one that has the priority before it is the storm warning?

A. The coastal waters south of Merimbula.

Q. Clearly drawing attention to the person that's receiving it that this is a matter of priority and importance?

A. would certainly read it as being that, yes.

Q. You would that's right because you've had the experience and you know if you get that sort of warning, it means watch out doesn't it?

A. Yes it does.

Q. And if you perhaps turn over the page you'll see the two other forecasts issued on that same day and each of those up in the top left hand corner has the word, securite?

A. Correct.

5

Q. What does that indicate to you?

A. Well securite is the lowest urgency of the three, it's the lower urgency call.

Q. It specifies though that it's an urgent matter doesn't it, not the most urgent but urgent?

10

A. Yes but at the same time it precedes any forecast, precedes any forecast on any weather forecast.

Q. Well now I want to take you back to the question of winds. In your record of interview or statement, in answer to question 79, can you find that there, do you have your record?

15

A. Yea.

Q. Question 79 which is page 35?

20

A. Am I done with this book, can I close that?

Q. Yes you have I'm sorry.

Q. Question 79, do you happen to know what page it's on?

25

Q. Yes page 35.

A. Question 79.

Q. Yes well I'm not worrying about the question, I'm more worried about the content of your answer. If I take you down to about the fourth line of your answer, you say, I actually didn't hear this but it's been reported on TV, you see that?

30

A. I do.

35

Q. Okay I'll just read on, and only this evening I heard the spokesman from the Department of Meteorology say that yes they had forecast winds to 40 and 50 knots and as he said any skipper should know at 40 to 50 knots a forecast wind could quite easily turn into a greater force. I'm only 44 years old and I knew that when I was 15, that was your answer?

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A. That's correct.

Q. And that's correct?

45

A. And I stand by that.

Q. So you know if you're told in a forecast the wind is 40 to 50 knots, you know that's an average do you not, an average wind speed?

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A. I know that as being - I know that as being what they're expecting.

Q. So it's a forecast?

A. It's a forecast, I know that is what they're expecting but I'm also aware that - I'm also aware that things can get worse and particularly in this part of the world.

55

Q. And you've known that as you say since you were 15 years of age?

A. Only because I wasn't allowed to sale unless I did know that.

5

Q. And it's been reinforced by your experience in these waters?

A. Certainly, absolutely.

Q. And you know if you see a waring come out from the Bureau of Meteorology a storm waring as to a forecast, in a forecast that says 40 to 50 knots or 45 to 55 knots you know that spells trouble?

10

A. Well it can spell trouble, it depends on your course, direction, the sort of vessel you're in, there are many things that attribute to that.

15

Q. You also appreciate do you not that when a forecast is given it is giving the average wind speeds and that there will inevitably be gusts and lulls?

20

A. Well the average forecast wind speed. I--

Q. Well perhaps can you just answer my question, when you read a forecast and it gives a wind speed, do you understand that forecast to be of an average wind speed?

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A. I understand a forecast to be of an expected average wind speed.

Q. Over a period of ten minutes, an average taken over a ten minute period?

30

A. An average forecast wind speed if you will over a ten minute period yeah.

Q. And do you understand that that will necessarily involve gusts and lulls because the wind isn't constant is it, wind speeds are not constant.

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HILL: Well one question at a time please.

CORONER: ..(not transcribable).. the question.

40

WITNESS: Could you repeat your question.

CORONER: Q. It will involve gusts and lulls won't it as the wind speed is not constant?

45

A. It will involve gusts and lulls, yes.

STANLEY: Q. And that's why when you were asked a question a short time ago you said that - in answer to Mr Hill that if there's a forecast of winds of 45 to 50 knots the gusts might be 10 knots higher, maybe 20 knots more?

50

A. I would assume that they would be no more - really no more than 10 but it's possible, 20.

Q. Yes. And 20 I suggest to you is exactly 40 per cent of 50 knots?

55

A. Yep.

Q. So whilst you may not have actually heard of the 40 per cent as a figure, you know from your experience that wind gusts can be significantly higher than the forecast wind can't they?

A. They can be but they are normally, as my understanding is they are normally in a range of no more than 10 per cent. 5

Q. What gives you that understanding, have you read it anywhere?

A. My experience, you know forecasts can be wrong but my experience is in that particular region of Australia if we're getting 40 to 50, the New South Wales coast 40 to 50, normally 40 to 50, maybe gusts 55 but you know it has been known to go higher. 10

Q. Your Worship could the witness be shown I think it's exhibit 6 which is the folder that includes in it the documents of marine weather services, either 6 or 7. Would you mind just opening that and see if we've got the right one. No I think it's the one your Worship has. In that folder Mr Murray you should find there a glossy print-out entitled, marine weather services. I don't think it's that one, if you keep going, keep going, that's the one. 15 20

A. Is it this one here you're referring to? 25

Q. That's the one yes. Now that as you'll see is headed "A Guide to Australia's Marine Forecasts and Warnings" and it's a document that's been put out by the weather bureau for the assistance of persons using the sea and it gives details and advice about the marine weather services provided by the bureau? 30

A. Mm mm.

Q. Have you ever seen it before?

A. No I haven't. 35

Q. Have you ever seen any material at all issued by the weather bureau in relation to weather and the sea?

A. I've received faxes from the weather bureau on fax machines when I've been at sea. I've seen for example areas and so on, coastal waters forecast areas, informations as such on the back, schedule times, documentation for the various radio stations albeit Sydney, Melbourne, Adelaide, whatever. 40 45

Q. Telling you where they are or where to access them?

A. Well the area that they'll give, where the station is, the call sign of the station, what frequencies they transmit on. 50

Q. So to a large extent you rely upon services provided by the weather bureau?

A. Sure.

Q. And would you mind reading under the heading definitions and terminology at the foot of the left hand column on that document entitled "Marine Weather Services"?

A. Yeah. 55

Q. What does it say about wind speed?

A. Definitions and terminologies, wind speed mentioned in forecasts and coastal observations is measured at the average speed over a ten minute period. Gusts may be 40 per cent stronger than the speed.

5

Q. I take it you never read that before?

A. No I said that, I've never seen--

Q. And you've never heard that before?

A. I have not.

10

Q. Are you aware that wind speeds in forecasts are measured as an average speed over a ten minute period?

A. Well I am as I read this now, no I probably was not au fait that that's how they did it, although when I reflect back, I mean we talk gusts, if I may just - we talk gusts, there are - you know I've been in weather stations so out of pure interest they talk gusts and the needle gust is say 60 knots but the speed drops back to say 50 knots average and maintains that 50 knots. I mean it's not really as clear-cut to me as it - the wind goes 40 knots, 50 knots, 40 knots, 30 knots and up and down like this that there is some consistency.

15

20

Q. Dealing with wave heights given in forecasts, particularly with reference to the area that we're concerned with in this inquest?

A. Sure.

25

Q. You accept that there will certainly be waves occurring from time to time that will be higher than the wave forecast because of the cornering from different angles as you've described, is that so?

A. Well the different phenomena that affect in different areas.

30

Q. But again do you understand that when wave heights are given in a forecast what is being given is an average wave height because not every wave is the same height?

A. Well I understand it's an average wave height but I don't understand for example 80 per cent greater.

40

Q. Well let's forget about whether it's 80 per cent greater, you know that in this area in particular, in bad weather, particularly if you only get up into gale or storm force winds, you're going to strike what might be loosely described as king or rogue waves aren't you?

45

A. You're going to get in that particular area larger waves than you would get for example 40 miles further across to the west in Bass Strait because you've got the continental drop-off effect there and the current that's coming south from New South Wales, the south-east Australian current as it's known, they're all going to converge in the one area

50

Q. But you didn't quite answer my question.

A. I'm trying to.

Q. Do you accept that there will be what might be loosely described as king or rogue waves that will occur because of the sort of factors you've just mentioned plus this cornering effect that you mentioned earlier?

5

A. It's possible. It's possible. I would personally be aware of that to be possible, yeah.

Q. On your boat or boats you sail do you usually have a fax machine, the facility to use a fax?

10

A. On some. On my own personal boat, my own personal sailboat, no, I don't.

Q. Do you regard it as a useful instrument in terms of keeping abreast of the weather?

15

A. Certainly.

Q. For example in a Sydney to Hobart Race do you regard it as something that was useful or even necessary?

20

A. Well, anything is useful that can help you establish what's going on so anything that's at your - any information that's available to you you would do your best to utilise it.

25

Q. As an experienced mariner what's your view as to whether or not the radio on the vessel should be continuously on, in a race such as the Sydney to Hobart?

A. I'm sorry, I don't understand.

30

Q. Whether the radio should be continuously on, so as to monitor the weather.

A. Well, yeah, of course.

CORONER: Mr Morahan?

35

MORAHAN: No questions.

WEBER: Q. Sir, when did you say that you first commenced to monitor the race frequency of the Sydney to Hobart Yacht Race?

40

A. On the day of the incident?

Q. Yes.

45

A. I believe the afternoon sked, which was something like 3 o'clock in the afternoon, is that correct?

Q. Yes. Were you still at sea at this stage or had you--

A. No.

50

Q. You were within the safety of Eden?

A. I was tied up in Eden.

Q. You were at a loose end and you decided to monitor the race frequency which is, what, 4483?

55

A. That's correct.

Q. You did so because you had a general interest in the conduct of the Sydney Hobart Race, correct?

A. Certainly.

Q. You had a special interest in the Business Post Naiad because some of your mates were on board?

5

A. Along with Computerland and other Tasmanian boats, that's correct.

Q. You knew, didn't you, that Telstra Control was physically set up on the vessel Young Endeavour?

10

A. I did, yes.

Q. You knew that Young Endeavour was a naval vessel, correct?

15

A. Was a naval vessel?

Q. Yes.

A. Yes, I did.

20

Q. Did you know where physically on Young Endeavour that the Telstra Control was set up?

A. No idea.

Q. Did you know of any of the arrangements between the Navy and Telstra Control as to division of labour concerning communications?

25

A. Absolutely not.

Q. I take it then that you didn't know of any division of labour concerning emergencies?

30

A. No.

Q. Did you know what frequency the Navy were operating upon on Young Endeavour?

35

A. No.

Q. If there was any communication with Business Post Naiad other than on 4483 you'd have been unaware of it, correct?

A. That's correct.

40

Q. You've drawn some adverse inferences, haven't you, from the fact that you didn't believe that there was sufficient communication with Business Post Naiad after the initial mayday, that's correct to say?

45

A. That would be correct to say.

Q. Orthodox emergency protocol at sea has it, does it not, that emergencies are dealt with on VHF channel 16?

A. No, it depends on the range of--

50

Q. You're not aware of that?

A. Well, no, I am aware of that but it depends on the proximity. I mean that's--

55

Q. I'll ask you the next question and I think we'll both get to the same point.

A. That's great.

Q. Alternatively on HF2182?

A. They are the two emergency bands on both - on those two radios, both HF and VHF, yes.

Q. If orthodox emergency protocol was being adhered to in a mayday situation one would expect the communications to be on those channels, correct? 5

A. On a commercial basis one would.

Q. Do you say that there are two different emergency radio protocols for commercial and non-commercial shipping? 10

A. Well, in this case you had a radio frequency 4483 that was the official, as I understand it, race frequency and they chose to - being them, the operators on the Young Endeavour, chose to use, as I understand it, 4483 to conduct the business at hand. 15

Q. When you say the operators on the Young Endeavour, to whom are you referring?

A. I'm referring to the gentleman who gave out the weather, the English-speaking gentleman who gave out the weather preceding the position section of the skeds and I believe the gentleman's name was Luke Carter, who in turn conducted the positioning. 20

Q. You're referring to Telstra Control rather than the Navy on Young Endeavour, correct? 25

A. However it's structured. I would assume you're correct, yes.

Q. You got sufficiently concerned with what you were hearing or what you weren't hearing to go to the police at Eden, correct? 30

A. That's correct.

Q. When did you leave to go to the police station? 35

A. To my best recollection it was about 10 o'clock at night.

Q. When did you arrive there?

A. To my best recollection 10 past 10. 40

Q. Then you say that you dealt initially with a police sergeant, is that correct?

A. That's correct. 45

Q. How long did you deal with the sergeant for?

A. Thirty seconds initially.

Q. He was the one that told you that he was busy doing other things, correct? 50

A. That's correct, yes. That - he did look, he had information there and he said I believe Business Post Naiad is on its way back to Eden.

Q. Then another officer, did you say, overheard your conversation with the sergeant? 55

A. That's correct.

Q. A more junior officer?

A. Yes.

Q. He prevailed upon the sergeant to give your concerns more weight, is that fair to say?

A. That's fair to say.

Q. Do we take it then that the sergeant then re-involved himself in your concerns?

A. He did.

Q. Both the sergeant and the constable who was your constable?

A. I believe - I don't know much about police structure--

Q. Both the sergeant and the other officer then involved themselves in your concerns?

A. No, the - it's my understanding that I primarily again then dealt with the sergeant.

Q. For how long did you deal with the sergeant?

A. Half an hour, I expect.

Q. Remind me; the upshot of that was that you then went to the coast guard, is that correct?

A. By telephone. The sergeant did that.

Q. What happened with the coast guard?

A. The coast guard operator contacted Telstra Control on the Young Endeavour. They - exactly what happened? Would you like me to--

Q. No, just in general terms.

A. In general terms they spoke, there was a shuffle of paper and there was a reply came back that indicated that the last position they had on the Business Post Naiad was at around about 18:30, if I recall.

