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NEW SOUTH WALES STATE CORONER'S COURT

STATE CORONER: J ABERNETHY

WEDNESDAY 5 APRIL 2000

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

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

Mr A Hill with Ms P Lazzarini assisting the Coroner
 Mr J Harris for the Cruising Yacht Club of Australia

PART HEARD

HILL: Mr Coroner, there are three witnesses today from the rescuers, Mr Boag who was aboard a fixed wing aircraft. He was the first aircraft that came across the Sword of Orion, and then it's the general run of what occurred. Then we have Mr Jones and Mr Key who were aboard the helicopter, they picked up the man overboard from the Kingura, and they will be able to tell us about the conditions of that. It will be short evidence and we will probably finish by about 12 noon.

<NEIL JOHN BOAG(10.06AM)
 SWORN AND EXAMINED

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

A. Neil John Boag.

Q. And your address?

A. 21 Hastings Avenue, Beaumaris in Melbourne.

Q. And your occupation?

A. A pilot for General Flying Services at Moorabbin Airport.

Q. I understand that General Flying Services have a dedicated aircraft for sea rescues, is that correct?

A. For search and rescue operations in general, not just sea rescues.

Q. Right, so it's search and rescue generally, over land as well?

A. That's correct.

Q. When you say it's dedicated an aircraft, would you explain what that means?

A. What it means is the aircraft is left in a prepared

state, fully fuelled with all the necessary gear onboard the aircraft, ready to go at short notice.

Q. About how many minutes notice would you need?

A. Ten or 15 minutes during the day, and about 30 minutes at night.

Q. Now that's supplied by General Flying Services?

A. That's correct.

Q. Who pays for that?

A. The aircraft isn't paid for unless it actually flies, so the company really has the aircraft at its own discretion to leave there but it's not paid for in any form of a standby arrangement, or anything like that, it's only paid for if it's actually tasked by a SAR authority.

Q. So it's really the company that's provided this dedicated aircraft that's there on 15 minutes standby during the day and 30 minutes at night at their cost?

A. That's correct.

Q. Can you tell us why?

A. I guess the gentleman who owns the company, Ross Carrington, and myself have got a belief that if we don't do it maybe no one else will, so we decided we would do it.

Q. When you say it's dedicated all the internal parts are removed and it has various sea rescue items onboard, is that right?

A. It's equipped with two PAJ(?) units which are capable of delivering liferafts. We have a number of heli-boxes onboard which can drop various supplies. It's fitted out with the necessary pyrotechnics to go through a SAR mission virtually without having to go back and re-supply, and the aircraft itself is fitted out with the necessary flying gear to make search and rescue achievable to a high level of expertise.

Q. And it's not used for anything else?

A. No, it's not.

Q. So if it's not called out it sits there at the company's expense?

A. That's correct.

CORONER: Q. Is it used very often?

A. We tend to fly about 100 hours a year, that includes all our training exercises, and so on, and so forth. Search and rescue tends to be a very hit and miss sort of activity, you know, sometimes you can be extremely busy, and sometimes we've been up to six months with a live search and rescue action.

HILL: Q. And so you have all that capital just sitting there?

A. That's correct.

Q. And that's because you feel that if you don't do it no one else will?

A. Well someone has to do it, so we may as well do it. We think we do a good job with it, and that's why we've persisted with it.

Q. Now you were called out for the Sydney to Hobart Yacht Race of December 1998, is that right?

A. That's correct.

Q. Do you recall what time it was that you were tasked out?

A. Approximately 2 o'clock in the afternoon from memory that we got the first call.

Q. And that was on the Sunday?

A. On the Sunday.

Q. And that would have been the 27th?

A. Correct.

Q. There were some difficulties that you had in seeing things on the sea, as it were?

A. Well the conditions on the day I think it's well documented as being fairly extreme. The difficulty you have finding a white boat in a sea of white is self-explanatory, I think. But certainly the visibility and identification issue was difficult for us.

Q. Now I think that at one stage there you came across the Sword of Orion, is that right?

A. That's correct.

Q. How did you see that, or was it a contact by radio, or what?

A. Initially we were homing on a number of different beacons from different boats and we tried to eliminate the degree of urgency in each of these boats. If they were making headway and seemed to be safe for the shortterm we then went to the next distress beacon that we could locate and eventually we came across Sword of Orion by homing in on the distress beacon.

Q. So you picked up its EIPRB, is that right?

A. That's correct.

Q. And did you manage to speak with them?

A. We were continuously monitoring VHF and 27 megs, trying to listen out and call on occasion for any boats that were in distress. We didn't get to communicate with Sword of Orion until we were within just a couple of kilometres of it. And then when we actually heard them we had to continue homing to actually become visual with them. The conditions at that stage were getting fairly marginal, so we had a lot of problems in staying visual with the boat, and if we lost it we would often drift out of radio coverage so we couldn't talk to them until we got back within range again.

Q. Now you said 27 megs is that the same as what we've been

hearing about channel 16, is it?

A. No, that's marine VHF, 27 megs is like a marine CB.

Q. I see, and you picked them up on that?

A. No, on marine VHF.

Q. You could home in on their beacon?

A. On the distress beacon, yes.

Q. How do you do that?

A. The aircraft is fitted with a direction finder.

Q. And it just receives whatever is being put out?

A. It receives a signal on 1215 and you can then get a direction, not a distance, but you can get a direction and that can track you straight towards the beacon.

Q. Now 1215 is that the same range or frequency as the personal EIPRBs that we hear about?

A. Yes it is.

Q. And a 406 that's a different one again, is it?

A. Yes, 406 is a satellite compatible frequency, 1215 is a VHF frequency that we've able to home on in aircraft.

Q. So you can actually home on that but you have to be sent to a particular area, do you, in order to find it, or what?

A. If we can pick up a VHF signal which is dependant on your altitude you can get it as much as 80 miles away, but the satellite certainly reduces the guess work and can take you straight to a most probable point, and certainly when you get into a couple of - probably 10 or 15 miles down low you can home on a particular beacon.

CORONER: Q. So you can hone in on a 406 beacon in much the same way, can you?

A. No, you can't.

Q. So how do they act when you're dealing with a 406 EIPRB?

A. I believe that the 406 beacons still have a 1215 component in their transmit that enables final homing, but we can't home in on the 406 per se.

Q. So what happens in a practise if it is a 406 in the water?

A. Well then it should still have a 1215 component at this stage in it, and it will be phased out, I believe, in 5 or 10 years time.

Q. All right, otherwise you'll be directed to where the--

A. And then we'd have to track visually. But with the 1215 component we can track direct to the beacon.

Q. Well assuming there was no 1215 component, or you couldn't pick it up, the technology - you'd be advised of the location of the EIPRB, would you, by AUSSAR?

A. AUSSAR, yes.

Q. And they'd say well lat and long?

A. Mm hmm.

Q. And away you go?

A. Yep.

Q. How accurate do you understand the 406 to be?

A. I believe they're quite accurate.

HILL: Q. About what time was it during the day that you first made contact with Sword of Orion, do you recall?

A. I think it was about 7 o'clock from memory.

Q. Now you didn't keep a log of that time?

A. Not at that stage, no.

Q. What did you do once you'd heard what they had to say?

A. Well at the time we contacted them they'd told us that they had had a man overboard three hours previous, and a position for that. We passed on that position to AUSSAR, and we went and had a look in the general area. But as I said before the conditions were quite marginal, we were having a lot of problems staying visual with the yacht, so the chances of finding a man overboard were fairly remote, so we went back to try and hold over Sword of Orion.

Q. Now there are two questions from that. First of all you say you went and had a look in the area, so you went away from the Sworn of Orion to the area where the man had been reported gone overboard?

A. That's correct.

Q. If he'd had a personal EIPRB on what would you have been able to have done?

A. If he'd had a personal EIPRB we could have homed on that, however there were a number of distress beacons going off at the time, and if you saturate an area with so many beacons you'll track on none of them. Depending on what beacons were nearby we perhaps could have homed in on an individual personal beacon, but if it had been within a general area of a couple of other ones it would have been very difficult to do.

Q. Well supposing you had homed in because he had one what would you be able to do from your aircraft?

A. We're able to drop a liferaft.

Q. How is that done, what sort of technique is it? Is a long rope used?

A. We use a system called Precision Aerial Delivery System, which is a - to put it in short terms basically what we can do is we can fly right over the top of the target, be it a person or a raft, or a boat, and put a rope on it, and on the other end of the rope will be a liferaft.

Q. And that floats down with this long rope across the target, and they grab the rope, do they? Is that the idea?

A. The idea is that they will have the raft, and depending

on wind strength we can either put the raft up into a downwind depending on drift rates.

Q. But this rope has got a buoy on one end?

A. It's got a raft on one end and a valise on the other. Without sort of showing you pictures and so on it's probably a bit difficult to describe, but basically you fly over the top of the target, you commence the drop prior to reaching the top of the target. The raft falls free and is then trailed, we trail a valise for 330 metres right over the top of the target, and it then disconnects from the aircraft, so we can put a rope within a couple of metres of a target.

Q. So basically if I were the target there might be a liferaft at that end of the court and the valise at that end, and it's going to come down onto me, and I will be able to grab it and then make my way to the liferaft?

A. Yeah.

Q. And that's how it would have been done?

A. Yeah.

Q. Now you've said that you looked around, what was the weather like at that stage when you looked for the man overboard?

A. It was overcast, we had rain, visibility at times was down to a couple of kilometres. We were flying at about 300 feet at that stage, we were in quite turbulent conditions so it was a fairly hostile environment. And not having seen anything and weighing up the chances of a sighting we gave it up and went back to Sword until we were forced to leave there due to the weather.

Q. Have you actually rescued people in the water, dropped lift rafts to them?

A. No, we've never had to. I've been doing it for 12 years, and we've always seemed to manage to work out alternative methods other than dropping a lift raft.

Q. Have you ever spotted anyone in the water?

A. Not in a live sail(?), no.

Q. What did you think of your chances of seeing anyone, a man overboard, in that situation?

A. Virtually nil.

Q. Now you then went back to Sword of Orion?

A. That's correct.

Q. And what did you do then?

A. We stayed overhead until we were really forced to leave the area due to weather, and on making that decision we jettisoned two SAR datum buoys, which are very much like an ELB to look at, a distress beacon, only they're on a discrete frequency which allows us to go back and home back to that position, and we can also calculate drift and so on and so forth from where they turn up some time later.

Q. So they're - if I can use the words - they're your personal ones that there won't be any other frequencies, any other buoys--

A. They're not a personal one, they're meant to - they're called a SAR datum buoy and what they're meant to do is to give us an electronic means of going back to an area without putting out another 1215 beacon which can only add to the confusion.

Q. Yes, that's what I meant. They frequency is going to be personal to the aeroplane--

A. Yes.

Q. --it knows which ones it is?

A. Yes, yeah.

Q. And then what did you do after that?

A. We recovered back to Merimbula.

Q. Was there any flight at night?

A. No.

Q. And then you came back on the next day, is that right?

A. Yes, that's right.

Q. Now you had something to say about multiple aircraft?

A. Mm hmm.

Q. And I think you were saying that you need a top cover?

A. Mm hmm.

Q. Now was there an RAAF or a Navy Neptune being used?

A. No, they were participating in the search. On the Sunday there wasn't a top cover aircraft. The situation on the Sunday was very hectic, and it escalated quite quickly, and I don't think anyone had a chance to really gear up to that level, but the idea of a top cover aircraft is to provide two functions to the search people. One is that when you're operating down very low the radios we use are VHF which are a line of sight, and depending on how many aircraft and how wide the search area is you can have people talking that can't hear other people still talking on the frequency. So what happens then is you get a lot of over-transmitting and it's very difficult to get any information to and from. A top cover aircraft just is able to relay through the flight service and air traffic services any information to individual aircraft participating in the search. And also they hold a SAR function for aircraft that are operating at low level.

Q. So basically it's like a relay?

A. Basically, yeah.

Q. The first one. It's much higher in altitude?

A. Yes.

Q. And it forms that relay function for the aircraft down below it?

A. Yes, that's right.

Q. And the second limb of that is that it provides a search and rescue for the actual search and rescue, is that right?

A. That's right, because we're operating down low, depending on the fitment of various aircraft, then they'll be able to communicate with anyone, the top cover aircraft they'll obviously be able to talk to on VHF, and most times we operate on a 30 minute scheduled report. And if after 30 minutes you don't talk to your top cover aircraft he'll start asking questions about where you are.

Q. And if, of course, something has occurred that you've actually gone down then he's there to provide search and rescue for you if that occurs?

A. Not necessarily rescue, they're not usually fitted out for that, but certainly they can drop capable aircraft, or helicopters, or whatever, into your known search area to extract you if in fact you need that sort of rescue.

Q. I think you said to us it was very difficult to pick out a yacht that was white on white?

A. Yeah.

Q. And I take it you're talking about the sea itself was white and then you had a white yacht?

A. Mm hmm.

Q. Have you got any suggestions about that?

A. I suppose there's a number of ways that you could improve the situation, and I think your model is probably a good example, a colour like that we can find a whole lot easier than a white boat. It always seems to be that we're looking for vessels that are predominantly light in colour.

CORONER: Q. Could you imagine the Cruising Yacht Club if they went fluoro? I think it's an excellent idea. They're going to laugh at me when I suggest that?

A. Well I couldn't help but notice the other day there was a very large container ship coming up Port Phillip Bay was fluorescent pink and it was a huge boat.

Q. Not pleasant to the eye but--

A. Effective though if you need to go and look for it. I'm not sure what the solutions are, but the identification of the boats is hard if it's lying still in the water, if it's underway normally one side is up and you may be able to read the signs down the side of the boat depending on how low you can get. Now on the day of the Sunday we weren't able to get that low with any great safety for the aircraft and crew.

Q. So bigger signage and bolder colouring are two ideas you've mentioned?

A. Yes.

Q. Bigger hull signage?

A. Bigger hull signage, numbers, colour coding, anything

would be a plus.

HILL: Q. What about colours in regards to smoke and flairs? I think that someone said that the smoke basically just blew straight away, it was gone?

A. Mm.

Q. Have you got any opinions on that?

A. The problem you have with any form of flair is it's more effective in light winds. On the Sunday, of course, we're talking fairly extreme winds, and I don't think it really would have mattered a lot what the colour was because it would be lying virtually flat across the ocean. But certainly an orange smoke is more visible than a white smoke.

Q. Now the other thing as well that has been intriguing me, and I think everyone else, is the tubes of the liferafts they all appear to be black, wherever we see them they're black. What's your opinion on that as far as the colour is concerned?

A. Well not all of them are black, however certainly if it was me the last colour I'd be having on my lift raft would be black. In fact I think every component of a liferaft should be either fluorescent orange or red, including the base, because a lift raft can turn over, and even if it is upside down you can still get some affordable environment inside, so if it's upside down a black base is very difficult to see.

Q. Now, sir, would you like to see the colours of those changed?

A. I think on the base of every raft it should be the same colour as the high visibility top and they should have the strips on them for radar reflecting that you have on the top of most liferafts now.

Q. Radar reflecting?

A. Radar reflective tape, and they're light reflective.

Q. Now do you know of any reason why that can't be done? Have you heard of any--

A. I'm not a manufacturer of liferafts so I don't know, but I can't think of any plausible reason why you couldn't.

CORONER: Q. So you can actually put tape on them and it'll be picked up by radar in planes?

A. Not necessarily in a plane, but some aircraft that are fitted with specialist equipment are aided by that.

Q. Your dedicated plane would it have a device to pick that sort of thing up?

A. No, we're equipped with a weather radar.

HILL: Q. The reason I asked if you knew of any reason perhaps you may have heard someone say something as to why, not that I know of any?

A. No, in a number of years of doing this I haven't heard

anyone say well there's a reason why we can't do it, but certainly it would make our life, as someone going out looking for people, a whole lot easier if people were using bright coloured liferafts.

CORONER: Q. Bright coloured everything?

A. Bright coloured everything, absolutely.

Q. Sails?

A. Yes. Boats.

HILL: Q. And what about personal EIPRBs, what's your thoughts on that?

A. I've got mixed thoughts on it because as I mentioned before if you have a situation where you might have 8 or 9 people in the water all in close proximity and they've all decided they're going to set their beacon off, I don't know that you'd be able to home all that well on them.

CORONER: Q. We've had some evidence about this recently and it was suggested education might be the answer. If there was a crew goes overboard have the educated to the point where they know that only one should activate the EIPRB?

A. If there's one beacon going we can track to it, no problem.

HILL: Q. I suppose you'd be envisaging a difficulty where there might be say 4 or 5 survivors each with a personal EIPRB, but they may well be within a kilometre radius of each other and not realise?

A. And not know, yeah, that's right.

Q. And so they've all put it on, that would cause you difficulties then, would it?

A. It would, yes.

Q. But how difficult? I mean would you just know that they were in that area, or does it foul it up so badly that you can't get within any distance at all of them?

A. Well you're still going to get the satellite side of it, so you will be able to come up with a most probable area which are fairly accurate nowadays. I think to get an accurate homing to the point where you could actually sight someone would be very hard.

CORONER: Q. Just this question, you talk about better methodology for identifying vessels, and we've covered that. You talk about a log of vessels going to AUSSAR?

A. Mm.

Q. What would you envisage? Details of, what, numbers of boats, and sail numbers?

A. Given the situation like the Sydney/Hobart where you've got a lot of vessels in a fairly small area it would have been an advantage to us to have a description of each boat. Now as part of setting up the race whether or not it's possible to get a photograph or whatever of each of the

participants and they can be issued to the search and rescue units down the east coast prior to the race, if we know that we're looking for a particular boat we can look it up and we get a good idea of what we're actually going to look for.

Q. So photographs of identification marks, things like that?

A. Thinks that make it distinctive. Because, as I said, certainly on the Sunday we saw probably up to 20 or so boats and I couldn't identify any of them.

Q. Couldn't - any of them?

A. No. Couldn't identify any.

Q. No idea?

A. No.

Q. What, in the main you see a hull with very little sail for a start, if any?

A. Those that didn't have any sail were sitting fairly low in the water so you couldn't read any of the signage down the side, and you couldn't read the stern writing, it was just too small and too turbulent. The only one we actually were able to put a name to was Sword of Orion because he gave us the name by radio.

Q. And that's how you got it?

A. That's how we got it.

HILL: Q. How realistic is it for say a large number on the side of the hull from your point of view?

A. I think anything would help.

Q. All right, so if it had say a large - if it was a white vessel, a large, dare I say it, a pink or a yellow 57 on the side?

A. Yeah, anything like that would help. Certainly it gives you something to focus in on. And again if it came with a log we would be able to probably look it up and say, well it is such and such a boat, and it would give us a lot more information.

CORONER: Q. They could be detachable rather like the markings on police vehicles, couldn't they? Aren't they easily detachable the colour on police vehicles?

HILL: Q. If they had, say, a temporary large, say number 57 in the race was Sword of Orion would that have helped you, do you think?

A. It would have been of assistance. As I say we had a lot of trouble staying visual with Sword because of the conditions and it was in the worse spot weather wise for us, but other vessels that we came across if they'd been numbered like that it would have helped for sure.

CORONER: Q. Even a bit number on the deck?

A. Yeah, I'd say probably if you had a number either side and one on the deck would all be an advantage to us. The

problem we've got the fixed wing aircraft is we can't get down as low as the helicopters. On the Sunday we were putting up with 80 knot winds, if you were going into wind speed along the ground it was down to 40 knots, so that happened fairly slowly, but in manoeuvring to stay over the top of a boat you'd end up having to turn downwind and you're doing 200 knots. And that's the difficulty you'll have with fixed wings. I mean we have certain advantages of range and speed, but the helicopters are certainly the greatest asset in terms of formal identification and a rescue.

Q. The helicopters must be very hard to fly in that sort of condition, I suppose?

A. I think anything was pretty hard in those conditions.

Q. Anything is, yes?

A. Yeah. I'm sure they would have been.

HARRIS: Q. Mr Boag, just following on this question of identification, are you familiar with the V sheet which my understanding is every vessel is required to carry?

A. We're familiar with them and we have the coding carried in the aircraft.

Q. I'm talking about the orange, I believe it is anyway, the orange V sheet that all boats have?

A. Yeah.

Q. Well I'll put it to you this way, would it make your search and possibly rescue function easier if a person had an EIPRB on them, or not? That's really what I'm asking?

A. If you're talking about one beacon operating?

Q. Yes?

A. Yes, it would make life very easy for us because we get two advantages, one is we can get the satellite pass when we get a position from AUSSAR. And the other is that once we have that position we can get airborne and track towards it, and once we receive it in the aircraft we then basically abandon the GPS position given to us and just home on it.

Q. Would there be any impediment for a requirement that they simply be beefed up in size and perhaps have added to them this radar and light reflective tape?

A. That would be an advantage. I'm not sure that anyone other than probably your more well used and trained SAR organisations would understand what the V sheets are about. In the Sydney/Hobart there were a lot of commercial type aircraft that got involved in that and they probably wouldn't have understood the significance of the V sheet.

Q. I see, so that's possibly not the answer then?

A. It would help, it's a step in the right direction, but I don't think it goes far enough.

HARRIS: Your Worship, if you'd indulge me just with a comment?

CORONER: Yes.

HARRIS: The yachts that enter the Hobart race now have on their bows, a Telstra or appropriate signage which is put on, and obviously is - not obviously, but factually is taken off at the end of the race.

CORONER: So it's rather similar?

HARRIS: Yes.

CORONER: But what does it say?

HARRIS: Well that itself - I'm merely referring to that as an example of the fact you put numbers on.

CORONER: Things like Telstra on it, advertising--

HARRIS: Yes, thought about the individuals--

CORONER: Police vehicles are a good example, I think. The livery of a police vehicle is changed when they do their 60,000 K's, whatever they do, and they go to the auctions, they're white vehicles again instead of marked police vehicles, that's my understanding of it, and has been for years. And that sort of thing could be done for the race, couldn't it?

HARRIS: Yes.

<WITNESS RETIRED

<DARYL ANTHONY JONES (10.38AM)
SWORN AND EXAMINED

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

A. My full name is Daryl Anthony Jones.

Q. And your address, sir?

A. My address is 104 Linal Street, Essendon Airport, Victoria.

Q. And you're a Victorian Police Pilot?

A. Yes, I'm a senior constable of police and also a line pilot at the police air wing.

Q. And you pilot helicopters?

A. Yes, that's correct.

Q. And how much experience have you had in flying helicopters?

A. In flying helicopters I gained my licence in 1991, I've now been flying fulltime for 5 years. We have two aircraft at the air wing, a single engine Squirrel that it's called, I flew that for about 3 years, and I've been flying our twin engine larger machine Dauphin for two years now.

Q. I think that you were tasked during the Sydney to Hobart Yacht Race of 1998, is that right?

A. Yes, that's correct.

Q. You took your helicopter along with a two man crew, was it? It was a three man crew all told?

A. That's right, yeah. Our standard crew on the large machine, on the Dauphin is three, made up of a pilot and two observers, is what we call them. The observers are trained up as winch operators, winch crewmen, trained in search pattern work, and a number of other roles that are performed on our aircraft.

Q. Now who was aboard with you?

A. There was myself, Senior Constable David Key, and Senior Constable Barry Barclay, who are both fully qualified observers. On that afternoon travelling down to Mallacoota we were the first requested to attend. I think the decision was made between those two that Senior Constable Key would act as the winch crewman for that day, and Senior Constable Barclay as the winch operator.

Q. So Senior Constable Key was going to be on the end of the wire?

A. Yes, he's what we'd probably call the teabag, yes, on the end of the wire.

Q. What was the situation going down to Mallacoota?

A. Going down to Mallacoota, we actually left Melbourne in clear blue skies, it was quite sunny, there was a bit of a breeze about it. I'd planned to actually move down to Latrobe Valley Aerodrome which is down near Traralgon where we would top up our fuel. Mallacoota is about two and a quarter hours flight time from Melbourne for us, and that's virtually the limit of our fuel, so I thought that it was best for us to top up and make sure we had something in our tanks once we got to Mallacoota.

CORONER: Q. So what time did you get to Mallacoota, about 6 o'clock?

A. About 6 o'clock, yes.

HILL: Q. What was the trip down like?