Q. When did you get back to your vessel?

A. Ten minutes after that.

Q. What time would that have been?

A. Maybe quarter to 11, 23:45, something like that.

Q. You think you were away from your vessel for about three quarters of an hour?

A. Three quarters of an hour to an hour.

Q. During which time you were dealing with the police and not continually monitoring the race frequency?

A. That's correct, but however if I may add, the other person on the board I specifically recall on my sailboat when I came back said there has been - I said has anything come? Nothing.

Q. One of the criticisms I take it that you make of how this unfortunate incident was handled was that there was too much interest being displayed towards Team Jaguar in

contrast to Business Post Naiad?

A. In contrast to anybody else.

Q. It's your view, is it, that the plight of Team Jaguar was not perilous? 5

A. It's my understanding that they were uncomfortable because I'd heard that word used. They were not in any state of peril. There was no imminent - they did not place their status as either pan or mayday, if you will, or securite, that I heard. 10

Q. But you were primarily monitoring the radio by this stage in the hope that you would hear something about Business Post Naiad, weren't you?

A. And/or other people that had maydayed. I mean I heard a number of these. 15

Q. You wouldn't tell the Inquest that you were closely monitoring the detail of the exchanges between Telstra Control and Team Jaguar, would you? 20

A. I'm sorry?

Q. You don't tell the Inquest that you were closely monitoring the detail of the exchanges between Team Jaguar and Telstra Control, do you? 25

A. No, well, it was very hard not to closely monitor it however.

Q. What annoyed you was the number of such communications, is that correct? 30

A. Yeah, the consistency for ours.

Q. Rather than the detail of the communications, correct?

A. No, I was interested in what was going on. I felt the frustration I'm sure others felt. 35

Q. But you formed a view that the position of Team Jaguar was not as perilous as the position of others in the fleet, correct?

A. That is correct. 40

Q. But of course you couldn't possibly have known that, could you?

A. Well, of course I could. They were asked if they wanted to - I specifically recall Team Jaguar being asked if they wanted to upgrade or issue some level of distress or priority for that distress and all they asked for was, and I heard it repeated once or twice, a commercial tow. 45

Q. You've got no idea of the thought processes of the skipper of Team Jaguar that might have led him to have made that decision, do you? 50

A. Only by way of my professionalism, which if I didn't deem we were in - if I was skipper of Team Jaguar, to answer your question, if I was-- 55

Q. That wasn't my question.

A. Well, I don't understand what your question is.

Q. Your approach to your criticisms about the way Team Jaguar was handled proceeds from a premise that because the skipper of Team Jaguar didn't bring in an emergency call that he didn't consider that his vessel was in peril, correct?

5

A. Sure.

Q. But it may well be, mightn't it, that he decided that it was unnecessary to issue such a peril warning provided he got his tow, correct?

10

A. Correct.

Q. He may well have taken the view, for all you know, that with all the mayhem going on around him he was trying to keep his emergency as low key as possible, couldn't he?

15

A. He would be remiss in his duty if he did that.

Q. Do you know what actually happened to Team Jaguar to cause it to come in the situation where it required to be towed?

20

A. I understand it lost its mast and then in turn had the - it's mechanical - the mechanical side of the propeller was fouled by lines.

Q. Did you know how it lost its mast?

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A. I understand it rolled over.

Q. If a vessel rolls over it would be fair to assume, would it not, that there would be extensive damage internally by water, correct?

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A. That would be fair to assume.

Q. In your statement page 33 you express a view that Team Jaguar shouldn't have been constantly using the HF frequency 4483, correct?

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A. At which time?

Q. I'm reading from your statement, sir. Page 33. What time are you referring to?

A. Well, you're referring to this, okay. The main frequency--

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Q. I think, to help you, you say between 3 and 4.30 on the following morning.

A. And that was my opinion they shouldn't have been using that.

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Q. Your opinion was that they should have been using another communication means, correct?

A. Well, another frequency or another band of radio, yeah.

50

Q. You assume in saying that that there other means of communication were operable at that time, don't you?

A. Unless the HF set was stuck on 4483 and there were nothing else, yes, I assume that that was - that everything else would have been or other things would have been available too.

55

Q. Do you think that's a fair assumption, sir?

A. Absolutely I think it's a fair assumption.

Q. Didn't it cross your mind that a vessel which rolled over and presumably filled with water might have sustained damage to some of its communication devices?

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A. Filled with water? I would have thought it would have sunk.

Q. If a vessel rolls over it would be reasonable to assume, would it not, that there would be considerable ingress of water, correct?

10

A. Absolutely.

Q. Would it not be equally reasonable to assume that there is a potential for damage to communication equipment on a yacht if it suffers substantial ingress of water by rolling over?

15

A. Well, I wasn't there but, yes, there could be damage to communications equipment.

20

Q. In which case it may well be that there weren't the other means of communication to which you refer in paragraph 33, correct?

A. Well, no, I don't think that is correct and the reason I don't think that is correct is that if your HF set is working on one frequency it surely would be working on others.

25

Q. It's unheard of for a radio to be damaged by water in circumstances where it's impossible to change frequency, is that what you're saying?

30

A. If there were buttons torn off the radio and so on and so on possibly, but I mean--

OBJECTION (HILL). HYPOTHETICAL. QUESTION ALLOWED.

35

Q. You were asked a question towards the end of your examination by counsel assisting concerning whether you heard a mayday call from Winston Churchill. Do you recall that?

40

A. I do recall.

Q. I think your answer was that you did not?

A. That was my answer.

45

Q. At the risk perhaps of asking you the obvious question, if there was a mayday communication from Winston Churchill on the orthodox emergency channels, you wouldn't have heard it?

50

A. On the orthodox emergency channels, did you say?

Q. Yes.

A. Being 2182--

Q. Yes.

A. --for example HF?

55

Q. Yes.

A. No, I wouldn't have heard it.

<WITNESS RETIRED AND EXCUSED

O'HALLORAN: Your Worship, at this juncture might I mention my appearance in the matter? I had arranged for my appearance to be mentioned on Monday and to seek leave to appear in the interests of the relatives of James Lawler deceased. I understand that leave was granted.

CORONER: Leave is certainly granted.

<GEOFFREY ROBERT BASCOMBE(12.45PM)
SWORN AND EXAMINED

HILL: Q. Mr Bascombe, would you give this Inquest your full name please?

A. My full name, Geoffrey Robert Bascombe.

Q. Your address, sir?

A. 1 Kemp Avenue, Port Lincoln.

Q. Your occupation?

A. I'm retired.

Q. I'll go into that in some detail. You made a statement in this matter?

A. I have.

Q. You drew two sketches?

A. I did.

Q. Do you have copies of those before you?

A. I have a copy.

Q. Including the sketches?

A. Including the sketches.

HILL: For the bar table, the statement is at volume 5A(ii) and you will find the sketches are at volume 5A(ix).

Q. Sir, although you're retired I understand you still work or do occasional things?

A. Yeah, I deliver yachts around Australia, around anywhere, boats for the Sydney Hobart, people buy yachts and want them transported home.

Q. I think that you have some experience in boats. How long?

A. Yes, I joined the Navy at 17. Had 20 years in the Navy as a diver and since I've been out of the Navy I've done about 150,000 sea miles in deliveries.

Q. What sort of vessels?

A. Motor boats, yachts, from 80 feet down to 30 feet.

Q. How long have you had experience with yachts?

A. I sailed in yachts when I was 7 years old.

Q. Was that constant during your naval--

A. No, when I was in the Navy I only sailed maybe once or twice in the 20 years I was in the Navy. I didn't do any sailing then but I came back to sailing when I went home to Port Lincoln when I got out of the Navy.

5

Q. When was that?

A. 1984.

10

Q. I think at the 1998 Sydney to Hobart you brought up two yachts from where?

A. I brought two yachts from Adelaide, Secret Mens' Business and then flew home and brought Rager(?) back to Sydney.

15

Q. If I could then take you to the morning of the race, that's 26 December 1998. What were you doing?

A. Well, part of my keep by these gentlemen that owned the boats, for my accommodation and such like in Sydney is that I help out as a sort of shore manager-type shore maintenance help. On the morning of the race I went round to all the South Australian boats and dived on them all and gave them all a wipe down with either a sponge or a light scouring pad just to get rid of any growth on the hull before they left.

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Q. That's under the water?

A. Under the water.

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Q. About what time of the day was that?

A. I went down there about 7 o'clock, 7.30, something like that.

Q. You did that work?

A. I did three or four boats, four boats I think it was. Probably an hour and a half or something like that. I don't really pay that much attention to the time.

35

Q. But you think it was about an hour and a half?

A. Something like that, yeah, so 9 o'clock, half past 8, something like that I was finished.

40

Q. When you had finished what did you do?

A. Well, we get out of the water at the CYC and the old have now got pontoons down there but in that year they had the small, narrow walkways. The ladders usually finished at water level. To get out of the water the easiest way especially for a person of my bulk, the easiest way of getting out of the water was to swim down to the slipway and walk up the slipway to get out of the water.

45

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Q. Did you do that?

A. I did that.

55

Q. What equipment did you have with you?

A. I'd left my diving equipment on the wharf at the last boat that I did to walk back and get it after I got out of

the water.

Q. That was your scuba tank, was it?

A. Well, a hose and breathing equipment and that, yes.

5

Q. What did you take with you towards the wharf if anything, towards the slip?

A. Well, I only dive in the shorts and T-shirt. I don't wear a wetsuit and I just had the shorts and T-shirt, a pair of fins and a mask.

10

Q. You swam towards the ramp?

A. I swam up towards the ramp. On doing so Winston Churchill was laying alongside of the pile berth there alongside of the ramp where the crane is for mast removals and I swam down along her portside.

15

Q. I take it she was starboard side too?

A. Starboard side alongside the pontoon. It was pointing in towards the ramp.

20

Q. How sure are you it's the Winston Churchill that you're talking about?

A. Well, I've seen it around. I've been at the club for a few days. I'd seen the boat in years previous. In my local club at home there's a photograph of it from the 60s so I was interested in it so, yes, I'd seen it around. It hadn't been there before because the slipway had been working, but at different times - I don't remember whether I saw it that week but yeah, I'm sure it was the Winston Churchill.

25

30

Q. You swam along the portside?

A. I swam along the portside, probably 10 or 12 feet away from the boat, maybe - yeah, 10 feet away from the side of the boat as I've swam up towards the ramp.

35

Q. What did you see?

A. When I got to the bow I'm just swimming past and I just noticed because it was a light colour, I noticed a mark at the bow of some sort so just out of general interest I just went over to have a look to see what it was.

40

Q. What was it? What did you see?

A. Where the planks join the stem post there was a large, black line that high, maybe one foot, the best - the easiest way of describing it is it was probably just about big enough to fit a pencil or a biro into, just an ordinary, you know, thin, household biro.

45

Q. Are you talking about the point or the whole biro?

A. No, the line. The line itself between the planks and the stem.

50

Q. But when you say fitted in, so that I can understand, are you talking about point in or are we talking about the whole shaft?

55

A. I'm saying lay that in the hole. Maybe not quite as big as that but almost as big as that, yes.

CORONER: He's indicating a pencil that's about nine inches.

Q. You could say you could almost lay it in that length too, couldn't you?

A. Yeah, a little bit longer than that probably. 5

Q. A bit longer than that?

A. Yeah, maybe a foot.

Q. It goes for about a foot, the width of the pencil roughly? 10

A. Yes.

HILL: Q. The stem is the actual bow?

A. The stem is the piece of timber that is the actual bow and it's rebated on either side and the planks lay onto it and are fixed. 15

Q. I think the rebate is called the rabbit line, are you aware of that? 20

A. Okay, I believe you.

Q. I'm going to go on what the other people are going to say. It's that line that you're talking about?

A. Yes, where the planks finish and the stem post starts. 25

Q. How long is that?

A. How long--

Q. That's what you saw, yes. 30

A. What I saw?

Q. Yes.

A. From the water line about that far, about a foot. About one foot. Maybe ten inches but, you know, that sort of length. 35

Q. You could put you think a pencil in it, that's the width?

A. Mm. 40

Q. What would normally be there in your experience?

A. Boats are normally - wooden boats are normally caulked between the planks and down along the rabbit, they're normally caulked. Today things have changed slightly. It was usually - in old days it was done with different types of cloth material like cotton material or oakum or sisal, things like that, and white lead, which is like a putty. Today they use silastic and I suggest this was silastic because it was black. 45 50

Q. What could you actually see in there?

A. Just a black line, a smooth, black groove.

Q. Anything inside the smooth, black groove? 55

A. Just the back of the hole.

Q. Just the?

A. The back of the hole. Just a smooth, black groove with the back of the hole.

Q. Of the hull?

A. The back of the hole. The gap was probably only once again the thickness of the pencil deep so - and the planks would have been thicker than that. 5

Q. Inside that line that you're looking at and you say the back of the hole, is there anything in there other than wood that you could see? 10

A. I reckon it was silastic.

Q. You could see silastic in there, could you?

A. Yes. 15

Q. What colour was that?

A. Black. That's what first stood it out to me was the fact that it was a black line. 20

Q. What we've got is an area you can fit a pencil in about a foot long just at the back of the stem of the vessel and you think there was silastic inside that hole?

A. Yeah, well, I didn't pay that much attention but I would say it was, yes, I would think it was silastic because it was some sort of compound, plastic rubbery compound, yes. 25

Q. That's what you could see inside the hole?

A. Yes. 30

Q. What about the planks?

A. Right, well, from the black line leading aft for once again eight inches, nine inches, a foot, between the planks you could see cracking of the paintwork. No cracks - you couldn't see cracks in the hull or anything like that, it was just cracking of the paintwork in a line leading back from the missing caulking back along the hull and I would say I think there was three of them, three lines. 35

Q. It's the involvement of three planks, is it? 40

A. Yeah.

Q. And three lines leading from the stem, is that--

A. Yes. 45

Q. You've drawn a diagram of that.

A. Yep. 50

Q. Do you have that diagram with you?

A. I do. 55

Q. Does the bottom portion of that where it says planks and paint cracking and paint cracks and missing caulking, does that represent what you saw on that day?

A. It does. 55

Q. You've also drawn a diagram showing what you mean by the stem?

A. Yes.

Q. I think the other diagram shows where the vessel was moored, is that right?

A. That's right. 5

Q. Having seen that above the water line, did you do anything about underneath the water line?

A. Well, I didn't have any diving equipment and it wasn't a job or something that I was doing. I just sort of looked down along the water line and having-- 10

Q. Under the water?

A. Just for that sort of surface area, yes. 15

Q. How did you do that?

A. There was nothing wrong there at all.

Q. Did you put your mask on or what was the situation?

A. Yeah, I'm sure I put - well, no, I'm not sure I put a mask on. I'm 90 per cent sure that I had the mask and I looked under the water there but someone could prove me wrong, no. 20

Q. You're not sure whether you actually put the mask on but you are sure that you put your head under the water and looked underneath the water line along the stem? 25

A. And with your hands.

Q. And you couldn't feel anything missing or anything like that? 30

A. You can see - above the water line you can see where the caulking finished, this far above the water line anyhow, where the missing part finished. You could see where it finished. 35

Q. The line with the missing caulking, as you've termed it, that length of missing caulking ended how far above the water line?

A. It finished at what's known as the boot topping, the anti-fouling. 40

Q. That would be about, what, four or five inches?

A. Two or three inches. 45

Q. What did you do about this?

A. Well, I had a bit of a look at it and I was talking to a couple of people up on the wharf, you know, what are you doing down there and all this sort of business, just jiving and I don't - I wasn't paying much attention to who was up there, but I seem to recollect that there were three people and I don't remember, the police asked me where they were and I'm not sure whether there was two on the wharf and one on the boat or the other way round. 50

Q. What did you do? 55

A. And I just spoke to them, told them what I saw--

Q. What did you say, if you can recall?

A. Not word for word or anything but I said along the lines of is the boss about or is the owner about, any of the crew about or something like that. This doesn't look good for a boat going to Hobart, do they know about it and the people - whoever it was - somebody on the wharf answered me and said something about, well, this is Winston Churchill and I said do we know whether the boss is coming down or anything and somebody told me that they - well, I asked them to make sure they let somebody know what was there. That's all I know. It's all pretty vague at that period.

5

10

Q. But do you recall the answer that you got?

CORONER: Q. I take it you explained it to them what the problem was?

A. Yes, yes. Whoever was on the bow leant over and tried to have a look, but you really--

5

Q. What did you say to them about what you saw as the damage?

A. I said there was some corking missing.

10

Q. Someone looked over?

A. Yes.

HILL: Q. Did you get an answer when you said you should tell the owner?

15

A. I guess it was more of a conversation than an answer.

Q. Well, what--

A. Like that sort of - no-one sort of said yes I will tell the owner, 'yes, righto mate, you know, we'll see what happens' sort of thing, you know, or something, 'righto, you know, we'll do something about it' or 'I'll let him know' or something like that, you know.

20

25

Q. So there was an acknowledgment?

A. There was an acknowledgment that someone should know about it, yes.

Q. And then you--

30

A. And then I went on to my other jobs back to the boats that I was working with and to the splice and made some sandwiches and a few things like that.

Q. Did you tell anyone about what you had seen other than the people you have just told us about now?

35

A. Yes, while I was - in the next half hours or something I probably told two or three people what I had seen.

Q. Do you remember who it was that you told?

40

A. Just crew members of Rager and it might have been the owner of Rager, I am fairly sure it was one.

Q. And who would that be?

A. Garry Shanks and I think I had a conversation with a couple of the boys off Secret Men's Business as well but I couldn't be sure which. But if I asked them they'd probably know.

45

Q. And then what?

50

A. Then the boats went sailing and I flew off to Hobart. I stopped on the way and was out of communications for a while, then when I got to Hobart and heard what had happened my first reaction was I should have done something more about it, I should have gone back and found the owner and told him. But it's, I don't know, hindsight ..(not transcribable)... Having spoken to - I am sorry.

55

Q. Yes, go on.

A. Having spoken to fishermen since then that own wooden boats they suggest that the type of damage that we are talking about can be caused just by nudgings - well, a log in the water or anything, something with an impact on the bow.

5

Q. That's what you have been told when you have described that damage to--

A. You know, especially in the last couple of weeks when I knew I was coming up here I was just talking to people and they said yes that's the sort of - in the old wooden fishing boats that's the sort of - when they nudge something that's the sort of thing they expected.

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15

LUNCHEON ADJOURNMENT

HILL: Q. I think the last question was that you told people afterwards and you had thought well perhaps I could have done more about it, this was what you had seen, and then I think you spoke to some people in South Australia about the matter, is that right?

20

A. After I got home?

Q. Yes, after you got home.

25

A. Yes, I mentioned to people. And newspaper reports were giving out windows had been smashed in on the boat and that it was taking water amidships and so you just hope that what I saw wasn't the problem.

30

Q. And then I think you were interviewed by the police?

A. Yes, I was away doing a delivery to America, when I came back there was a message on my answering machine and the police came over to South Australia and interviewed me and took this statement.

35

Q. When did you actually go away to America? Just an approximate I am after.

A. April/May, went to the far east.

40

Q. And how long did that take you?

A. I was gone for three and a half months or something like that.

O'HALLORAN: Q. Mr Bascombe, I think you said in your statement that you were familiar with the Winston Churchill?

45

A. Yes.

Q. And you'd be aware of the fact that the boat had be re-rigged on several occasions?

50

A. Yes, I have seen photographs of that as a gaff rig and as a yawl and I have seen the boat personally with just the one mast.

Q. On the day in question, 26 December, I think you said you started your job at around about 7 o'clock, is that right?

55

A. Something like that, yes.

- Q. What time do you think it would have been that you noticed this problem with the Winston Churchill?
A. Oh the best that I can guess is - it is really only a guess, by the time I got in the water and did an hour/an hour and a quarter's work somewhere between 8.30 and 9 o'clock. 5
- Q. I take it that you were swimming back towards the slipway?
A. Yes. 10
- Q. As you were doing so was the Winston Churchill in your mind, if I can use that expression?
A. Sorry? 15
- Q. Were you thinking about the Winston Churchill--
A. Not at all. 15
- Q. Not at all?
A. Not at all, I just happened to swim past a boat. 20
- Q. So you are in the water and there is a boat tied up to the pier next the ..(not transcribable).. and as you are swimming past you notice something?
A. Yes. 25
- Q. And as you were swimming past the boat you didn't notice the name on the vessel, did you?
A. Wasn't looking, no. I was swimming lying on my back sort of looking out to the side, so I wouldn't have seen a name from the stern of the boat that way, no. 30
- Q. I think you said you were about 10 feet away?
A. Yes. 35
- Q. And you noticed this problem up near the stem?
A. Well, all I noticed there was a black line where there shouldn't have been, that was all I noticed. 35
- Q. If I can ask this simple question, what made you sure that it was the Winston Churchill?
A. Well, probably at the time I didn't know it was the Winston Churchill, not until I looked up at it and somebody on wharf said to me after I mentioned it, you know, yes well it's the Winston Churchill. 40
- Q. From your position in the water looking up the bow you really wouldn't be able to know what boat it was, would you?
A. When I was right in close to the bow no. But to talk to people you sort of back off, swim out three or four feet, you are looking at the whole broad scape of it. But yes, I never went back to the stern or anything like that. 45
- Q. Just so I can clarify this. As far as you are concerned is your assumption that it was the Winston Churchill brought about by what someone told you from the marina?
A. And the fact that it was a wooden boat with lots of varnish along the side and I know the general shape of the 50
- Q. Just so I can clarify this. As far as you are concerned is your assumption that it was the Winston Churchill brought about by what someone told you from the marina?
A. And the fact that it was a wooden boat with lots of varnish along the side and I know the general shape of the 55

Winston Churchill, yes.

Q. I think you would agree, would you not Mr Bascombe, that the sort of problem that you detected would have been very easily observable if the boat was on the slips undergoing some form of-- 5

A. Oh certainly.

Q. It would be impossible almost, would it not,--

A. It would be impossible to miss it, yes, and no one would have thought to miss it. 10

Q. In your statement you said that you were concerned about the problem you saw?

A. Yes. 15

Q. If I can just ask you to elaborate on that a little. Why were you concerned?

A. Well, anywhere where you see paint cracking something has moved to make the paint crack and at that position in that boat there shouldn't have been any movement. 20

Q. I think we are talking about two separate issues, are we not, we are talking about missing corking?

A. Yes. 25

Q. And--

A. Well, it's all involved in the one.

Q. You lump it together in one?

A. Yes. 30

Q. And in your experience as a yachtsman of many years experience the cracking of the paintwork and the missing corking would be indicative of movement of the plank, would it?

A. Yes. 35

Q. And if it was the fact that the plank was mobile what would that in your opinion import in terms of the performance of the boat?

A. What would it cause? 40

Q. What would it mean that the plank had moved?

A. Well, the plank wouldn't have to move much to crack the paintwork and it could probably stay like that for another year and no-one would notice it. And I dare say that if you went to timber boats around Australia you'd find them like that. 45

Q. In the condition that you saw it would you consider that a plank that was mobile would be likely to cause some leaking to the vessel? 50

OBJECTION (MORAHAN). THEORETICAL CONCEPT. QUESTION ALLOWED. 55

A. A plank that has moved that much would not necessarily

leak, no, no, it's only moved enough to crack the paint.

Q. Confining ourselves for the moment to the bow or the stem, you looked at a patch or a gap of approximately a foot in length, is that so? 5

A. Yes.

Q. And about three-eighths of an inch wide?

A. Yes. 10

Q. And about three-eighths of an inch deep I think you said?

A. Maybe a little bit narrower than that, but yes.

Q. And you looked into that, didn't you?

A. Yes. 15

Q. And you saw I think you said blackness, is that true?

A. Yes.

Q. In your experience would that sort of a gap in the stem of a boat - and I think that you agreed it's on the port side we are talking about? 20

A. Yes.

Q. A boat on a starboard tack for an extended period of time in fairly heavy seaway would have that portion of the bow well into the water, wouldn't it? 25

A. Yes.

Q. And in your experience would that be likely to cause leaking? 30

A. Well, there was still - all of the compound hadn't come out by virtue of the fact that you could only see a three-eighth hole and the planks on that would have been thicker than that. I couldn't see the back end - I couldn't see timber at the back of the hole so there was still corking in there so it all hasn't fallen out. The plank obviously hasn't moved much, just enough to crack the paint. And I would say no it wouldn't have to leak, not in calm to medium weather. 35 40

Q. In the conditions that existed during this particular race, which for the first we'll say in terms of Winston Churchill 12 to 14 hours of sailing downwind under spinnaker, the bow intermittently burying itself into a wave and then sailing for probably another 12 or 14 hours with working sails reduced down to storm rig, again on a starboard tack. That part of the bow would be constantly under water, would it not? 45

A. Yes. 50

Q. And notwithstanding what you have said you believe that it wouldn't necessarily have leaked, is that true?

A. As I saw it no, it would not leak. But whether it got worse is something only the gods will know. 55

Q. I can understand that, we have established that. If it was not likely to leak in your opinion then what was your

concern?

A. Just that you don't start a race without knowing everything about your boat and you wouldn't like to start a race without knowing that there could be a problem up there. Like you wouldn't start a race if you had an intermittent fault with your radio or a bilge pump that had a split in the hose, you try to knock out every possibility beforehand. So I just felt that, you know, the boat wasn't 100 per cent. To look at it the man is obviously proud of the boat and looks after it and that wasn't 100 per cent.

Q. I can understand that, Mr Bascombe, we have covered the issue of leaking, I am just trying to really get to what you were concerned about. In your view was the missing corking likely to prejudice the structure of the vessel in any way?

A. If more corking came out and the planks continued to move then any time you see something moving things get slacker and slacker and slacker every time it moves and yes it could have got worse.

Q. So if it had progressed was your concerned?

A. Progressed--

Q. It might have interfered with the internal structure of the boat, is that true?

A. Sorry?

Q. If it had progressed it may have interfered with the internal structure of the boat?

A. Well, it could spring the planks off the bow.

MORAHAN: Q. Mr Bascombe, I think you gave some evidence earlier on that in talking to people that know about timber boats in the last few days or the last few weeks that the slightest nudge could have actually caused this problem that you observed?

A. Yes, I mean you have to hit something substantial, but yes that could be - could have been two or three days/a week before, no worries, yes something like a piece of six by six timber of a branch off a tree. There is always stuff in Sydney Harbour I can guarantee, if you run into it--

Q. You said in your record of interview, at the very end of that record of interview, that the boat was in immaculate condition to look at?

A. Yes.

Q. And obviously it was loved and well looked after?

A. Yes.

Q. Just on timber boats themselves. It's your knowledge, isn't it, that all timber boats move in the water?

A. Yes.

Q. And the slightest movement, natural movement if I can call it that, of the boat can produce cracking of the paintwork?