A. The trip down was very interesting. On the way to Latrobe Valley the weather conditions got worse, we went into cloud, there was much thicker cloud developing and everything, wind speed was picking up, and the cloud height actual base was getting lower. We refuelled at Latrobe Valley and the cloud conditions were obviously not too good so I elected to change my flight plan and I went what we call IFR, instrument flight rules, from Latrobe Valley to Mallacoota, so basically flying in cloud on the instruments to make that trip.

Q. Now you had a tail wind, I think, is that right?

A. Yes, we discovered along the way we were at 5,000 feet in cloud and using our GPS we discovered that our cruising speed is 120 knots and we had a ground speed of 205 knots, so we had 85 knots of tail wind pushing us along.

CORONER: Q. And it was quite a quick trip?

A. It was a very quick trip. I think we've got the air wing record for ground speed.

HILL: Q. And this had implications for you because once you went out to sea with that tail wind behind you, getting back because you work upon how much fuel time you've got left?

A. That's right. There's no - in aviation there is no, "We're going this much distance", you don't measure the distance technically, you measure your flight time basically working on your fuel. What fuel you've got gives you your flight time.

Q. I think that in fact when you turned around, when you were out at sea to come back to land with the people you had rescued you were more or less at some times almost standing still, is that right?

A. I would suggest so, yes, I worked it out, obviously talking about the winch on the Sunday night.

Q. Yes?

A. With that tail wind, yeah, we took about 16 minutes to get out to the location we were given of the yacht we were looking for. After the winch I had about 80 minutes worth of fuel, my GPS was telling me I had 40 minutes of trip to get to Mallacoota, so the figures give me plenty of margin to get there, and I also check the clock. I flew for 30 minutes heading towards Mallacoota in a direct line and I've used 40 minutes of fuel and I still had 40 minutes left to get the Mallacoota. So I've done some only rough and just a bit of guesstimation work, I would suggest, but I'd say at times we had a headwind of about 110 to maybe 115 knots trying to get back in to Mallacoota.

Q. So in effect although it took 16 minutes to get out there with the tail wind, going back it took you, I think--

A. About an hour and fifteen or sixteen minutes to get back in. All of this was at two to three hundred feet was what we were operating at during that transit back and forth.

Q. You were first tasked I think to go out to which vessel?

A. I'm not sure, we were initially tasked to two other yachts. We left Mallacoota after, I think it was David made a phone call to AUSSAR, they gave us some details of one yacht, a lat and long to head to. We went out to that, en route to that one they gave us the second one to attend to because of change of circumstances or something, I'm not sure. And once we'd changed course and everything for that one they gave us the third one which was the yacht Kingura, and Kingura had reported a man washed overboard.

Q. I think the man washed overboard had come out of his harness and wet weather gear and was basically in dark blue underclothing?

A. Yes, that's correct. We weren't too confident, I think as the previous witness has stated, to find a person, one person on their own out in the water is extremely difficult and one of the hardest things you can try and do with those

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conditions. We didn't really think we had too much of a chance but you don't know if you don't have a go. We did locate him but again very luckily there was only really his head that was something clear in the water, he was--

Q. How did you manage to locate him?

A. The first thing we did was we went to the latitude and longitude of Kingura that was passed on to us. When we arrived there, the yacht wasn't there, so I started to do what we call an expanding circle search, we start from the point in the middle and just gradually unwind like a spring out from that point to search the area.

Q. This is still daylight, is it?

A. This is, yeah, late, very late afternoon. Of course with daylight saving it got dark probably around the 8.30 mark, so this was around the 7 o'clock, quarter past 7 I believe. The problem out there was the winds - the seaspray off the top of the waves was making visibility very difficult. We had a few rain showers coming through. So visibility would be very hard to guess what it was. At times you might see six or seven miles, at other times you may be lucky to see quarter of a mile. It was just with these rain showers coming through.

CORONER: Q. Lots of spume and lots of white water?

A. Lots of white water sir, yes, and spume.

HILL: Q. What height were you searching at?

A. At that stage we were at 200 feet. We started our search, I turned to the north and continued around to the west, then as we turned and faced south, Barry actually called on the radio - called over the intercom that he'd spotted a flare. We were able to see one of the night glow flares going off. It looked to me like it was 10 to 15 miles away, again with this low visibility. So I accelerated the aircraft as much as I could, really pushed the nose over and got it moving and I think we travelled about half a mile and the next thing Barry was saying hang on. We were just about to go right over the top of it. And that's the trouble with this sort of condition, these weather conditions, your depth perception is completely thrown out the door.

Q. So it was only a matter of a mile or two?

A. Yes. It wouldn't be much more than a mile sir.

Q. And what was there?

A. That was when we found the yacht. Again, the only reason I would suggest - one of the reasons that helped us or sped up us finding that was the fact that they set off this hand held flare. That flare went off probably four or five seconds before we came across the yacht and that was certainly a big concern to myself. I'd seen the flare in the windscreen, then it went out and as I said depth perception, I had no idea how far away this thing was.

Q. So that was the boat, that was Kingura?

A. That was the yacht Kingura, yes.

HILL: Q. What was the colour of that flare?

A. That was a red flare, the incandescent, not a smoke flare, not an orange smoke.

Q. You could see that alright?

A. We could see it. Well, I would suggest around - as I say it was maybe a mile away. If it had been three, four miles away we wouldn't have probably not have seen that at all.

Q. Sorry, I interrupted.

A. No, that's alright. Once we'd located the yacht Kingura we were I suppose one of the lucky ones, we were actually able to talk to them on the radio. So we got the circumstances from them that they gave us a direction and an approximate distance from the yacht that their man was, or last sighting was.

Q. When you spoke to them on the radio, what frequency were you using?

A. We were using a marine VHF frequency. I didn't actually do the speaking, Senior Constable Barclay spoke to the yacht but of course I could hear the conversation. Our aircraft are equipped with a large number of radios and all the observers also carry a very large listing of just about any and every frequency that's available, so we were able to select the appropriate frequency, VHF marine frequency. We got the details from the yacht. Some of the things they said made me a little bit suspicious in describing where their man was. They said 300 metres away and I'm not a yacht person or anything but I know at times I've been down on the water and your distance perception again too low and under those conditions. I knew I'd experienced problems with it so I took a bit of a stab in the dark I think, a bit of an experienced educated guess and I went I would suggest about 7, 8, 100 metres away from the yacht. It was just something that made me think we needed to be further than 300 metres, this man'd be much further out. We got to that approximate spot and Senior Constable Key was looking out the rear right hand window and Senior Constable Barclay was searching out the left hand rear. Senior Constable Key called out that he thought he had our man, he'd spotted one of the orange life rings that boats also carry and he thought that there was someone in that. So I moved - I actually drifted the aircraft sideways rather than turn to fly, it was that sort of head wind. It was far easier on the aircraft and myself to just move the machine sideways. So we moved over to this life ring. David wasn't completely sure about what was in the ring, so I moved a bit further so that Barry could actually look down vertically onto it. Barry had his - actually had his door open on that side of the aircraft so he was actually able to vertically look into this ring and he called out no, what we thought was somebody in it was actually the water splashing up inside it, things were that rough. So I moved then to the left and - to basically pick up my starting point roughly and see what else we could do and then Barry called out that he actually had spotted the man, John Campbell.

CORONER: Q. So he was in it or?

A. He was not in the life ring, no, it was actually the water splashing up inside the ring itself.

Q. So he was just in the sea?

A. He was just in the sea on his own, yes.

Q. ..(not transcribable).. a lifejacket?

A. He had no lifejacket, no wet weather gear, he had dark blue longjohns and top on and black socks.

Q. He was basically treading water?

A. Basically, yes sir, yes.

HILL: Q. What happened then once you'd spotted him?

A. Once - when Gary - Barry called out that he'd spotted our man, they'd - Barry and David had already got themselves organised and everything in the machine on the way out, David had donned the wetsuit and all the appropriate equipment, so we were prepared. We hoped that if we did need to do a winch we could go straight into it which finding the man we did do, went straight into doing that winch. David went down on the wire, Barry did the operating. With the conditions the way they were, I selected about 100 feet for a winch. I thought 100 feet was reasonable. It's high - whenever you do a winch rescue, everything's at the most critical, using maximum power on the aircraft, you've got no forward airspeed if there is any problems. So you're running critical limits in a lot of ways doing a winch, so we try to do a winch at the lowest height we can. I picked 100 feet and when I say 100 feet I was actually using an instrument on the gauge we call the radalt, or radio altimeter. This is - works off a similar thing to a doppler radar like the police speed radars. It sends a radar signal down which is reflected off the first surface it hits and it's received by another aerial and there are calculations done by the equipment, it gives you a readout of your actual height above whatever surface it is. So I picked 100 feet which at times I thought may not have been enough, because radalt would indicate 100 feet at the bottom of the trough. As the waves passed underneath, that needle would actually come back up the dial to 10 feet. There's quite a few of those passed under us and during the winch I'd actually said to Barry have you got a lot of cable paid out and he said yeah, why. I said because I think I've got to climb. And I could see something building, I could half imagine it now that it was like a wall of water was building up and coming towards us. I climbed the aircraft to 160 feet on the radalt again. We had this trough of 160 feet and then there was just almost like a vertical wall of water passed underneath us, the radalt needle came back up to 10 feet, sat there I'd say for eight to ten seconds. This was like a bit plateau of water. It was flat across the top for maybe two, possibly 300 metres and then again just fell away, just as though someone got a knife and cut the back of the wave off and I was back to 160 feet on the radalt.

CORONER: Q. So what you're saying is that on your - with your equipment, on a rough measurement, you're looking at a 150 foot wave?

A. Yes sir. Wouldn't say it was a rough measurement either

sir, to be quite honest. It's a very accurate piece of equipment and we watch it - you watch it just flying along. We could pass say over this lip of the desk here, as we pass over it, it might be indicating 200 feet, as we go over that the needle will come back up to 100 feet and then back out.

Q. Was it a breaking wave or just a big--

A. It was just like a big square block of water that just came up and passed underneath us.

Q. Where was the bloke in the water in relation to that?

A. I think he was well and truly involved in the middle of that block of water somewhere at that stage. I know at times he was under water for a very long time. There was very little we could do. With the winch cable, when you're doing a winch rescue, you try to keep minimum slack, so that you've got your man as recoverable quickly as possible. In those conditions, with that sort of thing, the winch would not go up and down quick enough to keep the nice little amount of slack. We just had to pay out a lot of cable and let him do it on his own.

Q. So at what stage had the rescue reached when this wave was there? Was Mr Campbell on?

A. No, he wasn't on at that stage.

Q. But your officer was--

A. Was in the water.

Q. --down in the water?

A. David was down in the water, yes, trying to make his way towards John Campbell, I believe.

HILL: Q. I think that in your statement at pages 8 and 9 you said this and I'll start at the bottom. This is after you have Senior Constable Key on the end of the line and lowered.

A. Uh hmm.

Q. You say there "and I don't know how long, a couple of minutes or a couple of seconds, but I could sense something building. I could see something building, I wasn't particularly - didn't see a wall of water but I said to Barry" and I take it that's Mr Barclay?

A. That's Senior Constable Barclay, yes.

Q. "How much cable have you got paid out and he said I've got heaps. I said alright, I've got to climb. I pulled the machine up to about 160 feet on the" - is it radalt?

A. Radalt, yes.

Q. "And there was just like this wall of water went under us. The radalt came up to 10 feet, stayed there for probably two or 300 metres of water and then just dropped back down to 160 feet again."

A. Yes, that's correct.

Q. And then you say "so that was a little bit exciting

there for a few minutes". I imagine it what (as said).

A. In hindsight it was a little bit exciting for a few minutes, yes.

Q. But of course the very serious aspect of that is that if that had meant any problems, or the winchman, the tea bag if I can use that term, had caused any problems, you in fact cut him loose, do you not?

A. We do. There are a number of emergency procedures that are required when you're winching. One of the problems we have with the Dauphin(?) is that their engines are fairly susceptible to water ingestion and it won't take much to flame them out. In that situation there, if I'd have lost one of the engines, if they'd have flamed out, I dare say we'd have - we'd have been in the water and part of the equipment on the aircraft is there's a pyrotechnic device. It fires a bolt which will cut the winch cable instantly. So if we were able to fly away in the helicopter but we still had to - we may be left with no option and have to cut the cable and leave David to his own devices. There is also - if that doesn't work, there is a backup manual like bolt cutters in the back of the aircraft as well. The winch operator can cut the cable by hand. That's part of the safety mechanism, emergency mechanisms that are part of the aircraft.