A. Yes.

- Q. So you can discount paintwork as any problem structurally, as Mr O'Halloran referred to, with this boat?
A. Only the fact that it was in one small localised area and in relation to the other mark, yes. Otherwise yes, if it had been there by itself I wouldn't have even noticed it. 5
- Q. To be perfectly clear about this, at no time did you see any corking falling out of this area?
A. No, no, it was a clean hole. 10
- Q. Nor did you see any corking cotton coming out?
A. No, no. 10
- Q. Or any other type of material at all?
A. No, it was a clean hole. 15
- Q. And in fact the hole that you are referring to only goes back approximately three-eighths of an inch?
A. Yes. 20
- Q. Maybe even a bit less?
A. About that, yes. 20
- Q. Are you familiar with the construction of timber boats?
A. Yes, yes. 25
- Q. You seem a bit uncertain about that.
A. Well, I have worked around boats most of my life and yes I know how boats are put together. Having said that everyone is slightly different, every workman has his own way of doing it, different countries. Yes, but the basic design of the how the keel is laid and the ribs are put on and-- 30
- Q. And how the planks attach to the ribs--
A. How the plants are attached, yes. 35
- Q. And how the stem or the bow is rebated to take the planks?
A. Well, there are different ways. But yes, basic ways. 40
- Q. Have you got a copy of your record of interview there with you?
A. Yes. 45
- Q. Can you have a look at that please.
A. Yes. 45
- Q. I want to take you to page 7 of your record of interview. You see at question 33 where you were asked "So from your experience do you feel that there is some significance between this corking missing and what happened to the Winston Churchill, is that what you are saying" and you say there no, you seem to be cut off in your answer but you say no. You see that, the answer to question 33?
A. Yes. 55
- Q. And then you were asked the question "Do you feel bad

about it".

A. Yes.

Q. "I don't feel - I don't feel that, I don't feel that I can make a snap judgment like that" and you are obviously there referring to the question "Do you see any significance between the corking missing and what happened to the Winston Churchill".

5

A. If you go down the answer to 35 it basically says "All I can say that it's a possibility".

10

Q. That's right, yes.

A. And that's what I have - that's what I keep on saying. No way can I say that that's what happened and I don't intend to, all I can say is that yes that bit was moving.

15

Q. And in fact after you found out that the Winston Churchill had suffered quite considerable damage with some of the windows or portholes being stove in you say at page 8 of your record of interview that you felt a little bit better about that.

20

A. Yes.

Q. And I take it that is because you were sort of comfortable in your own mind that the problem as you saw it, the minor problem on the Boxing Day morning, didn't have anything to do with the demise of the vessel?

25

A. Well, I was comfortable in my mind that I had put enough emphasis on saying something to somebody, yes, that maybe I, you know, should have gone and looked for somebody and told them--

30

Q. Well, you didn't put much emphasis on--

A. No, I didn't, I didn't.

35

Q. And when you heard about the damage that had been sustained you were happy in your own mind that that small amount of emphasis that you put on it was enough?

A. I was happy that maybe something else had gone wrong and relieved me of my responsibility, yes.

40

Q. The initial concern that you had before you felt better about it, your initial concern was that that small minor problem that you saw may have been indicative of something structural going wrong. Is that a fair way of putting it?

45

A. I wouldn't say structural - oh well, I suppose yes, yes, it's indicative of planks moving - well, things could get worse, yes.

Q. If you are uncomfortable with the word structural please say so because this is your opportunity.

50

A. Right. The stem post was never going to fall out. In a normal expected racing situation maybe something might have moved and they might have taken some water, but I never for one minute thought structurally that the planks were going to pop off, no.

55

Q. If I told you, and of course you didn't know this at the

time, but if I told you that just prior to the 1997 Sydney to Hobart race, some short time before that, the boat Winston Churchill had been refurbished and that between 2,000 and 3,000 two and a half inch bronze screws had been placed in the ribs attaching the planks to the ribs in selected parts, that would make your even feel better about the structural integrity of the boat, wouldn't it?

5

A. Oh yes. Yes, for sure.

Q. And very much so?

10

A. Yes, for sure.

Q. Is it fair to say that your memory of the events on the morning of the Boxing Day are fairly vague? I think you said that in your answers to Mr Hill's questions.

15

A. Yes, I had other things on my mind, I never thought that much more about it.

Q. In fact you told us in an answer to Mr Hill's question that you may have had your mask with you?

20

A. Yes.

Q. You are not certain about that, in fact you told us earlier on that you had left your mask and diving equipment back on the wharf?

25

A. I normally - because I invariably work on pontoons I normally take - when I am going to get out of the water I take the mask off and leave it with the rest of the gear on the pontoon. But since then I have thought about the fact that the jetty that I was working on was six feet above my head and I wasn't going to throw a glass mask up on top of there and I remember checking under the water line and there was nothing there. So I have the feeling that I must have checked with the mask but I can't say that.

30

Q. In your evidence in answer to Mr Hill's questions you gave us a lot more information than you had in the statement regarding people that you spoke to on that morning.

35

A. Sorry?

Q. Let me put it this way. In your statement, your record of interview, you tell us about the three people, you can't remember whether there were two on the boat or one on the wharf or the other way around, and then all you say in your record of interview is that you yelled out "this doesn't look too good for a boat going to Hobart" and somebody said "oh well that's just Winston Churchill" and you said "you should tell the boss about this".

40

45

A. Yes.

Q. And that's it, that's the end of the conversation in your record of interview.

50

A. Right.

Q. But then you tell us in answer to Mr Hill's questions that there was an acknowledgment that someone would pass it on to the boss. Are you sure about that bit?

55

A. Well, as we say hindsight, but yes - well - no, no, I

guess I am - I am sure that somebody answered me when I told them, that I told them that the boss should know about it and somebody told me - somebody acknowledged me. How they acknowledged me I am not sure.

Q. Did you tell anyone what the actual problem was that you had observed?

A. Yes, I said there was corking missing.

Q. You don't say that in your record of interview, you just say that - the only thing you say in your record of interview is that this doesn't look too good for a boat going to Hobart.

A. Right.

Q. Nothing else to the police. Are you sure that you explained the problem to whoever was looking or listening?

A. Yes, I am sure, I am sure I mentioned the problem.

Q. Was that person on the wharf or on the boat?

A. Well, he was either on the wharf and got onto the boat or he was on the boat. As I say, yes I am vague.

Q. What stage was it that he was either on the wharf or got onto the boat when you explained this to him, what you actually observed, that is the corking missing?

A. When I was talking to him.

Q. Mr Coroner asked you a question along the same lines that I just asked you and you started to say in answer to the Coroner's question that this person was looking over the bow of the boat, is that so?

A. Well, he was standing on the bow of the boat and I was just below. He said he was looking over the bow, yes, but he wouldn't have been able to see anything from where he was.

Q. You also said earlier in your evidence something else that didn't appear in your record of interview and that was that in the next half an hour you told two or three people on other boats, that is the Rager and Secret Men's Business.

A. Mm.

Q. Are you sure about that?

A. Yes.

Q. And what did you say to them?

A. I just said that I saw some corking missing on Winston Churchill when I was getting out of the water.

Q. And whereabouts on the boat did you describe it to them? Let me put it another way. Did you describe to these people where on the Winston Churchill you saw this problem?

A. Yes.

Q. And I take it that like you they didn't think this was of great--

A. They had their own boats to worry about, they were not

interested. It was just a conversation while I was working.

Q. I think you were asked in your record of interview in relation to the relationship between what you saw and possible structural problems. You were asked, this is the bottom of page 17, "Will that problem over time cause a plank to spring", that proposition was put to you by the interviewer. You see the bottom of page 17? Do you see that, sir? 5

A. I am just looking to see where you are talking about. Which question? 10

Q. Bottom of page 17, question 118.

A. Oh right, yes. 15

Q. It was suggested to you "Will that over time cause a plank to spring" and you say "I couldn't say that".

A. No, that's right, you can't. As I say on normal sailing they may have got around to their next year's re-fit before they even - and never noticed the problem because if there wasn't water in the boat, they did tie up along that side, then - yes, there is no reason at all why they should suspect anything wrong with the boat. 20

Q. The highest you can put anything, and just to be fair to you, is that there was a possibility, a conjecture-- 25

A. Yes.

Q. --that something in the future may have gone wrong? 30

A. Yes.

<WITNESS RETIRED AND EXCUSED

<BRETT GAGE

RECALLED, ON FORMER OATH 35

SANTAMARIA: I don't have any questions.

WEBER: Q. Mr Gage, during your evidence this morning, if my notes are correct, you said something to the effect of "as per the protocol they (that's the CYC) should have rung". 40

A. That's correct.

Q. What do you refer to when you refer to the protocol? 45

A. The protocol is that the CYC should ring the shift supervisor.

Q. Are you suggesting that there is a list of rules or procedures which collectively you describe as a protocol? 50

A. To my knowledge there is not a given list but it is understood between the CYC and the Bureau of Meteorology that they should contact the shift supervisor for any weather knowledge.

Q. But there is a contract, isn't there, between the CYC and the Bureau of Meteorology pursuant to which the bureau provides specialist services in aid of the Sydney to Hobart 55

yacht race, correct?

A. We do provide special services.

Q. But you provide a special service for a special fee too, don't you?

A. I believe that to be associated ..(not transcribable)..

Q. Have you ever seen a copy of the contract between the bureau and the CYC?

A. I couldn't be sure of that.

(Exhibit 5 shown to witness)

Q. Would you be kind enough to look at that document, sir, read it through to yourself please. You will see that at about point 8 of the page it's got a breakdown of the costs. There is to be a pre-race briefing, correct, and you attended that pre-race briefing with Mr Batt on the morning of Boxing Day, didn't you?

A. Yes, only on that morning, yes.

Q. And then there is to be 16 forecasts at \$36 each, correct?

A. That's what it says.

Q. And the cost of transmissions of forecasts is to be at \$6.60, correct?

A. That's correct.

Q. And then go to the final paragraph on the page, "This price is based upon sending the forecasts directly to Young Endeavour, in addition to this the forecasts will be faxed to the Cruising Yacht Club of Australia".

A. That's correct.

Q. So the prime route of communication is to be by facsimile from the Bureau of Meteorology to both the Cruising Yacht Club representatives on the Young Endeavour in the first place, correct?

A. Yes.

Q. And by facsimile to the Cruising Yacht Club of Australia presumably at its Rushcutters Bay premises, correct?

A. It doesn't say what premises but it says Cruising Yacht Club of Australia.

Q. But you say, do you, that on the afternoon of Boxing Day you couldn't find the fax number for the Cruising Yacht Club of Australia?

A. No, I didn't say that at all.

Q. Could you find the fax number for the Cruising Yacht Club of Australia on the afternoon of Boxing Day 1998?

A. If I had wanted to I could have.

Q. If you had wanted to you could have found it?

A. Oh yes, I could have obtained it.

Q. But what you did instead of doing that was to ring the media centre, correct?

A. It's not my position to fax the weather for a start. You have to understand that I wasn't on shift at the time so it's not my responsibility.

5

Q. I realise that you weren't on shift and I accept it wasn't your responsibility. But you seem to be at pains to emphasise that you wanted to yourself fax the storm warning to the CYC, correct?

10

A. No, that was Ken Batt who - Ken has much better contacts with the CYC than I do, that part was to him. He wanted to contact Phil Thompson.

Q. I thought your evidence this morning - I am sorry did I interrupt you?

15

A. No, that's fine.

Q. Finished your answer?

A. Yes.

20

Q. I thought your evidence this morning was that you rang a female at the media centre, correct?

A. Yes, after Ken Batt had tried to talk to her and he complained to me that he couldn't get a response.

25

Q. Let's get the chronology right. A storm warning had been issued to the CYC two ways, one by fax to the CYC and one by fax to the Young Endeavour, correct?

A. If you have a look at this document--

30

Q. No, I am sorry, is that correct?

A. I am not saying that. I faxed a copy of the storm warning to the media centre and that's who I sent the fax to.

35

Q. If the arrangements as set forth in exhibit 5 had been complied with by the bureau then there would have been two faxes to the CYC containing the storm warning, the first to the Young Endeavour and the second to the club, agreed?

40

A. No, because this contract is for the Sydney to Hobart race forecast, not for storm warnings. The contract is the special race forecast.

Q. So you say that the contract here has nothing to do with the issue of storm warnings?

45

A. It says here 16 forecasts at \$36 each.

Q. Are you saying that the bureau would send the forecasts to the Cruising Yacht Club both at the Young Endeavour and at the club but not the storm warning?

50

A. The storm warning should have been received by the Young Endeavour, yes, by automatic fax.

Q. Do you know whether the Cruising Yacht Club was on the automatic fax?

55

A. No, I am not aware whether they are or they aren't.

- Q. Then going back to where I was. You contacted the media centre, correct, by telephone?
A. Yes.
- Q. You had a conversation with a person who appeared to you to sound like she was a female, correct? 5
A. That's correct.
- Q. And then you asked for the fax number there at the media centre, correct? 10
A. That's correct.
- Q. And you knew, didn't you, that the media centre, as its name implies, was a centre set forth to provide a point of contact between the Yacht Club and the media? 15
A. That's correct.
- Q. And journalists in other words?
A. Yes, that's correct. 20
- Q. So you knew you weren't dealing with the CYC proper, correct? 20
A. No, I was dealing with the media centre, that's correct.
- Q. And you said you could have found the facsimile number of the Cruising Yacht Club itself, agreed? 25
A. Yes, but nobody was there which was established by Ken Batt in calling them.
- Q. But didn't you tell me a couple of minutes ago that had you wished to from the resources of the Bureau of Meteorology you could have found the fax number of the CYC? 30
A. There is no point in faxing to there if nobody is there.
- Q. How do you know there was no-one at the CYC? 35
A. Because Ken Batt told me.
- Q. I thought Mr Batt said that he had spoken to a female at the CYC.
A. That was at the general office. But he hadn't told me that, simply Ken Batt told me there was no one at the sailing office. He has rung the media centre, he was upset with his reply at the media centre and so I said look I'll ring them up and see if I can find somebody else. 40
- Q. Did you ask for the fax number of the sailing office? 45
A. No.
- Q. Did you ask for the fax number of the general office?
A. No. 50
- Q. So you decided that you'd fax the information to the media centre, correct?
A. That's correct.
- Q. Having contented yourself with at least sending a copy of the fax to the media centre were you then content that you had given as much communication as you needed to to the 55

CYC?