Q. Having gone through that particular wave, what happened then?

A. Shortly after that wave passed under us, I let the aircraft back down to 100 feet, descended back down to 100 and maintained the 100 foot hover. There's probably only two or three waves after that that David had got John Campbell, had him harnessed up and we commenced to pull them out of the water. So that was one problem out of the way. They were winched up to the aircraft and about two feet below what we call the top of the hoist, the limit of the hook, for some reason, I suspect but we haven't been able to research it, that it's probably a bit too much moisture got in and the winch froze which is the winch just stopped working. So we now had - we're still stuck in a position where we're hovering at 85 knots and I've got two men stuck on the outside of the aircraft with a winch that won't work. Just that sort of two feet down makes it extremely hard to recover them back into the aircraft, you need them virtually at the top of the winch. Anything lower and you almost can't get them in the doorway, back into the aircraft. So again that's another winch emergency. We followed the procedures there. The main procedure with that is that up on the dashboard with me is a mission control switch it's called and you can select the winch power on and off with that switch. So I basically selected on and off a few times to try to recycle it and see if we could get it to go. It took I think about the sixth occasion that I recycled it before we regained power to the winch. In between the winch freezing and regaining power, John Campbell actually started to slide out of the harness, winch harness, so Barry - Barry went quiet on me for a few seconds, then I heard a lot of grunting and groaning and I've found out since that

basically what he did was just hung out the side of the aircraft on his harness and bearhugged John Campbell and dragged him in through the doorway. As I said, after about six attempts of doing the - recycling the winch, we then regained power so we were able to bring David back inside and restore the winch, stow the winch away and close up, secure the aircraft. If someone is on the outside of the aircraft, on the end of the winch, you can fly with them outside but you don't go above about 40 knots. In those conditions on that day, we were already at 85 knots, even though I was hovering. I was technically flying at 85 knots and the wind was coming at me at 85 knots, so I'm just matching the wind speed to maintain that position. So there was no way I could commence to actually fly back towards land until we had the people inside the aircraft. It was just far too dangerous for them.

CORONER: Q. So the winch operator actually lent out and grabbed him and brought him in?

A. Yes sir.

Q. How difficult a procedure was that?

A. Very difficult, going by the grunting and groaning I heard over the intercom but basically--

Q. Was there a chance he'd go out?

A. No, the winch operator is wearing the same harness as the winch crewman. We call it a double lift harness, like a parachute harness. There's two shoulder straps, waist straps and two leg straps. And the winch operator - whenever you open the door of the aircraft, the crew are to be secured so there's nobody loose moving around, so he actually had--

Q. Nevertheless, very hard to pull him in?

A. Yeah, he had a monkey strap to the back wall and then he just basically put his weight against that, hung out and--

Q. Because our tea bag, where's he at this stage?

A. He's still hanging on the outside of the - on the winch.

Q. He's helpless, he can't do much at all?

A. He can't do much at all, not a lot.

HILL: Q. Having retrieved them both, what did you do then?

A. Once they were inside, the door was secured. I then had - I'd already selected Mallacoota on our GPS and made direct track for Mallacoota from that point. As we've explained before, I left that point with 80 minutes of fuel according to my fuel gauges, I had 40 minutes according to the GPS to get back to Mallacoota. I'd flown for the 30 minutes and the figures were not adding up. Obviously the wind strength had increased on us more than anticipated. We got to a point about eight nautical miles to the south of Gabo Island and I had a fuel warning light come on, on number 1 side. On our aircraft, when the fuel warning light comes on, you've got five minutes left in the fuel tank. I was still as I said eight nautical miles out to sea. So I had another

problem to deal with, a few more plans to make and I didn't say anything to David and Barry, they were actually in the back trying to provide some warmth for John Campbell, he was very hypothermic and just attend to him and see what else they could do. So I kept my mouth quiet, they had enough to do, I'll keep busy with what I've got to do. We continued on for a while and a lot of different plans were running through my head, what - which way should I attack this. One of the thoughts I had was that the aircraft is fairly light, we'd strip everything out that we didn't think we needed, we went with basic equipment, so the aircraft being lighter, I didn't need as much power to maintain 120 knots of airspeed. So I very slowly bit by bit lowered what's called the collective, which is - collective's one of the flight controls, it's called the collective because it collectively alters the pitch of the rotor blade, so it gives you your lift factor and therefore it's connected by a few cables to the engine fuel control unit and that and that gives you your power requirements as well. So by gradually reducing it, I was gradually reducing my power requirement, hopefully my fuel flow but trying to maintain 120 knots of airspeed. I was doing that for a while, stretching my fuel as much as I could. When we got out to the southwest of Gabo Island, probably six - seven to eight miles actually southwest of Gabo Island, the wind was blowing, it was a southwesterly wind. So I thought that what I would do was maybe try and make a bit of advantage of this wind and save us all having to go for a swim if we did run out of fuel. I turned the aircraft and basically let the wind sail us across like a kite. I think we covered seven or eight miles in about seven or eight seconds, it felt like that anyway, it's just amazing--

CORONER: Q. Heading in what direction? Northeast? Northwest?

A. Yes, I turned the aircraft basically to the north sir and the wind blew us straight across to Gabo Island.

Q. So it sort of blew you eastwards?

A. Sorry, sir?

Q. Sorry, blew you westwards?

A. Yeah. Well, it was a southwest - west-southwesterly wind. So by doing that, I then had us within touch of land. If I had engines run out of fuel I could hopefully put the thing down on some dry land rather than in the water. Continued reducing my power requirements as I mentioned and stretched it as - tried to stretch it as far as I could, because over the years that I've been in the Police Air Wing, which is 13 years now, I've been down to Mallacoota and done different sorts of police work in that area and you've got Mallacoota township on the west side of the Mallacoota Inlet and on the other side, Mallacoota Inlet through to the border and there is no road access, no access of any kind. I knew that if I was to go down along there, or even just land it, say that's it, I'll give up, I knew that I could probably cost the whole effort another helicopter to bring me some fuel to get me moving again. So

I tried to stretch as much as I could. I gave up the option of going for the aerodrome which was about three miles to the west of the township and got the aircraft in on the football oval, basically.

HILL: Q. I think that you only had some minor time of flying left, is that right?

A. By the time I'd put the wheels on the ground at Mallacoota football oval, I'd been flying for the five minutes on number 1 and I was pretty convinced that as I was putting the wheels on the ground I was actually waiting for number 1 to flame out on me. Number 2 fuel light had been on for about three and a half minutes at that time. So I think there was probably just vapours left in number 1 and not much else left in number 2.

CORONER: Q. What happens when your engines - when you lose your engines, effectively?

A. Helicopters are different to aeroplanes, they have the glide ratio of a brick and once the power stops you only go one way.

Q. Straight down.

A. From - we do a lot of training at the air wing. Every three months we practise our emergency procedures on the aircraft. Generally we do those at say 700 feet. We'll pull the engines off at 700 feet and we'll only make something, maybe 100 to 200 metres in front of us as we will put it down on the ground. So you don't have - you can't sort of stretch it and glide it across to a piece of land, you're only going one way. And what you're doing at the bottom is using all the inertia in the rotor system to slow up your speed and try and cushion your landing on the ground.

Q. Because you land pretty hard, I imagine?

A. Generally not pretty hard. If you follow procedure and the technique you can put them down quite nicely.

Q. Without engines?

A. Mm, without engines, yes.

Q. But it depends where. You haven't got much choice but where you put it down?

A. That's the interesting part. I'm not real keen on water, I'm not real keen on water, I'm not a yachtie, that's for sure, so I wasn't really keen on getting wet--

Q. I suppose you wouldn't like the top of a tree much either?

A. Exactly.

HILL: Q. Were you tasked out again that night?

A. That night, we landed just on dusk, we had enough time to get a couple of drums of fuel roaded down to us, we pumped the fuel in, moved the aircraft back to the aerodrome and secured it for the night. Unfortunately we haven't got the equipment and technology to allow us basically to work

after dark, especially over water. So we secured the aircraft and bedded ourselves down for the night with the intention of getting up at first light the next morning, which we did. We contacted AUSARR via the telephone, advised them that we were up, refuelled and ready to go and they gave us the task of heading out to a yacht called Midnight Special. One of the other helicopters had been out there and had removed some of the crew, I'm not sure exactly how many, I think it might have been six and there were four left and we were asked to go and retrieve those four. So again we were given the lat and long. We tracked out to that lat and long, located the yacht, winched three of those people off the yacht.

Q. That's off the yacht itself?

A. No, we - our technique - I believe - I think most of us would have seen footage too, the media footage. Our technique was a bit different to some of the stuff you've seen. What we did was we would actually come in over the rear of the yacht, put David in the water and once he was in the water he would then beckon for one of the crew to jump in and swim to him. So that that only took a very short time for them to do that, they'd be over with him, he could put them in the rescue strap and then be winched up straight away. We did three and at the end of the third one Barry actually said to me over the intercom go for a fly and I said what do you mean go for a fly, there's four, isn't there. He said yeah, just go for a fly. And I had a look back over my shoulder and I could see why. David was totally out of breath, he was vomiting seawater, three was his limit there. We just had to give him a break for a minute to catch his breath. So I did one orbit around above the yacht. At that stage David had settled down and we were able to put him back down in and get the last man. As he was coming up the wire, about halfway up, 50 feet I suppose below the aircraft, he watched Midnight Special sink to the bottom, put the fourth man on board the aircraft. We had a very uneventful - I mean it was a straightforward winch, no emergencies like the night before, no problems and returned to Mallacoota with those four. After that we again restocked the aircraft, refuelled, contacted AUSARR and they sent us out to do a search pattern for - no, actually to do a search for B52, they believed they had a beacon for B52 going off. We used the tracking equipment we had on our aircraft, went out and we came across the Channel 2 helicopter out in the same area, did a number of runs off this signal. When you get in very close proximity, you're virtually working on detuning the radio, you can knock it down a couple of megahertz and detune so that you narrow down the area. We didn't find anything on that beacon search but I am convinced that we narrowed the area we were looking at down to maybe 50 square metres. And I'm of the belief just by the way that the signals that we were receiving and the patterns that we were flying that that beacon may have been partially submerged and that's why we didn't actually see the beacon itself. There was nothing on the water surface. But you'd only go out two or 300 metres from that particular beacon and lose the signal totally. I

think as the witness before stated, you know, normally those beacons you pick up easily within 15, 20 miles of them. So we did that. We advised AUSARR via our top cover that the - what the situation was with that. AUSARR then cancelled us from that task, we returned to Mallacoota and refuelled again. We were then asked to go out and do a search pattern which ran from 30 nautical miles off the coast out to 50. We were given a lat and long to start and we ran lines - a line search back and forth, 30 to 50 nautical miles out and working gradually to the south, doing that. We got about three-quarters of the way through that particular area that we were given. We got a message that there was a relief pilot available for me at Merimbula, so we went to Merimbula, refuelled. I briefed the relief pilot and he took over for the rest of the day. So he went out and finished that search pattern.

Q. What was that search pattern for?

A. Winston Churchill.

Q. Were you actually looking for the vessel or were you looking for liferafts?

A. Well, we weren't told that we were looking for a vessel or looking for a liferaft, we were told that Winston Churchill was unaccounted for and going by that you look for whatever you can find. I mean if you find the lid off a saucepan floating in the water, then there's a piece of debris that may lead you to narrow down your search area.

Q. This would have been the Monday?

A. This was mid morning, late morning on the Monday, yes.

Q. Alright and at that stage you were just told Winston Churchill, so you would have been looking for anything at all?

A. Anything, yes.

Q. You certainly weren't told it had sunk and that people were in liferafts?

A. I think - no, I - I can't say that we weren't told that but I think - of course being out and about in amongst it all for those many hours, you hear some of the other radio calls going on and you do - you do pick up the general situation. I think we were probably aware at that stage that Winston Churchill had sunk and that all the occupants had made it into liferafts, so we were concentrating more for liferafts. But as I say, any piece of debris you find is something to lead you to narrow down your search area and try to concentrate more effort into one spot.

Q. I want to ask you some questions about EIPRB. Now, the vessels' EIPRBS, the 406 and the 1215s. What's your opinion as a helicopter pilot when you have to go after these?

A. At this stage, my knowledge of the 406 is not particularly good. For many years we've had to 1215 and 243, the UHF frequency fitted to most of these EIPRBS. The 406 by the sound of everything that I've seen and heard on them sounds like an excellent unit. We have not got any

equipment on the aircraft to track a 406 megahertz output at this stage. But the idea of an EIPRB that has a personal type identification on it or identifier on it I think would be - is a fantastic concept, a tremendous idea, a big leap forward in EIPRBs really.

Q. Would it make your task easier?

A. I think it would make our task much easier, yes. Generally - and the Sydney to Hobart to me was one of those major events, I mean in the 13 years I've been at the air wing, when you go out to do an EIPRB search, you look for one EIPRB, you're only looking for that EIPRB off that boat or a person with a personal one that's in the water, or an aircraft one that's going off that's come down somewhere. It's only the one. The Sydney to Hobart of course we had so many going off at the same time, as has already been mentioned. At times you virtually would have to ignore your signals, go for your lat and long first and then switch your tracker on. If you left it on the whole way, it would just get totally confused, it wouldn't know what it was doing, there were so many going off. So that sort of thing presented problems to us but I think technology is coming forward and with these 406 that may alleviate the problems there.

Q. Looking at the fellow Cameron - his name was Cameron wasn't it that was rescued?

A. Campbell. John Campbell.

Q. I knew he was a Scot.

CORONER: American Scot.

HILL: An American Scot. Yes, rescued by a Welshman.

Q. Apart from that, if he'd had a personal EIPRB on, how would that have affected your ability to find him?

A. If he had - and I can only talk hypothetically really, if he had--

Q. Yes, yes, particularly--

A. --a personal 406 EIPRB with an identifier on it and we had the equipment to track it and get audible signal out of it, I would suggest we'd probably - it'd virtually take us straight to him. We could ignore all the other signals going off and this piece of equipment, we have his identification on it, we track straight on that signal and we'd be not exactly straight to him of course but you know within 20 to 50 square metres of that area, of that position.

Q. So if you'd gone out say to the Kingura and they said he's out that way, you would have simply been able to turn and then track to an area where he would have been in, or at least--

A. Well, I would suggest that with the sort of equipment that is around these days we wouldn't have needed to go to Kingura or anything, we would have needed to head to that

area, dial up the frequency, identify his identifier and then track straight to that.

Q. So it would have made your--

A. Would have given me enough fuel to get back to Mallacoota. Would have saved me about 20 minutes, 20 to 30 minutes of flying with search patterns and then to the yacht and then out to John Campbell and then doing the winch as well.

Q. Is there anything else that you want to bring to the attention of the Coroner in regards to what your experiences were about that?

A. The only thing I'd like to mention sir is going to yacht identification as Neil had mentioned earlier. I think one of the best ideas would be what we see on our emergency vehicles. We have the same in Victoria. We have the letter and a number or an identifier that basically it's just a sticker, it can be removed--

CORONER: Q. It's removable?

A. --or changed, whatever time. If we have a large number of yachts in a race then maybe they could be A1 and that's one of the A class yachts and B or C or what, any sort of form or numbering and then this list - as they're issued their numbers, there's a list compiled and that can be held at the yacht club or - and be available, so should anything go wrong, instantly it could be faxed out or put out to the search and rescue authorities and we can identify yachts. Our only - I mean I had a thought about it earlier on. Kingura, when we spoke to them on the radio, we were speaking to a white yacht with some white masts and that was it, they didn't have anything down the side of the yacht and we could have been over the top of a yacht and Kingura could have been four waves away and we didn't see them and they could have been talking to us on the radio. That situation would have presented us with a completely incorrect search area to look for the man overboard.

CORONER: Yes, I take your point.

HILL: Q. Smoke flares and that sort of material, what in your opinion was the best in that weather?

A. The best was obviously the incandescent flare that the crew on the Kingura used. The smoke flares are very good but in low wind conditions. Sometimes in a windy condition that orange smoke can be seen blowing across the water but in those conditions with the Sydney to Hobart it wouldn't have had a chance to turn orange. I think it would have been blown away before it had a hope. But the bright incandescent hand held flare was very good that evening.

HILL: Yes, I have nothing further.

CORONER: Mr Harris?

HARRIS: No thanks, your Worship.

CORONER: Q. Thanks very much, Constable. That's riveting stuff. I think in your statement, you were involved peripherally with the Hoddle - not peripherally but in the Hoddle Street you were shot at and hit in your aircraft?

A. Yes. Uh hmm.

Q. And you wrote your experiences over those few - that particular - the rescue of Mr Campbell as being even more emotional--

A. Much more I think too yes.

Q. --thing than that?

A. Thank you, yes.

CORONER: Yes, I can well understand that. Thanks very much.

<WITNESS RETIRED

HILL: Mr Coroner, I note the time. The next is Senior Constable Key. I hate to say morning tea after what we've heard but I wonder if we could have a short break and then we could deal with Senior Constable Key.

CORONER: Yes, we'll have a break, very well.

SHORT ADJOURNMENT

CORONER: Okay, Constable Key I think.

<DAVID ERNEST KEY(11.51AM)
SWORN AND EXAMINED

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

A. David Ernest Key.

Q. And your address?

A. It's hangar 104, Linal Street Essendon Airport in Melbourne.

Q. And your occupation?

A. I'm a sergeant of police and I'm a - just got promoted and I'm an air observer cum rescue crewman and winch operator.

Q. How long have you been doing the rescue work?

A. Ten years.

Q. You were called out on a task to do some work in the Sydney to Hobart Yacht Race?

A. Yes.

Q. We've been hearing about what - is it still Senior Constable Jones?

A. Yes.

Q. It is, I see. I suppose you'll pay him back for the tea bag comment. You were one of the crew--

A. Yes, that's correct.

Q. --aboard that vessel. Now, if you could tell us what happened when you went out there?

A. Basically on the way down as Daryl explained the speed was the thing that got us on the way down from Latrobe Valley to Mallacoota. Like our machine as Daryl says, 240 kilometres an hour is our top speed, we were doing 420 and we weren't quite sure whether our helicopter could actually sustain that speed, the airframe because it'd never happened before at the air wing, a machine going that fast. They're not designed to go that fast. When we got to Mallacoota we were actually tasked by AUSARR to go out to the VC Offshore Stand Aside. When we were dispatched from Essendon Airport at about 10 to 4 that afternoon Helimed 1 had also been dispatched, that's the Latrobe Valley air ambulance and that's a Bell 412 which is a much larger machine than what we have. We were both dispatched at the same time. They got there before us and they were sent straight out to the Offshore Stand Aside. We heard that they were in the process of winching five crewmen off that yacht and we were then tasked to go out and take the last four off the Stand Aside. We de-kitted the machine, took all the equipment out as Daryl's explained, put extra fuel in and headed out to do that task. On our way out there, at some stage, I'm not quite sure, is when we heard the mayday from the Winston Churchill and that's quite a chilling call to hear, being in aviation or in yachting that's the last, that's the end of it. A mayday call's the last ditch effort. We were then tasked by AUSARR to cancel--

Q. You actually heard the mayday from the Winston Churchill?

A. Via the radio.

Q. What was it that you heard?

A. Well, we were still tasked to go to the Offshore Stand Aside.

Q. Yes, I understand that.

A. All we heard that they were about 20 nautical miles south of Twofold Bay. We can't go where we like--

Q. No, no, I realise that.

CORONER: Q. No, no, we're not worried about that, we'll come back to all that but we are very interested in what you heard.

A. Whether it was a relay from another aircraft or what it was but over all the radio chatter, because we had marine radios going and we had air frequency going, we had police radios going, it was just bedlam in there.

Q. So you're not sure whether you heard the actual mayday or the report of a mayday?

A. The report of it, it was just a mayday call from the Winston Churchill. It was in there somewhere and we all looked at each other and just went, you know, that - we just

heard that it was EIPRBs going off or--

Q. So do you think you didn't hear the actual voice from the Winston Churchill--

A. No, not the actual voice.

Q. --calling the mayday?

A. No.

Q. Rather you heard someone say there's a mayday from Winston Churchill?

A. Yes, it could have been that, I'm just not quite sure but we definitely heard a either repeat of it or the original.

Q. What time was this?

A. That's a good question, because there was that much going on.

Q. Well, in your statement--

A. It could have been after about 5.30 I think it was, somewhere after that, 6, not quite sure.

HILL: Q. So you proceeded on from there?

A. To the Offshore Stand Aside. We were then tasked by AUSARR to cancel that and head to the position given by the Winston Churchill. At the same time we were given - cancelled from that job and sent to the B52 which also sent out a mayday call evidently but we didn't hear that one. While that was going on, the call came in from the Sword of Orion, they had a man overboard. This all in a very short space of time. At this stage we were just bouncing around out in the ocean, just going from one call to the other. Because at this stage Helimed 1 was full of people and heading back into shore, South Care helicopter from Canberra was just down at Mallacoota and it was tasked to go out to the Stand Aside at that stage. At this stage there were only three rescue helicopters in the area and there was just so much happening, the airwaves were absolutely bedlam.

Q. The airwaves themselves?

A. All the frequencies that we were monitoring were just full of talk. Trying to decipher what we were supposed to do and get through that was a task in its own.

CORONER: Q. So going back to the evidence of Senior Constable Jones, if there was a, what did you call it, a cop cap, cop aircraft, is that what--

A. Topcover.

Q. Topcover?

A. Yes.

Q. That would help, you agree with that?

A. We had to go through that topcover because we were so low. That's what made me think that perhaps it was relayed from another aircraft about the mayday call because everyone was talking to each other, trying to get information around,

because we had no communications because we were down so low, we had to go through an aircraft above us that then sent out the messages. We were getting things relayed to us from another aircraft.

HILL: Q. So basically you send a message to the aircraft that's above and he then repeats that message by voice to wherever it's got to go?

A. Yes.

Q. It's not a repeater station as such?

A. No, no.

Q. It is simply your communication to another human being--

A. Uh hmm.

Q. --who then writes your message down and then transmits your message to someone else?

A. Yes, that's correct.

Q. As opposed to the repeater type station where you get a booster and it goes through somewhere else?

A. No, it's actual speaking to a person and then he passes that on, so there was a lot of air traffic like that as well, backwards and forwards. At that stage we were still I think either Winston Churchill or B52, we were heading to that area and we then got the call to go to the Kingura and got the latitude and longitude was given to us and we headed off in that direction very quickly. Daryl's explained the situation that happened there, about spotting the flare. It was actually a red night flare that they ignited, it was a phosphorus burning flare instead of the day orange smoke.

Q. You do say about that that because it was so dull and dark it actually shone through it--

A. Yes.

Q. --quite well?

A. If a person let off one of those in a normal daytime condition we probably wouldn't see it but because of the sea mist and the fog and the rain it actually shone like a beacon in the mist and that's what we picked up, it was the red glow in the mist.

CORONER: Q. So you would agree that it was better in those conditions than a day smoke flare?

A. Yes, much better, much better. If they're fired a parachute flare off, it just would have gone up into the clouds and burnt out before it came back down, no-one would have seen it.

HILL: Q. So what sort of flare was it? I mean is it a hand held flare or--

A. It's a hand held - most boats carry three types of flares. There's a parachute flare which they strike at the bottom which ignites into a small parachute and floats down which sets off a smoke and a bright light. The red flare is used for night time which is the phosphorus which burns a

bright red colour. And the orange one just sends out plumes of orange smoke and that's usually used for daytime--

Q. But what I'm--

A. --they're actually marked.

Q. What I'm trying to find out is when it lights, do you hold it in your hand?

A. Yes, it's got a handle at the bottom.

Q. --and keep it there?

A. You hold it like that, just a striker at the top and you just hold it like a candle.

Q. And you let it burn in your hand?

A. Yes.

Q. That's what I'm trying to find out.

A. Yes.

Q. It doesn't go up in the air or anything like that?

A. No. A hand held red night flare that they light.

Q. And that's what you saw?

A. That's what we saw.

Q. Okay, go on?

A. As I said, went to the aircraft, Barry spoke to them, went to our search area, and actually spotted an orange life ring, which I found out later was actually off the Kingura and it had been washed off the same time that Campbell had been washed off. And I had spotted that thinking there was someone in it, and moved the aircraft over, and that's when Barry actually spotted Campbell in the water.