A. Well, I have to say I wasn't content especially with nobody being in the sailing office, however I must stress that we had given 22 hours warning, 22 hours warning, and the Young Endeavour should have got that storm warning immediately and upon that the understanding is that they should ring the shift supervisor. So--

5

- Q. I'm sorry, I didn't quite pick up what you said. The understanding is?
- A. Okay. Yeah, the CYCA should contact the shift supervisor, and I knew that the Young Endeavour would be in receipt of that and if communications were working properly between the Young Endeavour and the race committee, they could have accessed the storm warning. The storm warning was also issued via Internet, Weatherfax, VHF radio, recorded telephone service, could have been accessed by any one of those - by the CYCA. 5 10
- Q. So you just wanted to be doubly sure that the CYC had the fax?
- A. Well I was hoping - well Ken was hoping to be in verbal contact. 15
- Q. But the whole purpose of standardised weather warnings is to provide a consistency of language so that the recipient knows for certain what he's been told. Do you agree? 20
- A. Yeah, we used international standards normally.
- Q. Because if you didn't have international standards, a person receiving it, receiving the warning, wouldn't know precisely how serious or mundane the warning was. Agreed? 25
- A. As long as the person who receives the warning is knowledgeable enough to understand international language.
- Q. It's standard, the internationally accepted language?
- A. Yes, correct. 30
- Q. A storm warning, as I understand it, is a warning that winds may exceed 48 knots, correct?
- A. Yeah, mean winds, yeah. 35
- Q. Mean winds, the mean being determined over a 10 minute period?
- A. That is correct.
- Q. There might be higher gusts?
- A. That's correct. 40
- Q. But a storm warning above 48 knots is an open-ended category, agreed?
- A. Yes. 45
- Q. A storm warning is inherently serious isn't it?
- A. Absolutely.
- Q. It inherently conveys to its recipient seriousness?
- A. That's correct. 50
- Q. You went with Mr Batt to the crew briefing on the morning of Boxing Day didn't you?
- A. That's correct. 55
- Q. And you provided to the crews a package of written materials about the weather, correct?

A. Correct.

Q. Was it Mr Batt delivered a oral presentation in addition to providing those written materials?

A. No, in that year both Ken and I were available. After the materials are handed out we were available at the weather stand to brief individually yachtsmen who approached us, who wanted further clarification. 5

Q. So did anybody give a general oral presentation to the crews or was it simply here are the packages, anybody that's got any questions please come and ask? 10

A. Certainly quite a few crews approached us and we spoke to them at great length, anybody who needed that. 15

Q. I don't mean this in any offensive way, but I don't think that quite answered my question. Do you say that the format of the briefing was here is some written material, if any of you wish to speak to us about it come and speak to us after, we'll be available. Was that the way it was done? 20

A. Yeah, or they could speak to us at the time when we handed them.

Q. And contained within the package was an explanation of, amongst other things, what a storm warning was? 25

A. I'd have to look at the package.

Q. The standard form of weather classification notification provides in it for remarks. Agree with that?

A. Can you clarify that please? 30

Q. Yes. While the detailed information contained in each one of the weather bulletins might be different, there's a pro forma into which the information is placed?

A. For the warnings? 35

Q. Yes.

A. Yes, there is a pro forma.

Q. And the pro forma provides at the bottom for subject remarks doesn't it? 40

A. Just let me check.

Q. Certainly. Take your time.

A. No, on the pro formas of the warnings it doesn't. 45

Q. Would you be kind enough to look at this document for me, sir. This seems to be a gale warning issued by the Bureau on 25 December 1998.

A. Yeah, that's a - that's a high seas weather warning. That's correct, yeah. There's two here. I was looking at a coastal warning. So yes, on the high seas warning, yes it does. 50

Q. So it's quite possible for the Bureau of Meteorology to provide to the recipients of the warnings information which is of relevance beyond the mere fact of, in this case, a storm warning and the projected mean winds? 55

A. Remarks are only placed in there if the forecaster feels that they haven't provided the relevant information within the text of the warning.

Q. And it would be fair to say if something more needed to be added than what was in the text of a warning, correct? 5

A. Yes, only if the forecast was I guess very complex in its - the movement of the low et cetera, one might put a brief statement in there.

Q. But if for any reason the forecaster thought that there was something which ought to be conveyed over and above the bare fact of storm warning, the projected winds and the like, he could provide it within the pro forma under the heading "remarks" couldn't he? 10 15

A. Well I would say that in this case the text would fully describe the situation.

Q. Yes, but all I'm saying is if the forecaster thought more needed to be provided, he could provide it under the heading "remarks." 20

A. Yes, he could provide it either in the main text of the body or the remarks. It's optional.

Q. You mentioned in your evidence that after you finished with the briefing of the crews, you asked whether you could speak to the race committee. Is that correct? 25

A. No, that's not correct.

Q. So you didn't make an attempt to speak to the race committee on the morning of the 26 December? 30

A. I said to the secretary I would like to speak to them. That was prior to the briefing in fact.

Q. I'm terribly sorry. 35

A. Yeah. So prior to the briefing to the crews, when I first arrived at the office I said yes, when you see the race committee I'd like to speak to them.

Q. But there'd been no pre-arranged meeting with the race committee had there? 40

A. No, not formally.

Q. And indeed, if you'd have spoken to the race committee or any one or more of its members, you wouldn't have told them anything more about ..(fault in recording equipment).. 45

A. ..(not transcribable)..

Q. Thank you, I'm indebted to you for that. But the handicapping assistance that you provided in 1997 on Boxing Day had been provided by the Bureau on Christmas Day by facsimile hadn't it? 50

A. I'm not aware of that. It might be a possibility.

Q. In any event, on the morning of Boxing Day, Mr Batt did speak to the race director by telephone didn't he? 55

A. I'm not sure of that.

WEBER: Thank you, Mr Gage. Perhaps could you return exhibit 5 to the court officer please.

SANTAMARIA: Perhaps if the witness would hang on to it for a moment, your Worship, I've got a question. 5

Q. Mr Gage, my friend Mr Weber asked you some questions about the protocol which you described as existing between the Yacht Club and the Bureau. Could I ask you to look at the letter exhibit 5 which is before you, which is the contract that was organised between the Bureau and the Yacht Club before the race. Beneath the section at about point 5 on the first page, it says forecast provided from Sydney all times eastern summertime, contact senior forecaster, and the telephone number that exists afterwards. For what purpose do you understand that contact number is provided on this letter? 10 15

A. That's provided for - if the race committee is unsure of what the forecasts mean, they should contact the supervising meteorologist. Also especially in an event like this we would expect some contact. 20

Q. So do you understand that reference to reflect the protocol which you say exists between the Bureau and the Yacht Club? 25

A. That's correct.

Q. You were also asked some questions about the faxing of the storm warning to the media centre a moment ago, and it was put to you by my friend that the storm warning is an inherently serious warning and you agreed with him. 30

A. That's correct.

Q. And that's the case?

A. Yeah. 35

Q. When you faxed that document to the media centre, did you expect that those who might read that fax would similarly regard the storm warning as an inherently serious warning? 40

A. Absolutely. I tried to stress that to the - to the lady on the phone.

CORONER: Q. Did you put a note with your fax covering page like you often see with faxes, or did you just send a bare report through? 45

A. No. As we were sort of busy and I wanted to contact the other organisations, I think I just sent the--

Q. So there was no note of instructions or anything to the media centre with the fax? 50

A. No, I thought I'd provided that verbally, just get it to everybody you could.

SANTAMARIA: Q. Yesterday Mr Hill was asking you some questions about the extent of your involvement of the preparation of the materials to be handed out on race day, and I think you said that you were involved for about three 55

consecutive days in the preparation. What did this involve?

A. Basically my main aim was to have the weather packs prepared. That involved communication with the National Meteorological Oceanographic Centre centred in Melbourne. We set the mesolapse model to cover the area of the race. Previously we had it centred over the New South Wales region which is what New South Wales meteorologists are usually concerned with, but we moved the domain of the model to cover the whole race area. We talked about the input which we would like to see in there and it was upgraded quite a bit compared to the previous year. As you can see in the weather pack there's swell, wave height, significant wave heights, the 10 metre wind wave - winds in there. Also gathering information from other sources such as using the web page from the Manly Hydraulics Laboratory which gives the wave recorder heights down the coast, finding information on the tides over the Internet and putting that in the weather pack.

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Q. In general terms, you were concerned to provide all desirable and necessary information you could for the use of the crew?

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A. Yeah, the best service we could, yeah.

Q. You might just confirm while you've got that exhibit 5 letter in front of you that the actual attendance on race day morning at the Cruising Yacht Club was not part of the contractual arrangements between the Bureau and the Yacht Club?

25

A. No. My - well I'm not sure. Here it says pre-race briefing and general weather support. I think that pre-race briefing is for the Christmas Eve briefing not--

30

Q. That's your understanding, right?

A. Yeah.

35

Q. You also described - when you went down to the Club on the morning of the race, you described yesterday the erection of the display boards and said that the display allows you to provide a further briefing to the crews.

40

A. That's correct. We feel it's a good way of displaying everything that's in the weather pack, and with all the charts aligned along this board we can - much easier for us to brief all the crews, and it also means we can brief more than one person at once. Like quite often we were briefing say 10 people at once.

45

Q. Gathering round you?

A. That's correct, yeah.

50

Q. I think you said to Mr Weber that you agreed with his suggestion that in fact this wasn't a formal briefing as such, such as Ken Batt's prior to the race, but it was a less formal briefing but--

A. That's correct.

55

Q. --informative so far as you were concerned?

A. Absolutely.

Q. Did you talk to any members of the crews from your memory about the particular forecast which was at hand at that moment?

A. Yes, I definitely talked to quite a few crew members, yeah.

5

Q. And were Geoff Shaw and Ken Batt also speaking to different crew members at the same time as you were speaking to--

A. Yes, Ken Batt was. Geoff Smith was there mainly to provide the computer - the regular updates on the observations and also it was a good feed for us to get new information from our office to us.

10

Q. Indeed. By this stage I understand that the gale warning had been issued.

15

A. That's correct.

Q. Did you field any questions about the gale warning which had been issued?

20

A. Yes.

Q. Yesterday Mr Hill handed to you a list of the entries in the yacht race.

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SANTAMARIA: I've forgotten your Worship the exhibit number. Perhaps I could just hand this to--

CORONER: Yes. Go on.

30

SANTAMARIA: There are some copies here for anyone else who--

CORONER: We've got that. Exhibit 9.

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SANTAMARIA: Q. I think you identified the list as being the one that you used to tick off the names of boats as the weather packs were distributed?

A. That's correct.

40

Q. Do you remember how it was that this list came into your possession?

A. Yes, that was faxed to me from the Cruising Yacht Club about a week or two prior to the race.

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Q. And was that in response to a request which you had made?

A. That's correct.

Q. For what purpose did you ask for the list and take it with you on the morning of the race?

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A. The purpose was to ensure that only one - as you can see, the weather pack's about 30 pages long, intensive photocopying that morning to ensure that only one pack was received per boat, so to ensure that every boat had a pack, because it's quite often more than one crew member from the same yacht will try to obtain a weather pack, so if they did that we would turn them away and say no, sorry, your boat

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has already received a pack.

Q. You wanted to make sure that no one missed out?

A. Correct, yes.

5

Q. After you completed the session down at the Club on Boxing Day, you told us yesterday that you went back to the Bureau and in due course Mr Peter Dunda showed you the latest Australian mesoscale model. Do you remember giving that evidence?

10

A. That's right, yeah.

Q. Was the situation as described by the model at that point something which you in your experience would regard as an unusual weather event?

15

A. Yeah. Certainly the 1 o'clock run of the model--

Q. And why was that?

A. Especially the low had deepened significantly from the previous run of the model. The winds indicated by the model were in the storm force range as indicated on the forecast, and yeah, we realised that this was serious. The weather was quite serious - the previous forecast was quite serious in itself and to have this upgrade was very serious. We only issue storm warnings two or three times per year on coastal waters.

20

25

Q. I'll come to that in a moment, but in relative terms and from your experience as a forecaster, what challenges if any does a model like that present to a forecaster?

30

A. Quite a few challenges. We must - we must verify in our minds that the model is giving a fairly accurate picture of what we expect, so we will cross-verify that model with other global models, ie the US, the EC, the UK models and the GASP. That mesoscale model is embedded inside the GASP. So firstly we have to check that the GASP model is performing properly. Once we've done that we'll cross-check it with the other models. After that we'll also be looking at the observations coming in and seeing if the analysis which is the start of that run of the model agrees with the observations, and looking at conditions further down the track to see if we agree with that development, and that includes a lot of material.

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Q. So at this point you really have to exercise judgment and add value to what the model produces?

45

A. Absolutely.

Q. This is the essence of forecasting?

A. Yeah, that's right. A forecaster doesn't simply copy out from what's on the model. There's a lot more that goes into it.

50

Q. It seems to be common ground that a storm warning is regarded as an inherently serious matter, but in your experience how frequently are such storm warnings issued?

55

A. As I said, probably about two or three times on coastal waters--

Q. A year?

A. --in New South Wales. Yes. Maybe a little bit - a few more out in the Tasman Sea, so we might say have half a dozen to eight storm warnings for the open ocean on our high seas forecasts, high seas warnings for the Tasman Sea.

5

Q. I want you to put yourself back in the position of the forecaster, a model of this sort is delivered to you. Are there credibility issues which arise for forecasters presented with a severe weather situation, in the sense of is it possible that you might want to over-forecast but run the risk that people won't believe you if there are too many storm warning forecasts that don't match the result?

10

A. I - we just try to forecast exactly what we believe the conditions will be. No over-forecasting, no under-forecasting because yes, if we over-forecast too often we will lose our credibility. That's correct, yeah.

15

Q. You said also in your evidence, it might have been at the conclusion yesterday, that you had a lengthy discussion with AMSA?

20

A. That's correct.

Q. I'm not sure that you told us to whom you spoke and what was said in that conversation.

25

Q. Okay, I spoke to a person called Andrew Burton. In that conversation I said - first I introduced myself and said "do you have" - "are you aware of the storm warning we've just put out yet?" and he personally said "no." I said "well we've just issued one for the south coast of New South Wales." I said "I'm very concerned about what may happen with the Sydney to Hobart fleet as well as everybody else in the area." Generally we don't - we don't directly ring AMSA, they are on our - they on our lists, on our address lists for the warnings, but I was concerned because of the Sydney to Hobart fleet mainly. And I said to him "I believe that many staff - being Boxing Day, the day after Christmas, you've probably got many staff off enjoying Christmas parties, barbecues et cetera." I said "I believe that this is a very situation and if these yachts do happen to sail into the area they'll be basically hammered," and I said to him "this is very serious" and something I never normally advise any other organisation how to conduct their business, but I was so concerned in this case I said "I suggest that you get all your staff off of your leave and your breaks, bring them in and get them fully geared up for tomorrow."

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SANTAMARIA: Thank you, your Worship.

HILL: Q. Mr Gage, as I understood it, what you said to AMSA is you had concern for the Sydney to Hobart fleet and if they sailed into it they would be basically hammered. Yes?

50

A. Mm hmm.

Q. Why wouldn't you tell that to the CYC people?

55

A. As I said, we couldn't get in contact with them.

Q. Yes, but you--

A. We couldn't get in contact. Now as - we got the protocol here in this document.

Q. Look Mr Gage, I know about the protocol and I've heard the protocol and I'm asking you a very simple question. If you're prepared to tell AMSA that this fleet, if they sail into it, they would get basically hammered. Why wouldn't you tell that to the people at the CYC?

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A. Because we couldn't contact. Simple as that.

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Q. Well didn't you say before that the only reason you were phoning up was so that you knew that the fax had gone through?

A. Well Ken wanted to talk to Phil Thompson. That was Ken who was going to do that, not myself, and with the protocol they had 22 hours warning, plenty of time to call the office. The boats had a lot of time before they were in the area. I would have expected everybody to know way before they got into the area. To me there's no - no excuse why anybody didn't know.

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HILL: Is that your answer? Thank you.

<WITNESS RETIRED AND EXCUSED

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HILL: Mr Coroner, we've moved along somewhat rapidly.

CORONER: Yes, you've done well today.

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HILL: And I have spoken to Mr Badham who is quite prepared to actually go into the witness box now, but to be fair to him he didn't expect to be called today. So do we go through till five? What would you like to do?

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BRIEF DISCUSSION IN RELATION TO COURT SITTING TIME

<CHARLES ROGER BADHAM(3.10PM)
SWORN AND EXAMINED

40

HILL: Q. Sir, would you give this inquest your full name please?

A. Charles Roger Badham.

Q. And your address, sir?

45

A. 60 Buttenshaw Drive, Coledale.

Q. And your profession?

A. I'm a meteorologist.

50

Q. I think that you are a meteorologist that forecasts weather predictions for yachts in yacht races?

A. That's correct.

Q. You did work for the Bureau of Meteorology at one stage, is that right?

55

A. Never.

Q. Never?

A. Sorry about that.

Q. Well what are your qualifications, if you could tell us that?

5

A. I have a degree in physics and meteorology, and I have a PhD in meteorology.

Q. You have certain clients who are yacht masters or yacht owners, and you predict what the weather will be, as it were, you forecast what the weather will be for them in a particular yacht race. Is that how it works?

10

A. Basically yes. I've done pretty much nothing but yachting since 1983 and I'd say in the last 10 years most of my work has been offshore from Australia, and I only do work back in Australia when I'm here.

15

Q. I think that you in the 1998 Sydney to Hobart race you had 22 yachts that--

A. Yeah, I had a lot of yachts ask me for a forecast. It's - that was quite a number and there were a number of yachts that were - that had skippers or navigators or crew on that I had worked with in different campaigns. They just kept calling and saying could I have a forecast.

20

Q. Sorry?

A. Yeah.

25

Q. I think you said that 95 per cent of your work is offshore out of Australia, is that what you said?

30

A. Yeah, that's correct.

Q. And you just come back to do the race, is that right?

A. No, I don't specifically come back. Some years I haven't come back and done the Hobart. Mostly I do. I mean this last Hobart just now I came back mainly just to have a few days at Christmas with my family, and while I'm here I did the forecast for the Hobart.

35

Q. Well how long have you been doing a package for the Sydney to Hobart race?

40

A. I've been forecasting for the Hobart since somewhere around the mid-seventies. Doing a package which is available to yachtsmen, I can't exactly tell you but I'd say mid-eighties, probably actually '86 or '87.

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Q. You actually did the weather forecasting at one stage for the CYC, is that correct?

A. Yes, I think it might have been the late eighties, probably '88, '89, '90, something like that.

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Q. And then you went elsewhere did you or--

A. Well the Americas Cup went to San Diego so I went with it, and I was back most Christmases but not all of them and I just wasn't available.

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Q. I think that you've actually said that you're not quite sure but you've probably done a package for this race for

about 12 to 15 years, over that period of time?

A. Yeah.

Q. Incidentally, do you have a copy of your record of interview?

A. Yes, yes.

Q. At page 6 of that you talk about the global models and Australia runs one. Can you tell us a little bit about those so that we can understand what the situation is?

A. I think we've heard a bit about them actually.

Q. Well yes.

A. Well there are global models run by the various weather offices around the world. Obviously the global ones cover Australia and the output of which, you know, you use in terms of looking at the upper charts, the mainsailable(?) charts and the model winds to see how consistent they are within the various models and to see how they're performing for the duration in this case of the race.

Q. It was the American model, if I can use that term, that predicted this more accurately than the other two, is that correct?

A. It did, it did a particularly good job on this occasion. That's the long term US model which is called the MRF, and it predicted it quite well on the 22 December, the 23rd and the 24th.

Q. I hasten to add that even though you knew it predicted that, you still went more or less the same way as the weather bureau went in that--

A. Well that was just one model of course and--

Q. Yes, that's right?

A. --the MRF tends to be - it's actually a model which has improved quite significantly in the last few years, they've put a lot of money and effort into that model, and it does tend though to be a little bit bullish sometimes and you do see it tend to spin up some things which don't actually ever occur. Not that that's a worry because it actually can sometimes alert you to the fact that this could occur, even if it doesn't occur, and that was certainly occurring on this occasion where the MRF was certainly indicating a - quite an intense low pressure system which looked to be at least close to Bass Strait, whereas the other models at the time were indicating a low pressure system either off the coast of Tasmania or more consistently south-east of Tasmania, a fair way away.

Q. I take it that you didn't follow the American model in your forecast?

A. Well I had a - I mean I had a number of boats that ask me for forecast, but I had - on that particular race I think I had three boats that were particularly diligent in wanting to know - wanting a lot of detail about the race for the preceding week. These were navigators on these boats who are I suppose long term friends as well as very good

navigators and they're on the fancy boats. I'm talking about boats like Sayonara and Wild Thing and - one of the handicap boats. And I spent a lot of time - well I shouldn't say a lot of time, but a significant amount of time each day talking, e-mailing or faxing to these particular people and discussing the likely scenarios, and the likely scenarios, certainly one of them, was that there was going to be quite an intense low in or close to Bass Strait because that's what the MRF showed.

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Q. The MRF is what?

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A. The US model.

Q. The US model?

A. The US long term as opposed to the aviation or the AVN model which is only a three day one. There's two US models. One looks a long way ahead, one looks a short term ahead.

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Q. So it was a possibility that was there?

A. It was a possibility, absolutely.

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Q. And you were aware of that?

A. Absolutely I was. I had long discussions with these particular people about it on a daily basis.

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CORONER: Q. The navigators?

A. Yes.

HILL: Q. So that was a possibility that you knew about and I think in fairness you would concede that the weather bureau also had knowledge of that?

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A. I presume so.

Q. At that stage though, that is say on the 24th, what was your opinion at that stage on the 24th?

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A. Well in fact I remember going to the briefing on the 24th.

Q. This was the weather briefing by Mr Batt?

A. That's exactly right. I got there late and the fact that briefing had already started and I was walking there on the way. He hadn't started but the briefing, I mean it goes on for hours and they talk about notice of race, all sorts of other boring issues. And in the car park outside I met one of the people off Sayonara, a very respected elder statesman of yachting, and he said "what's the weather going to be like?"

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Q. Could you tell us what his name was?

A. Graham Frizzle. He's well known. Graham Freeman actually, Graham known as Frizzle. Anyway, I had the printed output of both the MRF model and the GASP model in my folder.

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Q. That's the US model and which?

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A. And the Australian GASP. And he said "what's the weather going to be like?" and I said "well take your pick," and I showed him the charts for the 27th particularly and

the 28th and I said "if that one comes true you're not going to enjoy it at all." And he looked at it and he said something like "holy shit." And I said "look at the GASP," I said "that's you know looking quite tame," and he said "yes." And he said "what do you think?" and I said "look, I really don't know. I've been umming and ahing" because the navigator on that boat, Mark Rudega, I knew, he was one of the people I had been working with and he - I'd just finished doing the whole Whitbread race with him and I had a very close working relationship with him. And I said "I can't decide, I really don't know." And so I went inside and listened to the briefing and things proceeded from there.

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Q. When you said you arrived late at the briefing, is that the overall briefing--

A. Yes.

Q. --or are you talking about Ken Batt's briefing? 5

A. No, no, the overall briefing. Ken hadn't started when I got there.

Q. He hadn't started when you got there and you were there for the whole of his talk on the weather? 10

A. That's right.

Q. I just thought I'd clarify that. If you go to page 11 of your statement you were talking there about some computer model that would be available at 11 o'clock on Christmas night, do you see that at about point 6? 15

A. Yes.

Q. What model is that?

A. No, that's based at Christmas night, that's not available then, it would have been available on early Boxing Day morning. I mean it's a very common time for the models to be initialised, 11pm at night which is 12 Zulu(?),-- 20

Q. Zulu is Greenwich Mean Time? 25

A. Greenwich Mean time, yes. So that would be the GASP and the AVN model and the EK(?) model. I mean most of them accept - ones that only run once a day at 00 then they would all be initialised at that time. But they are not available at that time, they come available during the course of the early hours of Boxing Day morning. 30

Q. So that's when they started up, is it?

A. No, not when they started up, that's when the data is collected and from there the computer then has to crunch the numbers and then it has to spit the information out and get around the world. So it's depending how big an area they are covering, you know. If it's a global model it won't be available probably until almost daybreak the next morning, whereas if it's the mesolapse model that Mr Gage was talking about it would be available sometime probably about 1 or 2 or 3 in the morning depending on the processes and, you know, whether the thing was delayed or whatever, but normally it would be available some time in the very early hours of the morning. 40 45

Q. Just jumping ahead and then I'll come back to this. When did you find out that the US model prediction was the correct one?

A. Well, you don't actually find out it's correct until the thing has happened. 50

Q. When did you become aware--

CORONER: Q. Did you form a view that it was likely to be correct? 55

A. Well, I hadn't even at this time because in fact it was a - what I normally do in that situation is that I have

normally sort of framed up the thinking some time during Christmas evening/Christmas night but I don't actually usually start to work on what I am going to write for the yachtsmen until about 10 or 11 o'clock that night and do a fair amount - maybe try and get an hour's sleep or not, it just depends on the situation, and then start at 1 or 2 in the morning and then go to it.

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HILL: Q. So 1 or 2 in the morning that would be Boxing Day?

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A. Yes.

Q. And you'd work right the way through then?

A. Yes, sometimes - I mean quite often I work all night.

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Q. Did you do that - what did you do on this occasion?

A. Yes, I worked all night.

Q. You worked all night?

A. Yes. And I changed the forecast several times.

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Q. I am sorry?

A. I changed several times, I re-wrote--

Q. Why was that, why were you changing--

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A. Well, I had sort of framed it on a run from Christmas day, from earlier, looking at the AVN and I think the GASP model. And then when the new run of the lapse came out, which was at about 1 in the morning or 1.30 or whenever it was, it was reasonably soft on the whole event. It looked quite realistic to me at the time and I remember thinking it's not going to be as bad as what this US thing was showing, and it looked like they had the low forming somewhere off the east coast of Tasmania and not quite intense and yet when you looked at the satellite imager even then it was showing all the hallmarks of a developing low on this sharp upper trough. But it just looked - I mean the model looked quite plausible and I thought that's quite nice, it's not as sharp and as nasty as what this US model had been indicating, I think that's a pretty good outcome, and I wrote a lot of my notes at that time I think between sort of 2 and 4 in the morning. And then the new run of the lapse, the new run of the AVN, the short term of the US model, it came out at I think it was nearly 5 in the morning and I had already started to photocopy off a lot of the stuff and it was showing the damn thing in Bass Strait again all wound up and--

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Q. Is that a different US model than the one--

A. No, well it was a later run.

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Q. Just the same one but a later run--

A. A later run.

Q. --and you are still maintaining that?

A. Yes.

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CORONER: Q. It was really consistent with this earlier

run?