Q. Now what we want to establish is this, you knew what you were looking for at that stage, it was a man in the water without any life jacket, without any wet weather gear?

A. No, at that stage he still had his wet weather trousers. What he'd done he had lost his harness and his jacket when he placed his hands over his head, when they were trying to pull him back onto the Kingura he slipped out of that, at that stage he still had his boots and his wet weather bib and brace type overalls on.

Q. The point that I'm trying to make is how important was that radio communication between the yacht and yourself so that if you simply knew man overboard would you be looking for something different, that is would you have been looking for a person with possibly yellow or orange wet weather gear on and a life jacket as opposed to someone who is simply in a long john dark coloured top?

A. Both.

Q. Both, you would have been looking for both?

A. Looking for - sir, we look from the top to the bottom end of the scale because we're not sure what the person is washed over with, a lot of people we find are just in shorts. Some people are in the correct gear, bright coloured gear, inflated jackets, so we just look for anything.

Q. But if you are told specifically does that help you?

A. That helps, especially the colour perception, or what you're picking up with your eye if you're picked up a bright colour your eye picks it up a lot easier than something that's dark.

Q. Sorry, I interrupted you. You'd spotted him?

A. I went to the same door that Barry as in, hooked up to the winch, actually looked at Campbell, looked at the radalt and noticed we were about 100 feet, and that the waves were coming up fairly close to the bottom. I noticed the air speed indicator I think was between about 80/85 knots and we were stationary, which meant that I stepped out of that helicopter when it was doing about 160 kilometres an hour. Most rescues we do it's like stepping out of a stationary car onto a parking lot, I was actually stepping off a car doing 160 kilometres and hour and stepping out into that storm, which took me a little bit by surprise. The first thing was the noise, the wind noise was a screaming, howling wind noise, it was incredible, plus the rain and the sea spray, it was just like being hit by nails or stabbed in the face with a fork, and I just had to put my hand up over my

face to protect that. As I was being lowered down I looked up and I was actually at the tail of the aircraft, I was coming down at an angle which I thought wasn't a very good position to be in. I was hit by the first wave. I thought it was about 50 feet below me, but obviously it wasn't. And I was hit by that and it was extremely cold because I was sweating, I'd been sweating profusely in the helicopter in a full wet suit and the rest of the equipment I had. So that was the sudden shock to the system for a start. I hit the water and I just went straight under, how deep I've got no idea. I forced my way to the surface, and I just looked up at a sheer side wall of water. I found out later how tall it was, and I just went "Too old for this, I don't really need to be here". And I went up the face of the water, because I was in a wet suit and rather buoyant I went up the face of the wave and it was just near vertical, I've never seen anything like it, breaking at the top like a surf breaker. And at that stage I couldn't see the helicopter and I couldn't hear it, and that's when I thought I'd actually been cut off the cable because that's part of the emergency procedures, and that's not a real good position to be in. No other rescue helicopters out there, 120/140 kilometres off shore, and it was nearly dark. So I wasn't too sort of impressed about that situation. I then fell down the bottom of the wave and then went through it, held my breath for I don't know how long, and popped out the back, and fell 30-odd feet I thought till I hit the bottom, and that winded me. So I sort of started to look around for the person because I thought I was supposed to be near the person that I was rescuing but in matter of fact I was about three waves behind him because of the angle I'd come down out of the helicopter, I didn't know that at the time. And that's when I think the large wave came through, and I just thought, "Well that's it, I've had it", I thought I was, you know, a goner. I went through that wave, unfortunately I ran out of air and ingested a great amount of salt water, and somehow I popped out the back of that wave and fell again. I was completely disorientated, I didn't have a clue where I was, I was sort of just about at the end of my tether as such. I went through another wave, popped out the back of that, made it to the surface, and I looked around and there was Campbell, he was in front of me. And he looked at me, and I looked at him, and we just sort of looked at each other, except he was just white, he was completely no blood, bloodless face, virtually. So we swam to each other, and I grabbed him and he was just dead weight of 80-odd kilos and we just went straight under the water again. And what didn't help me I had about 20 kilos of cable.

CORONER: Q. Slack?

A. Just let out slack, which caused extra weight again, and that's why I was finding it very difficult to try and stay above the surface of the water. We don't normally train like that, or do rescues like that, so this was just a one-off situation. I grabbed Campbell and he couldn't help me very much, I noticed his face was very badly smashed in, nose, jaw, teeth, eye socket was completely crushed in, he

had a lot of facial lacerations and he was just semi-conscious, he wasn't making much sense at all. So I put him in the harness. At this stage I still hadn't heard the helicopter, or I hadn't seen it. So I just went through the normal crew drills as you do in training, and I put my hand up in the air to say, "Please get me out of here", and the cable actually got wrapped around my leg. And the trouble with that is - and it happened to a few other rescue crewmen as well, they had the cable wrapped around, if it gets taut it will just rip your leg or arm off, no questions asked, it'll just take it clean off, it's just like a guillotine. So I managed to unravel that, and next second we were just jerked out of the water. Because the conditions I was unable to get the chest strap done up around his chest, it was just impossible. So I had a good grip on him, and we got hit by the face of another wave, we sort of went three quarters of the way through that and popped out, and I looked up and there's the belly of the helicopter, you know, it's the best sight I've seen. I was in the water for probably 10 minutes or so, 5 to 10 minutes. So I thought, beauty, we're out of here. And just up near the belly of the helicopter towards the top of the winch there was a sudden jerk and I knew what that was, that was a winch freeze. And I thought, "I don't need this either", that's not a good position to be in because the only thing they can do is if they can't get you in they just cut you off, because they can't fly back a distance with people hanging out, we would just would have frozen to death anyway outside. So I thought it's not a fun day at this stage. So I just hung there, and I looked up at Barry and his eyes were like saucers. I knew that the crew were going through their emergency drills to try and get power back to the winch. So I just hung there, and Campbell's starting to slip, and I'm having trouble just hanging onto him because I was fatigued as well. Barry lent right out the full extent of his harness, and it's amazing he didn't actually fall out of the machine as well, and actually grabbed Campbell by his underpants, or long johns, gave him the biggest wedgie you would ever see, and dragged him back into the helicopter, actually dragged him, and then bearhugged him back into the helicopter. So that was one of our problems solved. I still couldn't climb in but we talked about the contingency plan of that as part of a crew, that if a situation like that happened they were going to fly towards the Kingura and punch us off on top of a wave at the front of Kingura and hopefully we'd go and float into the Kingura so at least we were hopefully - someone could pick us up.

Q. So organised potluck, I suppose?

A. Yes, yes, that's the only thing you can do.

HILL: Q. What sort of equipment did you have on? You've told us about a wet suit, what other - I presume you have a life jacket?

A. Yes, I have a helmet with a visor, flippers or fins, a Fibonal(?) wet suit. I have a winch harness, and it's called a Swidlick life vest, which is a double tubed inflated life vest. I had a personal locator beacon.

Q. That's what we call a personal EIPRB?

A. A personal EIPRB on a 125 and 243 frequency. I have a signal mirror, I have a mini flare kit, and a strobe light, and that's it.

Q. I think they managed to get you in?

A. They did, and I was very happy about that. And at this stage Daryl is telling us his calculations. We informed Kingura that we had got him, and they were absolutely amazed as well. Campbell was still semiconscious, extremely hypothermic, I'd say at the last stages of hypothermia. I found out later that he was actually going under the water when the waves went over him, he was face down and under the water, and then once the wave would break he would pop back up and sort of look around and then go down. That happened a couple of times while I was in the water. They couldn't move the machine so they had to trawl me through the water and that's what was happening to actually get to Campbell, but I didn't know that at this stage. Barry and I are both paramedic trained and so we administered first aid to Campbell as best we could. We knew he was hypothermic and the next step he'd probably go into shock. So we actually laid down either side of him and actually cuddled him, rubbed his limbs and extremities to get some blood flow, and then he went into shock. So we treated him for that. There was nothing we could do about his facial injuries, they were just horrific. But he managed to come good, and after about 15 to 20 minutes he started to get a little bit of colour back into him, and he was sort of starting to talk to us as best he could. Then I was explained about the fuel situation, and we again discussed about ditching, which wasn't a very nice option. And the biggest thing I remember is Daryl saying, "I'm going to get into trouble", he was thinking about the paperwork he would have to fill out about ditching the aircraft. It's amazing what you think in these situations, you're destroying Government property here.

CORONER: Q. Typical public servant?

A. And so we had a chuckle about that. We didn't let Campbell know what was going on, but I think we have spoken to him since and he sensed something was going on because of the looks on our faces, and we kept ducking from him to look at the instrument panel and then duck back to him. So he figured something was wrong. And it was a pretty horrendous sound when you hear the fuel warning lights go off and you still can't see land. So we were preparing in the back to ditch. I had the life raft attached to me securely that we carry for those purposes. And I'd Campbell attached to me, and I was attached to Barry. And the plan was the three of us would jump out at the top of a wave, and the aircraft would then move forward about 200 metres and then ditch into the water. And if Daryl made it out of the aircraft he would then hopefully float back to us, we'd pick him up and then pop the life raft and take it from there. But thank heavens that didn't eventuate. And made it back to land, as Daryl has explained, and the three of us got out and we just stood there in silence once we'd shut down. And then just all of a sudden there was this little tap on the window, and inside the helicopter it was Campbell he was saying, "Can I

hop out now?" Because we'd just hopped out and looked at each other standing beside it, you know, because we'd never experienced anything like that, any of us. Any of the rescues. I've done hundreds of rescues and that was the most atrocious conditions we've been in.

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HILL: Q. I suppose you were somewhat in a bit of a shock that you were actually back on dry land?

A. I kissed it. I went down and kissed the ground. Yes, I do a lot of training at work and we train for emergency procedures and drills, but what we did just went well past that. The same as the other rescues that I've spoken to. Helimed 1 had a wave nearly hit their skids and that was an 80 foot wave, so that helicopter nearly came down. So everyone was having problems out there. The navy were having problems, South Care with their crews. Their crews were vomiting the whole way out, I was lucky I was only vomiting on the way back in. So it was everyone, it was just a complete - nothing we'd ever done before.

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HILL: I should make this statement, Mr Coroner. The fact that only three of the rescuers have been called is in no way to mean that the other rescuers did not do--

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CORONER: Actually it's the opposite. There is no issue really with the way these people went about a job, quite the contrary. There seems to have been no arguments or politicking and I think that's reflected in the fact we've only called a few rescuers to try and give us an idea of what it was like for you and for those you rescued.

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HILL: Q. I think that in fact you then received a letter from Mr Wally Campbell the father of the rescued person, that's Mr Campbell, saying that he thanked you, and he'd send a letter and a donation to the CYC's, I think it's called, Sydney to Hobart Safety of Life At Sea Trust--

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A. Yes, that is correct.

Q. --and that was \$25,000 US in your honour?

A. The crew's honour as a matter of fact, the crew's.

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Q. The crew's honour. And it was to be donated to - what it says is, "It is our hope that these funds will help the families of those sailors less fortunate than our son John". And you have allowed a copy of that letter to be made along with a copy of the letter that was sent by Mr and Mrs Campbell to the CYC donating that amount of money. I would actually tender those two letters to show that it was not a thankless task or anything like that, that it was more than well appreciated?

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A. He was a very lucky man, Mr Campbell, a very very lucky man.

EXHIBIT #31 LETTER FROM MR WALLY CAMPBELL RE US\$25,000 DONATION, TENDERED, ADMITTED WITHOUT OBJECTION.

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A. So as Daryl has already explained we refuelled and had to do, typical, paperwork that night. Finished about 11, tried to get some sleep, up at 5 o'clock the next morning

and we were actually tasked by AUSSAR to the Midnight Special.