A. It was reasonably consistent, yes. I mean it had been changing a little bit but - and this was full-on.

Q. But I suppose you were expecting it to fall into line with, for example, the Australian-- 5

A. Yes, especially as over the preceding 24 hours, and I think maybe even 36, it had been easing off a little bit in the situation and I thought yes it's just not going to be as bad as all this, it's not going to be as bad, it's not going to be as bad, and the lapse came out yes it's not going to be as bad. And then about 5 or so in the morning the new run of the AVN came out and that was quite intense again. And as I say I had already started photocopying off what I had written and I was running out of time, physically running out of time, and I didn't know what to do. I have a whole series of algorithms that I run with model output winds to the waves and I thought I really should change all this and in actual fact in the end I didn't even run the waves, I just ran out of time. I don't know if you have a copy of what - I know someone took a copy of what I actually did but I had the same trouble as the weather bureau that morning. When you actually look at my set of notes I had photocopier trouble. It must have been a bad night for photocopiers because my photocopier started making clunking noises and I thought I am going to be in deep trouble here. You know, 4am/5am on Boxing Day morning you don't go somewhere else looking for a photocopier and I was throwing away about one in every five photocopies because they were just so badly copied. And this is a time constraint. I live down the coast, I have got to allow an hour and a half to drive there, I want to be at the CYC by 8.30 in the morning-- 10 15 20 25 30

HILL: Q. That's what I wanted to ask you about. How do you actually distribute these things, what did you do? 35

CORONER: Q. First of all how many clients did you have in that race?

A. I think it was 22. 40

Q. And were any of them in the smaller boats such as--

A. Yes - no, most of them were in the larger boats, that is in the 50 footers, the maxi boats. 45

Q. Were any in the smaller, 38s, things like that?

A. There were a couple, yes, yes, some of them in the smaller ones.

HILL: Q. Who were they, do you recall?

A. No, I don't recall. 50

Q. Do you think overnight you'd be able to bring that--

A. Oh yes, I should be able to, yes. I can get you a list. 55

CORONER: Q. Your advice will be candid, I presume, to not just the big safer boats?

A. No, no, I mean I am there to help out if someone wants a

forecast.

Q. We have got to look at all the contestants in the run--
A. I mean I know - I mean a lot of my boats didn't complete the race, well that's nothing new. I had one boat that I know, you know, that suffered quite a bit of damage, that was B52 which was a Sydney forty(?). That's the only boat that actually really suffered strife of all the boats that I helped.

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Q. That helps.

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A. Yes. I mean I knew those guys very well, B52.

HILL: Q. So you have got now the US model and that's showing the low and confirming what it has been saying previously--

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A. Well, it was certainly more intense, I mean it wasn't - it still wasn't quite as nasty as what reality was but it was well on the way, it was indicating winds of at least 45 knots mean speed and possibly 50 mean speed.

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Q. You have now got a double run of the US model, if I can say that, which is consistent. You have got the Australian model that was about 1 o'clock in the morning that's also consistent with what it has been doing previously, perhaps down a little. What has really changed, what brings you over to say the low is going to occur?

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A. Well, I didn't. In actual fact if you read the notes which were based on the lapse one I went for - I say in the notes that I think - which the notes are written at 2am in the morning, I favour the lapse model, I think this is a good scenario, I think this is the way things are going to pan out here.

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Q. The Australian model?

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A. The Australian model, and it looked like typically 30 to 40 knot type winds. Since then then I get the AVN model and that's showing at least 40 to maybe 45, maybe even a bit more knot winds.

Q. That's the US model?

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A. That's the US model. So I photocopy off all the - I don't change the words, it's too late for that. I photocopy off all the maps of the AVN, adjust them on the back, add them to the package and head off. And at that stage I was thinking, you know, probably a 40 knot wind. And a 40 knot wind to me is - you know, that's well and truly in the middle of gale force area, that's quite a serious event but, you know, a competent yachtsman in the Sydney-Hobart can handle that, you are not going to enjoy it but you can handle it.

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Q. You arrive at Sydney, do you, at the CYC?

A. Yes.

Q. And what do you do?

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A. Well, I get around to the different boats that want to, you know, get a briefing from me. Some of them - it's

weighted in terms of the boats that basically have spent the time with me and they know that. I mean, you know, some of them just take the package and that's it, they have got it. Others will want me to come in and go through it in as much detail as I can in say 5 or 10 minutes and I'll sit down with them either on the back of the boat or downstairs and run through it with them. I mean I have got from then till 11 o'clock. Not all the boats were there at the CYC. My wife went over and took a couple over to the Middle Harbour Yacht Club and also dropped one off at Sid's place and somewhere else, some boats on the north shore. I sent a couple by e-mail. So in actual fact the number at the CYC I can't tell you but it was probably something like about 15, I am guessing 15-16. So I work around these boats and I spend time. But I spend a disproportionate amount of time because there are probably three or four or five boats that want me for 15-20 minutes.

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Q. Can you help on this particular question. We are told that 86 of the 117 entrants collected weather papers from the weather bureau, you have got 22. Is there any way that you know whether or not your people also collected the weather bureau ones to compare them or did they just rely on you?

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A. Usually - I mean I would encourage them to get it. I mean they should have every piece of information they can get, it's--

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Q. So it would be misleading if we simply add the 22 onto--

A. That would be totally misleading and I would - I always encourage them to go and get it.

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CORONER: Q. Do you know whether any of the other boats have any other meteorologists other than yourself--

A. There is certainly some other ones forecasting for the event from some of the famous weather routers from the US, I know a couple of them have forecast for the race and did forecast for that race.

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Q. So there is more than just you and the weather bureau.

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A. Yes, but they are not actually in attendance there, they are just doing a forecast by fax or e-mail or whatever.

HILL: Q. You had until 11 o'clock you said, what was going to happen at 11 o'clock?

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A. Most of the boats are going to be gone by 11 or 11.30 generally so I mean you run out of time. It's a mad scramble for me, I mean it really is because everyone wants your time and I have got a finite amount of time and in the end you are just running from boat to boat and jumping down. And as I say I spent a disproportionate amount of time. There was Sayonara and they actually had the whole crew had taken over a whole room for breakfast and I finally got there and, you know, they were all eating breakfast and I was brought in and I gave them about a 10 minute discussion, the whole crew sitting there, and then spent another 10 or 15 minutes with the navigator after discussing it with the whole crew. So I mean, you know, they get a--

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CORONER: Q. So at the start of the race you were basically advising your clients that you expected something gale force?

A. Oh yes, yes, I--

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Q. That was it?

A. Yes. I mean in fact during the course of getting around the boats someone said oh the bureau has issued a gale warning. Well, I mean that didn't surprise me at all because in actual fact I had forecast gales as such and I thought well that's fair enough.

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HILL: Q. What's your understanding of a gale force, from where to where?

A. From 34 to 47 I understand.

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Q. And then from 48 onwards what's that?

A. Storm warning.

Q. Nothing above that?

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A. Not around here. If you live up in the tropics you can have above that. It doesn't mean that we can't have - I mean we can have winds of 80-90 knots off the coast but you would still be a storm warning as such.

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CORONER: Q. And is that consistent in the temperate zones in both hemispheres?

A. Oh absolutely, yes, yes that's consistent. The only time you see that sort of vary a little bit sometimes is that you see - particularly off the US you see it if a tropical - over there it would be a hurricane, tropical cyclone, if it's moved from tropical waters to ex-tropical waters, in other words say a tropical cyclone came down past Lord Howe Island. In the States they do tend to keep the parameters going as though it was a tropical cyclone or a hurricane and the forecast is a little bit more detailed, but it's still not strictly a hurricane warning, it's still strictly a storm warning but the structure of the forecast you'll read is as a hurricane warning. So it's a bit grey but you certainly - the bureau's policy is certainly in terms of international--

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HILL: Q. Perhaps overnight if you would look on the bureau's web page, I think that in about 1989 a cyclone came down from Indonesia along the West Australian coast and ended up in the Bight and the weather bureau kept the name and called it a cyclone. Is this some sort of--

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A. No, no, that's - oh the name comes a bit - I mean once you get down to sort of the 30 type latitudes the name - it's not really then a tropical cyclone as such. It's no longer driven by thermal dynamics, it becomes a mid-latitude system, so it's technically not a tropical cyclone and that's for sure. But you could still refer to it as X whatever it is, the name, but the warning system, and I want to say this at some stage,--

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Q. Say it now.

A. And that is that the warning system that is used around

tropical cyclones, whether there are only 60 knots around them or whether there is 160 knots around them, the warning is much more detailed than the warning that you see in the typical storm warning. There is more information available and I think sometimes when you read the storm warnings, and particularly when you read the Hobart forecast, that there is sometimes room to be a little bit more, you know, elaborately--

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Q. Informative?

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A. Informative with not just the terminology but with the description of what's actually going on. I mean in a tropical cyclone warning it's common practice to say gusting to 80 knots, gusting to 90 knots, maximum sustained winds, maximum gusts. That's a common practice. It's common to divide the low up into quadrants to say that there is more wind in this quadrant, less wind in that quadrant. It's common practice to say that it's referenced here and that it's moving from there to there to there and point out the positions. I think sometimes in these sort of situations you can be able to - words don't have to be quite as cryptic as they used to be when the messages went out by telex and morse code, things have moved on.

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CORONER: Q. Would you expect more detail in a storm warning of that sort of intensity of a severe tropical cyclone but in terms of latitude?

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A. I would expect the same sort of detail sometimes, if it's possible to give it then give it.

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Q. But what I am saying is that being done?

A. No, often not, and it wasn't done in this case and it's not routinely done. It's not always necessary to be routinely done but in this case there was 100 yachts there and I think--

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Q. And I suppose another factor would be the degree of severity of the storm?

A. Absolutely, I mean there is some that are just borderline and some that are really quite intense.

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HILL: Q. The weather bureau Doctors Graeme Mills and Diana Greensleigh(?), do you know them at all, have you heard of those?

A. I have heard, yes.

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Q. They refer to this as a cyclone.

A. Well,--

Q. Go on.

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A. No, I was going to say a cyclone, a low pressure system, a depression.

Q. It's important because I want to discuss the quadrants because we do have less winds in some quadrants than we have in others.

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A. Absolutely.

Q. Was that applicable to this low that we are talking about here?

A. Yes.

Q. So if you had more details you would have been able to say it is safer in the quadrant at latitude X and longitude Y than anywhere else, is that correct or not? 5

A. Well, you have to take into account sea state as well, so I mean you want to marry the two, the winds and the sea. But certainly yes, it's possible to be more descriptive and to point out where the winds are. And then obviously the whole thing is moving so you have to account for the - and the thing is not moving slowly, I mean the feature of tropical systems is that often their movement is quite slow whereas this thing is not moving - it's moving at 20 knots or whatever which is a typical speed in mid latitudes, but it's moving and hence you can't just paint a scenario and think that it's going to hold for 12 hours or 15 hours, the thing is dynamic. So you have to be - you know, paint a good situation, describe it fully. But it is possible. 10 15 20

Q. You have seen the wind speeds and the reports of the wind speeds in this low, is that correct or not?

A. Yes. 25

Q. If those wind speeds were north, that is in the tropics, would we call it a cyclone?

A. No.

Q. What would it be up there? 30

A. It'd still be a storm or a tropical storm because by definition a tropical cyclone is when the winds are above 64 knots and the winds in this particular case probably didn't average above 64 knots. 35

Q. But what sort of details would we have got up there, would it be different--

A. Oh you would have got a lot more detail.

Q. What sort of details-- 40

A. They would have referenced where it was at whatever time it was, they would have said latitude and longitude, they would give you the average wind - you know, the main wind speeds maybe first of all cutting it into quadrants, or maybe into halves or maybe into quadrants, and then they could paint the winds in each of those quadrants or each semicircle, depending how they have cut the system up. So they would describe the winds as being 50 to 60 knots with maximum gust of 89 knots or 85 knots, or whatever the mathematics and their assessment has been, and that the system is moving south-east at whatever speed or east, and they would then put the forecast position of that low over the next 6, 12, 18, 24 hours. 45 50

Q. That's what they would give you if it was in the north? 55

A. Yes.

Q. Is there some physical bar from that being told to

people in this area?

A. I don't think so. It's just the - they use the word protocol, I don't know if it's protocol but that - it's been tradition, standard practice, whatever in these latitudes to reference - to not be so descriptive. They are generally short of descriptions and you don't give as much information, which doesn't always mean that the situation is any less harrowing.

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Q. You also said that it was common practice to give this more information, could you tell us where it's common practice? What were you referring to, just the tropics or--

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A. Well, the tropics, yes, and if you read even the storm warnings and the hurricane warnings in the States they are generally quite--

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Q. Are you talking about the Unites States?

A. The United States, yes.

CORONER: Q. What about the north of Australia?

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A. Yes, I mean they are pretty good.

Q. That's the weather bureau in what--

A. Well, in terms of forecasting anything that's a named system or a potentially named system you will find there is more detail given.

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Q. And that would be the agency of the ..(not transcribable).. where, Brisbane or--

A. Well, either of the three tropical centres, it could be Perth, Darwin or Brisbane, depending which waters it's in. But it's common practice to be - you know, to treat these tropical systems, which may be already tropical cyclones or potentially tropical cyclones, to treat them with, you know, the seriousness that they deserve and to give a full description.

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HILL: Q. So if this storm had occurred in the north I presume that because it's starting to edge its way up there in the sense of towards that sort of speed for cyclones would this be a named system or aren't you able to answer that?

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A. Well, not really. I mean it's just a different situation, I mean it's just not a situation which would be named as such. I mean it's formed down here and it's never going to go up there and it's never going to be a tropical cyclone and the only things that are named are tropical cyclones.

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Q. I am sorry, a badly phrased question. Had this particular wind and storm developed up there would it be one that would be seized upon as it were, named because it's starting to edge up into the cyclone?

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A. Probably. I mean again it's a dilemma for the forecaster at the time, they have to decide is this thing going to peter out overnight or is it actually going to continue to build and develop into definitely hurricane force winds, that is winds above 60-64 knots. And, you

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know, if it's the considered opinion that it's not going to get there then it probably wouldn't be named. But, you know, you sometimes see tropical cyclones that are named and they are gone straight away. But mostly all the variables look correct and the system will be named and it goes on to reach hurricane strength or, you know, tropical cyclone strength that is well in excess of 64 knots, it may get to 70, 80, 100 knots or whatever because the dynamics that drive these things are so different that, you know, it's - I mean it's just - I mean obviously they are taken more seriously there because they don't stop at 60 or 70 knots, they stop at nothing, they can go to 100 knots or 120 knots or whatever mean speed. So, you know, potentially they are much more devastating.

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Q. But certainly as far as detail is concerned there is a lot more detail issued with those storms up there?

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A. Yes.

Q. And there is nothing that you can see that would bar such details coming out, as it were, in storm warnings here?

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A. No, not at all.

Q. I'll take you back now to about 11 o'clock on Boxing Day. You found out that the bureau has issued a gale warning, what's the next thing that occurs that's of importance in your mind?

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A. Actually - I mean I think I heard that they had issued a gale warning not long after 9 when I was still doing the rounds of the boats. But that was consistent with what I was thinking anyway, I was thinking I mean at least it would get up around 40 knots or whatever so that's where I thought it would be. So I briefed all my boats and said look, you know, this is what I have gone for but have a look at this model, it's really going for something a bit more, I don't really think that's going to happen but hey that's a possibility, it's more than a possibility, it's been there for a while and we have to think about it seriously. But it still at that stage wasn't what I thought would be the most likely outcome.

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Q. I think at the top of page 17 of your interview you say that at that stage you were around the CYC and you were talking to different yachts and you were saying yes it's going to blow a fair bit but not too bad. That was your opinion at that stage?

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A. Yes, it looked like a nice gale.

Q. You did say looking like a nice gale?

A. Absolutely.

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Q. Something occurred so that by Saturday afternoon, that is Boxing Day. You were phoning I think a Mr Mundle, is it?

A. Well, he had been calling me every day saying what's going to happen, what's going to happen, and he--

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Q. Who is he?

A. He is a yachting journalist and I had been talking to

him each - he had called me and he just wanted to know, you know, were they going to break the record, that's all he ever calls for, and I had basically said well no and it looks like it could be pretty fierce but I don't know how much. And, you know, one day I'd say look it looks like it could be quite severe and then maybe it's not, maybe - this is going right back from the 20th or so and successive days leading up until the start and he had called me that morning when I was down on one of the boats on the mobile phone and I had basically said yes it looks like, you know, 40 knots. And then when I got home I saw the output from the - by the time I get home it's getting on towards sort of 1 or 2. I think I had something to eat quickly at the CYC before I left to go back because I hadn't had breakfast, I hadn't had any sleep, so I had something to eat and I drove back home. And I looked at the new output from the lapse model, which has been discussed here,--

Q. The lapse is?

A. The mesolapse, the regional Australian model. And that was the model that I had favoured which I had wrote my notes on the night before, it had this low developing east of Tasmania and lo and behold it had a low developing in the middle - not in the middle but exploding quite nicely as it moved across eastern Bass Strait, particularly near Flinders Island they had it. And that was very consistent with that run of the US AVN model which I had got out earlier that morning and I thought oh dear. You know, it had changed its mind and fallen well and truly into line and was showing typically 45 knots mean speed, maybe 50--

Q. I am sorry, it was showing?

A. 45 knots mean speed.

Q. That's the average--

A. The average, yes, whereas in the morning it was only showing something like about 30, 35 at the most.

Q. So it's showing 45 mean speed, what sort of gusts could we expect off of that? Difficult? I know that people say and add 40 per cent, is this a rule of thumb?

A. Well, it's actually - I know that's the bureau policy, it's not a rule of thumb that I actually work to. I think that's excessive but you have got to allow for excessive things. They say add 40 per cent you get the maximum gust, that's under extreme convective situations generally. Normally I would work with 20 or 30 per cent, that's my rule of thumb.

Q. So add 20 or 30 per cent and that will give you--

A. A typical gust.

Q. Typical gusts?

A. Yes. That's how I work. It's not to say you can't get 40 per cent and I agree the bureau says that's the maximum, but typically you'll see something like 20 to 25.

Q. I am always worried about figures, I mean what about

40.5 per cent or 41 per cent--

A. There is no such thing in meteorology.

Q. So we have got obviously an allowance in there for gusts?

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A. Yes.

Q. So if it's 45 mean we are looking forward to what in your opinion maximum?

A. Well, you'd see maximum gusts there of probably 60 knots. And that's how that looked, that particular model at that time. I mean that was concerning to me and I rang Mundle. I actually couldn't ring him because I didn't even have his number and--

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Q. I want to stop you there because we might as well start this now. We have got gusts, in my understanding a gust is a few seconds and then we have squalls and they can be quite a few minutes. Is that right?

A. By definition, yes. I mean they are one and the same nature of the beast, it's just that one is a bigger entity. There are still eddies or turbulence or vortices in the wind but one is longer lasting. And unfortunately in meteorology there is a lot of words that are brought down from the last century and they have lost their way a little bit in terms of modern quantitative definitions, I mean there is things like rain and there is, you know, squall and storm and--

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Q. This is what is particularly worrying because on the ABC two nights ago at 9.30 they gave the weather forecast as scattered showers for yesterday and storms. How does the average person know what's going on or are you meant to be--

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A. Well, it's just the unfortunate historical aspect of the English language and meteorology, that is that the word storm can be used in several context and that is that there is a storm warning or storm force winds which are associated with the strength of the wind and there are storms, that is electrical thunderstorms, and the two are abbreviated to the word storm. And that's unfortunate as I said as is the word, you know, squall to some extent. I mean these words have come down through the language and--

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Q. So really it's imperative that if you are going to read a weather forecast and venture out on a yacht that you really do understand what the terminology is?

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A. Well, it would certainly help. But I must admit that, you know, my - I have worked with - I mean I do nothing but yachting and I have done nothing but yachting very close to 20 years and I have worked with yachtsmen, I have worked with the names of yachtsmen all around the world and I must say that generally their weather knowledge is never terrific. But I think they only reflect Joe Public to some extent and I don't think--

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CORONER: Q. Except that they are doing something that Joe Public doesn't do.

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A. They are doing something that is slightly more weather related but they still--

Q. Much more weather related.

A. Their weather knowledge is still scant and there is no doubt about that. I mean education process is the best way obviously. I mean, you know, Ken Batt runs courses and I used to run courses and you try and improve that and there are some very well educated yachtsmen, but it's amazing the various levels of yachting. Yachtsmen have a wonderful intuitive feel for the wind but they don't necessarily understand the technical terms.

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HILL: Q. As far as the educative process do you think that if you just simply said, and I realise that you are not bound by protocol, but in a weather forecast average winds 45 knots gusting to 60, is there anything wrong with that?

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A. Nothing at all and I can't stress more heavily that plain language is a wonderful thing and--

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Q. So you can have waves at 6 metres, big ones at 12, just so the people would understand.

A. I think - certainly you have got to - in modern language you have got to talk plain English and I think it should be done on all possible occasions.

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HILL: Moving from - we're now about to go onto this - perhaps if I just go on for about 10 minutes or so if I may. Is that all right for everyone?

CORONER: It's all right with me.

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HILL: Q. I just want to get to the point where you realise that it is more than simply a gale and that is when you get the Australian model?

A. Well yeah, that confirms what the other one was showing so that's - that's a real worry to me and the fact that that was the first time any Australian model had shown such intensity, the first time.

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Q. What do you do with your clients, those yachtsmen who are out there?

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A. Well basically there's nothing I can do except that I do try and do something which I'd never done before, and that was I'd actually tried to call some of the boats. I didn't - I didn't actually succeed and I wasn't calling them thinking - and certainly I've never done it because it's tantamount to cheating that you call a boat during a race and I've never done such.

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CORONER: Q. But they all have faxes these big ones don't they?

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A. No, they're Satcomsea. You could send one or two maybe - I could only - even Sayonara wasn't running a Satcomsea. Some of them have a couple of sat faxes but most of them don't, no. But they all carry mobile phones, and I had a list of mobile phones so I called a few but they were all out of range.

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HILL: Q. All out of range?

A. Yeah. I mean I did that not to offer outside assistance, I did it really because I thought this is going to be pretty nasty. It looked like it was going to be up at least mean speed 45, maybe mean speed 50 knots, whatever, and particularly a couple of the boats were new boats and I thought they just should go in with their eyes wide open and be aware of the fact that - particularly with the current, which was something that I'd stressed during the briefing with the boats with the morning, where the current was going to be strongest, and I thought if they shoot down that alley they'll probably get the waves that are going to be nastiest the other way. And I was concerned and I tried to call a couple of boats but - and after I'd tried I think two or three and no one answered, I thought well that's a dead loss.

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Q. The current was what? That's the east Australian current is it, it goes down the coast?

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A. It goes down the coast. In actual fact on that particular event it had wound its way offshore from somewhere I think round about Batemans Bay, Montague Island, and had headed offshore. But with the extremely strong to gale force northerly winds that were operating that afternoon and that night, there was a secondary stream of

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current which was running down close to Gabo Island and pointing down into north-eastern Bass Strait, and that was going to be accentuated quite strongly during the course of the next 24 hours up until the wind changed and the low came.

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Q. What exactly was going to be accentuated, the current?
A. The strength of the current.

Q. Why?
A. Because the wind is travelling with the current and it exaggerates it and exaggerates it quite quickly so that--

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Q. Is that the one that's coming down the coast?
A. Yeah.

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Q. There was a wind travelling with that?
A. Yes.

Q. Which would speed the thing up?
A. Yes.

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Q. What happens when that meets what's going on down in Bass Strait?

A. Well it's when the low pressure system actually formed and comes across and the major wind change comes in and the wave trains come up with the wind, so that you've got a westerly or a west sou'wester with west sou'westerly wave trains. When that meets the current which is coming from the nor'nor'east then it will - I work on rules of thumb which - reasonable, that if a wave train described by whatever set of wave equations I'm using and say it gives you that the mean wave height is say, for instance, five metres, mean wave height, average wave - or significant wave height should we say, that if you meet an opposing current of one knot then you could probably add 20 per cent to that wave height, and if you meet an opposing current of two knots then you can almost add 50 per cent to the wave height. Two, two and a half knots you'd add nearly 50 per cent up on the wave. That's a significant wave height, it stands the waves up.

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Q. So what would that produce at that juncture?

A. Well that's - that produces what I heard people in this place referring to the washing machine conditions.

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Q. So on your estimate, what was the heights of the waves that those yachtsmen could expect to confront when they arrived at that juncture?

A. Well it looked to me like the significant wave height was going to be something like seven to eight metres, depending on what wind speed you were working off. If you were working off 45 knots it was going to be something like five to six metres. If you were working off 50, 55 knots, then it was going to jump it up to sort of probably nine or ten metres, but it was - I think at the time I was playing around with all sorts of stuff, not so much that afternoon but the next morning, on the Sunday morning I started

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playing with all the numbers, and from memory I think I worked off eight metres and then you add 50 per cent so that jumps it up to 12-metre waves.

Q. So you were expecting 12-metre waves down the line? 5
A. I thought it was on the cards.

Q. When you say 12 metres--
A. Just in that little area where the current-- 10

Q. Yes.
A. It's only a very small area but where you've got a dead opposing current.

Q. But an area that a lot of the yachts would have gone through? 15

A. Well they - I don't even know if it was a lot of the yachts actually because it was - it was only an area of about 40 miles long and about 30 miles wide - it was maybe 50 miles long. 20

Q. An easy--
A. It was directly on the rum line so - but a lot of the yachts didn't actually - I mean a lot of the yachts were actually just outside that, especially the faster yachts that were early. 25

Q. Are you telling us that with hindsight or is that something that you thought would happen?
A. No, I thought that would happen and I - in fact when I called this Mundle guy on that Saturday afternoon, I discussed that with him. 30

Q. So if it was-- 35

CORONER: Q. Why did you discuss it with him?
A. Well because he'd called me that morning and I told him something and what I told him was wrong, and I finally called him, I had to get his number, and I called him and I said "hey, this is going to be a lot worse than what I said." 40

HILL: Q. So if this was a small area and you've given us the dimensions - how much again, about--
A. From memory sort of 50, 60 miles long and about say 30 miles wide. 45

Q. It could have been avoided, you could have sailed around it if you knew?
A. Yes. 50

Q. When do you think you were able to forecast that?
A. Well I discussed it with him. I didn't actually put in all the numbers, I discussed it with him that afternoon. 55

Q. That's the Saturday afternoon?
A. The Saturday afternoon. On the Sunday morning very early when I - when the thing was actually happening and the

massive winds were reported, even at 6am I think from memory
Wilsons Prom was 71 knots or whatever and at 9am it was 79
knots, and you take the factor off and you put that in, you
say look, the mean speed is definitely going to be up around
50 knots to 55 knots mean speed, then you're talking eight
metre waves plus the four makes 12-metre waves in that
current opposed area if you've got two knots of current.

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Q. If I give you a chart overnight, do you think you could
mark that area where you say that on the Saturday and the
Sunday morning you could forecast that there would be this
meeting of the current and the low which would create that
area?

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A. I think so.

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HILL: I wonder if that's an appropriate time.

<WITNESS STOOD DOWN

ADJOURNED TO FRIDAY 17 MARCH 2000

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