Q. Yes, I wanted to take you to that because you were again the person that went down on the wire, the crewman? 5

A. The tea bag.

Q. The tea bag, yes. And you had some problems, we've heard about some, but there was problems specific that I am interested in and that's the life jacket? 10

A. Yes.

Q. But you were tasked to go out there and what happened, tell us about that?

A. South Care had been tasked as well. They went out and rescued the first five. The yacht had been rolled over again. 15

The mast had actually been driven through the bottom of the hull of Midnight Special, and this was between the five being rescued and us going out to get them, because we staggered it so they'd got there after Helimed had finished their task, again to conserve fuel on our part. 20

When we got out there we discussed how to do the rescue and there are different ways that you can do yacht rescues or ship rescues. And the safest one in those conditions, the wind had abated probably down to about 70 knots. The seas were probably only about 60 feet, which was much better 25

conditions as such for me. And the reason we stayed in that configuration is we all knew exactly what to do, that's why I stayed the crewman because I knew what to expect in the water and Barry knew what to do as the winch operator. We discussed what we were going to do. And what we actually 30

did was, I was dropped into the water behind the vessel, and what I had to be very careful of was the ropes and the sails, and guy wires and all sorts of things that were trailing behind the boat that I actually don't get tangled up in those because that'll just drag me under, and that in 35

turn could drag the helicopter out of the sky. A helicopter is very unstable during a winch and any pull or movement from the crewman can actually bring a helicopter down. When I beckoned the first man in, he jumped in very readily and we both sort of swam to each other. When I went to put the 40

actual rescue strop over him he had a very thick solid foam life jacket.

Q. I'll just show you, is that the sort of life jacket? 45

A. Not really. What it is it's a bigger square.

Q. A bigger squared one, was it?

A. Big square ones, big square back and big square front. Where this has only got a very small headrest, this one was a solid square foam both front and back, it was attached 50

with clips across the front. What I did notice when he did jump in was that his head immediately went under water, so the top of the life jacket was on the water, but because it was around the chest part he'd actually sunk below the height of the life jacket, so he was actually under the 55

water while he was swimming towards me and he was battling to stay afloat. Whereas a lot of the other life jackets actually tie around the waist and are much more secure.

That will just again float to the top of the person's body. I managed to put the ring over him and again I struck some trouble. The ring isn't big enough to cope with a life jacket of that size, so I was unable again to do the safety strap up around the chest and that's only a safety strap to prevent a person from falling out of the strop when they put their hands in the air if they do.

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Q. Well this was a problem that was with Campbell, wasn't it, he started to slip out?

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A. Because he was so - I had nothing to hang on to, it was like an eel, I just had no - every time I tried to grab something he was extremely slippery, that's the problem I had there as well. With the safety strap done up I think he still might have slipped out because he was only 80 kilos, he could have slipped straight through it. The life jacket - I've managed to talk to the fellow, extremely happy to be there, and I actually put my hands through the life jacket to secure him to myself as well as the ring, and he was quite safe. We took the first fellow up to the aircraft. I went back down, beckoned the second fellow, that was no great problems either. The only problems I had was probably ingesting a bit of salt water again. Got the second fellow up. And all these people had injuries, bits of fingers missing, skull lacerations, because they'd been thrown around inside or on top of the boat when it rolled a few times, so they all had injuries, which was a bit of a problem. They were rather - in their 50's, and they'd been through a lot the last few days so they were just about at their wits end, they didn't have much energy left as such, and the injuries didn't help matters much either. When I went back down to get the third fellow he actually didn't wait for me to call him he jumped out at the top of a wave which means that he got swept past me. Because I was actually timing it for them to jump out at the correct time the bottom of the trough so we can swim to each other in a sort of relative calm.

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Q. It is fair to say that they should be obeying your directions?

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A. Well, the first two did, this fellow was panicking, and I found out why, the boat was actually sinking and he didn't want to stay on the boat. He came to me, and we were hit by a wave at the same time, and I actually got kneed in the stomach and areas there below, and as a male that can tend to be a little bit winding, as such. So again I was winded, pushed under water, took a bit more salt water in. Fought my way to the surface, put him in the harness and he was absolutely panicking. So I calmed him down as best as I could, and I signalled to go up in the helicopter. And when we got lifted free of the water he again panicked, so I was using all my strength just to hold him still. We got up to the helicopter. It was the first time he'd ever been in a helicopter let alone out of the water, so that was a terrifying experience for him. Got him inside the helicopter and he actually settled down, I pushed him to the back of the machine. Barry could see that I've started to vomit then, virtually just straight salt water. Barry could see I was having a little bit of trouble. I told him

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that I'd been kicked in certain areas, and he said, "We'll go for a fly". And passed that on to Daryl, and Daryl was starting to cramp up, because this was about 20 minutes this was taking so far. So we went for a fly through the mist.

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Q. When you say Daryl was starting to cramp up, he didn't tell us about that, but I take it it's because of the position he has to hold the helicopter in he basically starts to get cramp in his hands?

A. Well, he's locked into a position, he's fighting that machine. Perhaps he didn't mention it, but he did later tell us that he was starting to cramp, so it was probably a good time for the lot of us to go for a bit of a fly. So while I regained my composure, got a bit of breath back. We actually flew around in a circle, came back and went straight back out, back down, and when I beckoned for the fellow to jump, he just looked at me, and I'm sort of waving at him to jump. Because on the way up before, I actually saw water coming from the inside of the boat and washing over the back, over the stern of the boat, and it was getting lower and lower every time I went down, so it was actually sinking. He just looked at me, and then sort of had a stunned look, jumped into the water. I harnessed him up, there was no great problems there, and as we were being winched up, it went under, the boat sank. We got up to the helicopter, and when we were speaking to him he thought we'd left him because he saw us fly off into the mist, and thought well he was the skipper and he was going down with his boat, going down with his yacht. And I'm sitting there going, "Bloody hell, you know that's a gutsy effort". Because he knew if he'd let go he just would have drowned.

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Q. I think that one thing that's coming through out of this it's quite clear that the rescue situation is not simply a case of a helicopter coming over the top and plucking you to safety, it is a very dangerous thing?

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A. Yes.

Q. And has certain risks for the helicopter crew, not simply the weather itself but the swallowing of salt water. Have you anything to say about that to yachtsmen who haven't been trained or anything?

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A. Well, a lot of them have probably never seen a helicopter in those situations. No rescue situation is the same. Like just talking to the other rescue crews there from the navy, and Helimed 1, and South Care and Surf Life, and that, each one of us had different problems, but we were in the same sort of situations. Now, training and our experience to a certain point, and then all of us had to fight through that to get the job done. The thing people were dying out there and we had to have a go. So if we didn't have a go well it would have been a lot more people dead out there. That's part of our job, that's what we're there for.

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Q. Now the other thing you went on to say about the jackets, the life jackets that were onboard, these people from the Midnight Special they just weren't up to scratch as far as you were concerned?

A. No. When I got back to Mallacoota I actually read the label on the inside and it said not to be used in rough water, so that sort of explains it all. And as I could see here there's different types of life jackets, there's so many different styles.

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Q. But they actually had life jackets on that said not to be used in rough water?

A. Not to be used in rough water, it was on the inside of the safety label and down the bottom, in nice bold print, not to be used in rough water, because they're completely unsuitable for that type of water, or conditions. If they've never experienced that before they've no need to use their life jackets, well they wouldn't have known. This was just a one off situation that this has happened.

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Q. And in fact you point that out at page 37 of your statement, you said that the label inside it stated that if it's rough weather these won't support you in the water?

A. Yes.

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Q. Well there's nothing much you can say about that can you?

CORONER: Nothing much. Well you could say it, not a great deal of thought seems to have gone into the issue by the crew before they sailed, I suppose you could say that.

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HILL: Q. Yes. I suppose you can certainly say that. You point out at the bottom of page 37 there that they should really go out and purchase themselves a proper life jacket?

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A. Actually I made notes on the way back in the helicopter, as a matter of fact, of just different things that I picked up.

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Q. Well please tell us?

A. Just quickly.

Q. Yes?

A. The first one were the flares, and I've already explained that about the parachute flare. They recommend to use those during the day, in those conditions they wouldn't have worked. In lovely conditions up in Queensland, well they would have worked. You know what I mean?

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Q. Yes?

A. Nobody needs rescuing when it's a fine sunny day, it's normally when it's turned to worms that we have to come in.

Q. Yes?

A. The orange flares wouldn't have worked well because of the wind. The wind velocity would have just dissipated the orange smoke and we wouldn't have seen it, because of the sea spray and the mist, it just would have been impossible. The red flare we did see because of the mist, but if they'd fired that during the day in bright daylight we wouldn't have seen it. I think you understand the logic.

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Q. Yes I can understand. So what you're really saying is

that they should be trained and they should think what they're doing?

CORONER: Q. For the unit which type to use for the conditions?

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A. But the flares say, "This is a daytime flare" on the side of them, when you read them,, "This is to be used in daytime and this is to be used at night-time". Somebody there used their brains on the Kingura and went, "Cripes, they won't see that" and fired the red flare. And we just picked up the red glow, or Barry picked up the red glow first, and that's what Daryl homed in on. It went out, but luckily enough we were going quick enough to actually hit the Kingura, which we could have missed quite easily. They have a thing called a sea dye marker that some yachtsmen use, they open up crystals that they throw in the water and it colours it a light green colour, and which is extremely good in the bay or just off Sydney heads when the weather is okay, we pick that up, in those conditions absolutely useless. Solium(?) sticks, the ones that you shake and snap.

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HILL: Q. Yes?

A. Give out a green glow, they're another thing that we also carry again for night-time. We wouldn't have seen them in those conditions, but these are all the different options that people can go through for the situation that they're in. Persons. Some of those yachts had 19 people on them, like Team Jaguar. Now, if we'd have to go and rescue 19 people it would have needed four helicopters, if we'd have to rescue those amount of people off the yacht. We didn't know how many people were on each yacht. Stand Aside I think had 12, Kingura had 9, Midnight Special had 9. The maximum we can probably take is 4 or 5 onboard. The larger helicopters could probably take perhaps 7 or 8, pushing it, if they're lucky. But we'd never been out that far out to sea, any of us that do rescues. We were at 60 nautical miles, 140 kilometres, that's never happened before. So it was a first for a lot of people. And AUSSAR did - I'm just digressing - AUSSAR did an absolutely terrific job co-ordinating that, it's the biggest thing they've done and they did it very well from a rescuer's point of view. So I've got to take my hat off to AUSSAR and the cover, the top cover that we had. There was no bickering, no fighting, no nothing, everybody just did their job, and that was terrific. Again we didn't know what injuries people had a lot of the time because none of them had radios. The radios they had on the yachts were normally smashed. I found out off the Midnight Special that the freezer lid came open and the freezer lid went through their radio and GPS. Things like that. So they'd lost everything, they had nothing, that's when they couldn't talk to us. So we were going in blind, not knowing what injuries people had, back injuries, concussion?

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A. Fractured skulls, things like that. So that's another thing that we need to know what type of injuries people have if possible.

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Q. What do you suggest about that then?

A. That when they do make radio contact - like Campbell,

we didn't know Campbell was injured - they probably didn't know he was injured either, which was another problem. And that's, I think, what saved him is that he was semiconscious through that whole time he was in the water, that he doesn't really remember much about what was going on. And we actually flew over him on the way to the Kingura, and we didn't know. And he thought he was dreaming because of his altered state of consciousness. He wasn't expecting a helicopter, he thought the boat was going to come back round and get him because that's what normally happens. Man overboard, the boat comes around, picks him up, puts him back on, pats him, and away we go. They couldn't do it. So again see it's a lot of things that they're not used to, or aren't prepared for, that you have to fight through. The yachties just couldn't do a lot of things that they'd either thought about or practised. Location of the yachts, as Daryl has already mentioned, we were given a latitude and longitude to the yacht, where the Kingura was. We got there, nothing, the yachts need to update their positions.

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CORONER: Q. If they can.

A. It's okay with an EIPRB or an ELT, we'll get those amended positions or we hone in on those positions but because that's what they gave us, because of the air traffic that was going on as well, they probably couldn't get a word in edgewise because of the things that were happening around them. We flew to that position and wasted valuable time doing the search to find the Kingura. And all we need is an updated latitude and longitude. It's just a thought. That's why I wrote it all down, that if you're in trouble that's what we need, because of the currents and the winds and the conditions can blow a yacht completely away from that area. The colour of the yacht. That's been mentioned a couple of times by Neil and Daryl. White. White hull, white mast, white everything. We had - couldn't see them, we just couldn't see the yachts. So whether they have a little coloured sail, a lot of them have, what do they call it, a number 4 or something, or a storm jib put up.

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HILL: Q. Storm, yes.

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A. Perhaps if that's that bright orange dayglo, we would have picked - we probably would have picked that up.

Q. I see what you're suggesting. Supposing if the storm jibs were bright orange, that might have--

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A. They're only the small storm jib, a number 4 or something they call it, I'm not a yachtsman so - but a lot of them had those up but they were white against a white background on a white yacht, extremely difficult. But something like that, that the storm jib is a bright fluorescent orange, that's something to break up the colour that we'll pick up with our eyes. And that's why everything's dayglo orange or red or yellow, if that's the colour the eye picks up. If you put people there in different colours, that's the first thing that you'll pick up are those colours before you pick up the others. It's just the way the eye works. That's just another thought. When the - just digressing, the Business Post, one of their sails was actually in the water and it was a lemon colour. That sail stood out miles away.

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CORONER: Q. Which one was that?

A. Business Post Naiad, because their mast had broken. Their sail was trailing in the water. Now either a trailing panel, just something that we can identify.

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HILL: Q. And that did stick out on the Business Post Naiad did it?

A. Sorry?

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Q. That did stick out?

A. The sail in the water, because it was multicoloured, but there was a lemon patch in it and the lemon patch was the first thing we picked up, before we picked the yacht up. It's just another thought, that's all. Make things noticeable. Whether they can put - I know yachtsmen don't like it, some colours or numbers on their yachts. We've already talked about that so I won't go on to that. It's

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got to be the dayglo orange, the red or the yellow. ELTs and 406s have been talked about and 1215s.

Q. Yes, personal EIPRBs, what about them, what's your attitude?

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A. At the moment we're going through - we're getting 406s at work. Personal EIPRBs but they have a 1215 component which we can hone in on and they also have a GPS, that's the all singing all dancing one, which means that it's going to give a satellite position the whole time. So you can lock it in to the latitude and longitude and you can also use your homers which you have on your machines to actually hone in on that area. Some are only 1215. Now, there was that many of those going off that day that our instruments were just bananas. And when we went to do the B52 the beacon off that, which may have even been the beacon off the Winston Churchill, we don't know, it was just under the water. You can come in, you can hone in on it. And what you do, you come in, pick up the noise and once it gets louder, you're overhead, you go past it, yes, it's definitely there. But what happened was you're then going into the next area of the next beacon. And it's--

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CORONER: Q. You don't know whether you're on the same EIPRB or not?

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A. You don't know. So that was the big problem. So many were going off. The personal ones with the GPS locator in it, like all ours are going to be Polair, so whether it's - we're having ones in our liferaft that we have on board if we have to ditch, we're having ones on our person and we're also having ones in the aircraft, if we crash on land, it's going to go off and give a 1215 signal and a GPS location.

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HILL: Q. So basically even your liferaft aboard your aircraft has a GPS - sorry, a EIPRB in it which is a 406?

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A. It will have, yes. We're getting new liferafts, because we found out a lot of things after this incident. We've updated a lot of our equipment, because I put a report in and it's amazing what happens when you've been knocked back for years for safety equipment that it takes something like this for us and for the yachting community to update a lot of their equipment. And we're getting new tube - twin tube liferafts for inside the aircraft with a personal - with a locator beacon in it.

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Q. In fact you make that point that the liferafts off the Winston Churchill, if they'd had some sort of EIPRB with it, identifiable, they would have been easily picked up?

A. Straight to it. As Daryl said, if - trouble is, if Campbell had had an EIPRB on and it was in his jacket it wouldn't have helped him, because his jacket had gone.

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Q. I suppose the answer to that is a crotch strap?

A. A lot of them had cut them off, their jackets have fitted a harness and have leg straps to save that problem.

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Q. And they cut them off?

A. Some of them had cut those off, uncomfortable. And what

happens, your safety harness is within your jacket, you put your arms up, your jacket slips off. What have you got? Absolutely nothing. Lost everything.

Q. You also made a point about bright coloured clothing? 5
A. You've seen my notes, haven't you?

Q. No, I--
A. That's alright, no, no-- 10

Q. I owe this to the two police investigators. You must have told them. Visible clothing. Navy blue longjohns and matching top might look pretty fine but the reality is you won't be seen, is it? 10

A. No. I watched - actually watched the start of the Sydney to Hobart on Boxing Day at home and just watching them sailing out of the heads, the amount of crews on there that just had lovely blue polo shirts on and blue shorts. That looked terrific going out through the heads. If they went overboard, sorry Sunshine, we wouldn't find you. It'd be a fluke to find them. And yet some crews had bright red and sort of brightly coloured jackets and clothing. We would probably find them if they got washed overboard. If that makes any sense. 15
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CORONER: It makes a lot of sense. 25

A. Blue might look good, it's not much good when the water's black. 30

CORONER: Q. It's a very twee colour, isn't it, I suppose? Red is a pretty brazen, functional. 30

A. But yes, that was just a - just the people that I rescued and the people I saw being brought back in by the other helicopter crews, the colour clothing that they had on. Some had bright red jackets, others had grey to black jackets, you know, wind - you know, the yachting spray jackets. Absolutely lovely on a boat, not much good in the water. Not much good at all. So that was just an observation. Equipment. When we go out, we look like Arnold Schwarzenegger with all the stuff that we carry. One of the fellows off the VC Offshore Stand Aside actually around his neck, when he came back in, had a torch and a penknife and a strobe on a cord around his neck that he kept tucked inside his jacket. Now if he'd been washed off, people would have found him because of the strobe going off or torch for night time and a penknife or a knife to actually cut away at things. Because some of the people actually got tangled up in a lot of equipment when their boats rolled and were trapped underneath. They had no way of releasing themselves from anything. So that's just a thought, because we carry all that as well, we carry a big diver's knife on us for that reason, that we can cut things if necessary. Torches, strobe lights and goggles. You might think that's a funny thing to wear but some of the crews actually got eye damage because of the sea spray and the people from Midnight Special left all their goggles that they had, the big like diving goggles which protects the 35
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eyes and the nose, left them back in Queensland because they didn't think they'd need them. A few of them have got eye damage because of the sea spray hitting them while they've been on deck. It's just a little thing. It might be minor but it can - you can actually see at least if you've got goggles on. Lifejackets. The amount of different types of lifejackets that were out there. The inflatable ones, the solid ones, some that had just like cords, like a cotton or a nylon or something, where you just tie in a bow. How - when was the last time they were inspected? How secure or safe when you do those straps up, if you pull them then they're not going to just rip off the lifejacket that has been stuck under the front of the boat for the last four years. Yes, that just struck me, that many different types of lifejackets. With the inflatable ones, that's what we train on when we do our own rescues, sort of rescue training, to actually put the life harness on because we can actually get the harness over the back and down under the armpits. The big solid ones and I think you saw on the TV one of the rescues that South Care did, a fellow spent a good deal of time trying to get that harness over the fellow that had the lifejacket on. He was fighting to get that harness on because he just couldn't. And the last thing you want to do is take the fellow's lifejacket off. That's not a good move. You've got to leave him with it so you've got to try and adapt to the situation and it's extremely difficult. It's just an observation I made.

HILL: Q. Yes, I suppose that if in fact something unforeseen happened and you had to be cut off, he would then be without a lifejacket if it was removed?

A. At least he's got something to hang onto, that's the biggest thing. The liferafts. We do a lot of liferaft training, ditch training we call it. And we actually do turn the rafts upside down and we train how to right them. Everybody just moves to the floor and leans back to actually tip the liferaft back up onto its flotation rings. Now whether people have never seen an inflated liferaft or actually trained using a liferaft and I know that's come in now, the yachting - a lot of the yachting clubs are actually getting RFD to actually do liferaft and flare demonstrations and I've been involved in those in Victoria. I actually lecture on a couple of the courses down there on rescues and what to expect and how you can help us so we can help you. They are now learning how to use liferafts. A lot of them haven't got a clue, never seen one inflated. I went up to Queensland to visit the group off the Midnight Special, they bought a new yacht called the Great Escape, which is very relevant I thought, and they had their liferafts stowed down below deck. They had a 19 year old girl as a deckhand and I asked her to go down and pull a liferaft up on deck. She tried. Then I said righto, now put one hand behind your back and try it. She couldn't do it. What happens if she was the only one left that wasn't injured on a crew to get the liferafts out. Couldn't get it up the stairs, up to the top of the boat. So that's another thing you've got to look onto. Do you have the liferafts externally. If you do, do they get smashed off. Like on the Offshore Stand Aside,

lost the whole top of the cabin. If their liferaft was on top of that, they would have lost the liferaft. There's a lot of things that I think have to be looked at, especially on stowage. I've talked about liferafts there. There's a lot of them just didn't know how to use their equipment. I don't know if you've heard the one where the bloke actually fired the parachute flare through the top of his boat. Lucky it didn't burn inside because it was full of water.

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Q. He did what, sorry?

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A. Parachute flare.

Q. Yes?

A. In his panic he actually turned it upside down, punched it and fired the parachute flare through the top of his boat. Because he had never used the flares before. Sure, there they are in their lovely little package, never used them before, but in his panic, because he saw an aircraft coming over, just grabbed it and had it upside down. Luckily it didn't burn inside because it was full of water. So these are the things that I think have to be addressed, that people know how to use their equipment for a start. And just because - hypothermia was another one. The people we rescued were very hypothermic. They were saturated and they'd been sitting on top of their boat in those wind conditions and that chill factor, just getting wet and wet and wetter and wetter, waiting to be rescued. They couldn't go inside because it was full of water, so they were very hypothermic, which cuts their strength down all the time. So that's why they were in a real hurry to get off. That's a bit of a thing to think about. They probably have no first aid training, or not much first aid training. Hop onto their yacht, let's tootle down to Hobart. How much first aid training have they had. Everyone we took off was injured. People were being brought back in practically everyone was injured. One fellow had all the tops of his fingers missing. What good is he to the rest of the crew? One fellow had crushed vertebrae, punctured lung, ruptured spleen. They weren't much help to the rest of the crew and yet they had to be rescued. So no-one helped them while they were injured. Just a small observation.

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HILL: Okay. I've asked enough questions, I'm quite happy with that, your Worship.

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CORONER: Mr Harris?

HARRIS: No thanks, your Worship. Only admiration, I think.

CORONER: There's a bit there to go on with, isn't there. It's been one of the most amazing mornings I've had in 15 or 16 years on the bench. It's a riveting story, the whole thing. Three witnesses and I think you've made an enormous contribution. I just hope that the public will get some idea of what you went through and what the conditions were like for rescuers and rescuees. It's staggering how you managed to perform those rescues, it's just unbelievable as far as I'm concerned and thanks very much. You can return

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to Victoria.

<WITNESS RETIRED

HILL: Mr Coroner, that's the total of the witnesses today. 5
Tomorrow morning there will be Mr Hurst. There will be some
videos and he deals with the difficulty of undoing a harness
clip when there's pressure on you, so you'll see that, but
also Ruth Plummer who is the director of Tuf Australia as to
the safety harness and she can explain to us what happened, 10
why it was approved by the Standards Association of
Australia but it doesn't appear to withstand the
12 kilonewtons test. They will be the only two witnesses
tomorrow. 15

CORONER: That winds up as far as the inquest. 15

HILL: That will wind up this phase.

CORONER: I think I indicated it's better to start the next 20
phase without having it go over several months. Alright,
that's fine, thanks very much. We've covered a lot of it
and we'll certainly conclude it in July. Is there anything
else? 25

HILL: That's all. 25

ADJOURNED TO THIS COURT TO THURSDAY 6 APRIL 2000

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CERTIFICATION OF TRANSCRIPT

We the undersigned being Sound Reporters do hereby certify that the within transcript is a correct transcript of the depositions sound recorded at the State Coroner's Court, Glebe, in the matter of **5/98 Event of the 1998 Sydney to Hobart Yacht Race** heard on Wednesday 5 April 2000

Dated at Level 13, Goodsell Building, Sydney
this **tenth** day of April 2000

NAME	PAGES	SIGNATURE
JRB	1 - 16; 34 - 44.	JRB
<i>RL 2012</i>	17 - 33; 45 - 50.	<i>RL 2012</i>